



PACIFIC JUDICIAL STRENGTHENING INITIATIVE

2-Year Extension Activity Plan (1 June 2019-31 May 2021)



**FEDERAL COURT
OF AUSTRALIA**



*PJSI is funded by the New Zealand Government and
implemented by the Federal Court of Australia*

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Abbreviations

CII	-	Cook Island Indicators
CJE	-	Centre for Judicial Excellence
CJLF	-	Chief Justices' Leadership Forum
FSM	-	Federated States of Micronesia
GFV	-	Gender & Family Violence
ICT	-	Information Communications and Technology
IEC	-	Initiative Executive Committee
JPPF	-	Judicial Pacific Participation Fund
LIF	-	Leadership Incentive Fund
MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
PICs	-	Pacific Island Countries
PJSI	-	Pacific Judicial Strengthening Initiative
PNG	-	Papua New Guinea
SDGs	-	Sustainable Development Goals
TBC	-	To be confirmed
USP	-	University of the South Pacific



1.0 INTRODUCTION

This 2-Year Extension Activity Plan (the Plan) outlines the proposed approach and activities for the Government of New Zealand Ministry of Foreign Affairs and Trade (MFAT) funded extension of the Pacific Judicial Strengthening Initiative (PJSI) from 1 June 2019-31 May 2021 (PJSI Phase II).¹

The purpose of PJSI is to address the developmental needs of the courts in 15 Pacific Island Countries (PJSI Partner Courts²) as identified in the needs assessment undertaken at the commencement of PJSI Phase I in early-2016. These needs have been refined and informed by ongoing engagement with Partner Courts over the course of the implementation of PJSI Phase I between 1 June 2016-31 May 2019. On analysis, they relate to three major development challenges - that stakeholders agree should be addressed, relating to:

- Expanding access to justice to and through the courts;
- Building competent provision of substantive justice outcomes; and
- Increasing efficient delivery of procedural justice services.

At its core, PJSI Phase II will:

- Consolidate improvements delivered in Phase I by continuing to focus on addressing these development challenges and related needs to: i) ensure continuity from Phase I; and ii) enable interim results from Phase I to be further supported and embedded. Through this, PJSI Partner Courts will be better able to perform their constitutional mandates to administer justice across the region.
- Create a transitional/bridging mechanism for any ongoing further phase of MFAT support in promoting improved justice for the people of the Pacific in a more holistic person-centred way through the introduction of 3 pilot activities included in this design.



Figure 1 - PJSI Thematic Focus

In order to support Partner Courts to improve their performance, PJSI will continue to organise its support for judicial initiatives thematically. This thematic focus (see **Figure 1**) directly supports the approved PJSI goal as defined in the approved PJSI Activity Design Document (the PJSI Design), namely:

Building Fairer Societies

PJSI will contribute to this goal by supporting partner courts to develop more accessible, just, efficient and responsive court services.

The 'theory of change' for PJSI is to build fairer societies across the Pacific by enabling the provision of more accessible, just, efficient, timely and responsive court services. Improved

¹ Subject to satisfactory conclusion of a Grant Funding Agreement between New Zealand Ministry of Foreign Affairs and Trade (MFAT) and the Federal Court of Australia.

² These Partner Courts are in: Cook Islands; Federated States of Micronesia; Fiji; Kiribati; Nauru; Niue; Palau; Papua New Guinea; Republic of Marshall Islands; Samoa; Solomon Islands; Tokelau; Tonga; Tuvalu; and Vanuatu. Support to Fiji is currently being discussed.

justice services will improve the quality of society and human wellbeing. PJSI will contribute to the above goal by supporting Partner Courts to deliver more just outcomes; as outlined in the attached outcomes and results frameworks. This theory of change continues to remain valid and relevant during Phase II.

2.0 LESSONS LEARNED

Over the course of implementing PJSI Phase I, the PJSI team's experience has provided the following key lessons:

1. Ongoing engagement at the Chief Justice-level is critical for PJSI: to remain relevant; support to be locally led; and activities to receive endorsement and support. Ongoing regional-level engagement and leadership, however, still largely needs to be initiated by PJSI as the catalyst for interaction and sharing of experience.
2. Locally-delivered support is *generally* more highly appreciated by Pacific stakeholders than regionally-delivered, while recognising that each serve different purposes.
3. Divergent capacity/resources across Partner Courts impacts the consistency of results and level of support able to be provided to Partner Courts.
4. Face-to-face support generally delivers greater benefits to participants. Related to this is that the Toolkit resources while valuable, continue to require adviser support as a catalyst for change.
5. Stakeholders appreciate the availability of the Leadership Incentive Fund (LIF) which enables PJSI to provide a responsive mechanism for locally-incubated support.
6. Remote delivery modalities required significant start-up support, and issues with connectivity and access are ongoing.
7. Flexible budgets/ing promotes responsiveness by enabling changes to be readily accommodated.

3.0 PROPOSED DELIVERY MODALITY AND ACTIVITIES

PJSI Phase II will address stakeholders' needs and promote the programmatic goal with a continued focus on supporting the two long-term outcomes identified in the PJSI Design, namely:

1. **Judicial Leadership** - Judicial leaders are capable of leading and managing change locally.
2. **Performance** - Court services are accessible, responsive, fair, and efficient.

Given progress made to-date and resource constraints, and specifically the front-loading of support to activity delivery during Phase I PJSI, Phase II will adopt a tapering implementation approach that will build on and consolidate the strengthening of local capacity across the region during the preceding phase. This strategy will tighten the programmatic focus on embedding activities undertaken during PJSI Phase I in selected Partner Courts, so that capacity and responsibility for ongoing implementation of changes resulting from PJSI's support can be further devolved to local actors.

PJSI will promote capacity-building across Partner Courts as follows:

- At the regional level, PJSI will provide technical assistance to the region's leadership to guide, refine and approve proposed support and the delivery of activities locally.



- At the local (and sub-regional) level, PJSI will support those members of the Regional Training Team and/or National Training Team to further develop, adapt, and expand locally-delivered activities in areas where PJSI provided support in Phase I.
- PJSI will continue to provide demand-driven support via the Leadership Incentive Fund (LIF) mechanism, to provide targeted support to selected court-specific priority needs that may not otherwise be addressed during Phase II.

4.0 SUMMARY OF PROPOSED ACTIVITIES AND LOCATIONS

The delivery modality for PJSI Phase II will mirror the structure developed in the PJSI Design with activities being organised across eleven Projects and spread across the five thematic areas, being: judicial leadership, access to justice, professionalisation, substantive justice and procedural justice. The level of resources available to implement activities will, however, be a little less than under PJSI Phase I. The implementation approach developed and approved by the region's leadership was to: a) prioritise implementation of activities in Phase I to 'forward-load' support; and b) reduce the level of support and duration of adviser visits in Phase II, so that inputs focus on embedding Phase I activities in Partner Courts that have demonstrated interest and self-motivation in furthering the outcomes of the support received to-date.

As endorsed by the regional leadership, PJSI will use the delivery modality summarised above to achieve its Outcomes by delivering the following suite of 71 activities, of which: 13 are regional; 42 are local; and 16 are remote activities.



COMPONENT ONE LEADERSHIP JUDICIAL LEADERSHIP (30 activities)	COMPONENT TWO PERFORMANCE			
	ACCESS TO JUSTICE (5 activities)	PROFESSIONALISATION (16 activities)	SUBSTANTIVE JUSTICE (6 activities)	PROCEDURAL JUSTICE (14 activities)
1. Regional Leadership - Regional: 4 - Local: - - Remote: 2	4. Access to Justice - Regional: - - Local: 3 - Remote: 1	6. Professional Development - Regional: - - Local: - - Remote: -	10. Human Rights - Regional: - - Local: 3 - Remote: -	12. Efficiency - Regional: 1 - Local: 7 - Remote: -
2. National Leadership - Regional: - - Local: 5 - Remote: 2	5. Institutionalising Legal Aid - Regional: - - Local: - - Remote: 1	7. Bar Associations: Professionalising & Regulatory Roles - Regional: 1 - Local: - - Remote: 1	11. Gender & Family Violence - Regional: - - Local: 3 - Remote: -	13. Accountability - Regional: - - Local: 4 - Remote: 1
3. Leadership Incentive Fund - Regional: - - Local: 17 - Remote: -		8. Localising Professional Capacity Building - Regional: 1 - Local: - - Remote: 8		14. Sustainable Development Goals - Regional: 1 - Local: - - Remote: -
		9. Institutionalising Professional Development - Regional: 5 - Local: - - Remote: -		

4.1 KEY OUTCOMES TO BE ACHIEVED

PJSIs End of Initiative Outcomes are that:

1. Judicial Leaders are leading and managing change locally; and
2. Court services are more accessible, professional, responsive, just, efficient and transparent.

PJSIs Intermediate Outcomes – i.e. those to be achieved at the end of Year 4 (2020) are:

Leadership	1 priority change, as agreed to by each Chief Justice, progressed.
Accessibility	1 priority change, as agreed to by 3 Chief Justices, progressed.
Professionalism	Judicial & court officers have access to 'in-region' training. Those participating in PJSI / partner / local capacity building activities, perform their roles more competently after participating in those activities.
Substantive justice	Human Rights & Gender & Family Violence – 1 priority change, as agreed to by each of the 3 participating Chief Justices, progressed.
Procedural justice	Efficiency priority change, as agreed to by each of the 3 Chief justices, progressed. Accountability - PICs presenting information publicly about court performance against the CII, plus gender/GFV disaggregated data.



For further details about the baseline, targets, indicators and data sources, please see **Annex One**.

4.2 ACTIVITY SUMMARY

THEME ONE: JUDICIAL LEADERSHIP

Project 1 - Regional Leadership

Purpose: Strengthen the capacity of the region's judicial leaders³ with systems, processes, strategies and tools enabling proactive and competent management of successful local judicial development activities.⁴

Outputs:

1. Briefings, recommendations, management and technical reports developed and approved.
2. Capacity building resources along with complimentary strategies, systems, plans, processes and tools developed.

Activities: Regional workshops, complemented by follow-up remote support:

- 2 x three-day *Regional Chief Justices' Leadership Forum* - up to 15 participants (1 per Partner Court). At least one per year.
- 2 x one-day (face-to-face) *Initiative Executive Committee* (IEC) Meetings over 2 years, plus 2 x Remote IEC Meetings being held via teleconference. *Note:* the face-to-face IEC meeting would be linked with the Chief Justices' Leadership Forum.
- Follow-up remote support to Partner Courts, as required.

Project 2 - National Leadership

Purpose: Strengthen the capacity of national judicial leaders to competently manage and achieve the objectives of local judicial development activities.⁵

Outputs:

1. Progress reports from PICs about the quality and quantum of locally-led activities.
2. Resources developed to further support capacity building, including, as required, additions to the Project Management Toolkit and used to monitor and evaluate progress of LIF and/or Annual Development Plans.
3. Assessment of needs, prioritisation, design and delivery of activities supporting the Fijian Judiciary's reform and development objectives.

Activities: The 2-step regional → local capacity building modality adopted in PJSI Phase I will be complimented by follow-up support to promote uptake of interim results as follows:

³ Leaders include: Chief Justices, heads of bench, Registrars, members of National Judicial Development Committees, National Coordinators, National/Regional Training Team members or other senior judges/staff nominated by the Chief Justice as representative judicial leaders.

⁴ As recommended in the independent PJSI Mid-Term Review, the region's Chief Justices will continue to be critical respondents to the PJSI evaluative strategy.

⁵ As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development.

- Up to 2 x local *Project Management and Planning Visits* to Partner Courts that received support in Phase I. Proposed locations: Federated States of Micronesia and Tokelau [TBC].
- 2 x inputs to facilitate remote support throughout the Initiative.
- 1 x visit to facilitate the reengagement, assessment of needs, and design of PJSI support for Fiji.⁶
- Up to 2 x remote and in-country inputs to Fiji - technical areas to be confirmed.

Project 3 - Leadership Incentive Fund⁷

Purpose: Strengthen local capacity to manage development activities efficiently and effectively.

Outputs:

1. Funds dispersed for qualifying and approved applications.
2. Local activities implemented and evaluated.

Activities: up to 17 (15 x small grants and 2 x large grants) partner court-led incentive-driven grants will be provided, which will rely on courts' willingness and ability to engage in ongoing development activities. PJSI management and administration to assess applications, review progress, reports and acquittals.

THEME TWO: ACCESS TO JUSTICE

Project 4 - Access to Justice

Purpose: To improve accessibility of court remedies to vulnerable and marginalised groups through court outreach and community legal education about the role of courts, the rule of law, and the exercise of legal rights;⁸ and by embedding strategies within PIC courts to improve accessibility.

Outputs:

1. Follow-up support / local workshop(s) provided to up to 3 Partner Courts that received support during PJSI Phase I on access to justice, community legal education and legal empowerment to develop local training curricula and outreach strategies.
2. Develop a discussion paper on promoting access to justice through the exercise of rights of citizens by raising community awareness particularly in remote/traditional communities of the respective roles and relationships of custom and law, including the role, functions and jurisdiction of Courts.

⁶ Note: In addition to resources to undertake the proposed design visit by the Technical Director and PJSI Team Leader, allocation has been made under Project 2 in the indicative budget for 2 x two-week in-Fiji Adviser visits to provide assistance under one or more of the approved Projects.

⁷ Funds are not available for capital or core-court costs including salary/infrastructure costs. The fund is designed to support sustainable activities promoting quality justice in-country directly aligned with PJSIs overarching objectives. Guidelines for the LIF are established and well-known among PICs. The LIF is premised on the PJSIs strategic objectives of enhancing local capacity to sustainably deliver on development objectives locally.

⁸ As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development and extends participation to non-court stakeholders.



3. Enabling Rights / Unrepresented Litigants Toolkit reviewed/extended and refined to include aspects relating to custom and awareness raising in remote/traditional communities based on implementation experience.

Activities: The 2-step regional → local capacity-building modality adopted in PJSI Phase I will be complimented by follow-up support to promote uptake of interim results:

- Up to 3 x *Access to Justice visits* to Partner Courts - one in each sub-region - to localise and embed Enabling Rights activities locally and implement community awareness raising activities (proposed locations: Cook Islands, Kiribati, and Vanuatu [TBC]). Visits will both embed enabling rights activities undertaken in Phase I and develop research/data to inform the discussion paper.
- 1 x discussion paper on promoting access to justice and raising community awareness.
- 1 x review / update of Enabling Rights Toolkit.

Project 5 - Institutionalising Legal Aid

Purpose: To appraise the need and nature of support access to legal aid within the region.⁹

Rationale: PJSI supports the courts to administer justices across the region. The performance of the courts, which operate in the adversarial system of justice, is heavily interdependent on the ability of citizens to access legal advice and representation to exercise their legal rights in court.¹⁰

Legal aid serves a crucial role in enabling access to justice through the provision of free or subsidised legal services. While legal aid exists in some jurisdictions - however named as the Public Defender, Public Lawyer or for example the Micronesian Legal Service - its existence and coverage is variable and patchy. Many people across the region operate in relatively cashless economies and cannot readily afford to pay for the services of private lawyers, thereby being disadvantaged in claiming or defending their legal rights in court. This inability to pay for legal services constitutes a gap or barrier to justice. PJDP-PJSI have already undertaken considerable work through its *Access to Justice/Enabling Rights* project, which could provide a foundation for this project further enabling citizens to access justice by using the courts more effectively through the provision of improved legal aid services. Any pilot would undertake a situation/needs assessment and explore the appropriateness and feasibility of including para-legals in those jurisdictions that may want them.

Without diverting PJSI's core focus on supporting court-based justice services, the purpose of this pilot activity is to appraise what is needed to address these gaps.

Outputs:

- A 'desk review' (web/literature review and survey) situation analysis report of the needs for and the needs of legal aid conducted, and strategic recommendations developed including and any external resource partnerships.
- Stakeholders consulted and a proposed action plan developed.

⁹ As recommended in the independent PJSI Mid-Term Review, the engagement strategy will be broadened to identify multiple entry points.

¹⁰ This need is sometimes described as the '*equality of arms*' doctrine of adversarial justice. This jurisprudential principle is formally recognised as being an essential part of the right to a fair trial in the European Convention for Human Rights and Fundamental Freedoms.



Activities:¹¹

- 1 x desk review situation analysis report of the needs for/of legal aid.
- 1x five-day regional workshop (to be shared with the Bar Association Project – i.e. up to approximately 2.5 days allocated to each project) for stakeholders and representatives of bar associations and legal aid - up to 30 participants (1 representative from bar associations; 1 representative from legal aid x 15 PICs).

THEME THREE: PROFESSIONALISATION

Project 6 - Professional Development

Purpose: Build the competence and professionalism of key actors in priority aspects of knowledge, judicial skills and ethical attitudes.

Localising training for Judicial/Court officers:

Significant support has been provided in this area during PJDP and PJSI Phase I. As directed by the regions' Leadership,¹² ongoing and responsive support to interested Partner Courts to address the professional development needs of judicial and court officers will be available through the Leadership Incentive Fund.¹³

Project 7 – Bar Associations: Professionalising & Regulatory Roles

Purpose: To appraise the need for and nature of support to bar associations in their professionalising and regulatory roles to provide continuing legal education, instil ethical standards, and administer professional discipline.¹⁴

Rationale: PJSI supports the courts to administer justices across the region. The performance of the courts, which operate in the adversarial system of justice, is heavily interdependent on the capacity of the practising bar to enable citizens to exercise their legal rights in court.

The institutionalisation of bar associations is variable across the region in terms of their existence, role, capacity and operation. Bar associations are responsible for the regulation and supervision of practising lawyers - notably including professional admission, standards, ethics and discipline. But their performance is very patchy. Lawyers' professional standards, ethics and discipline are characteristically weak across the region owing the lack of capacity of bar associations. These deficiencies constitute gaps or barriers to justice. This lack of capacity has a direct knock-on effect in eroding the performance of the courts to administer justice owing to the prevalence of unethical, incompetent and inefficient lawyers.

¹¹ As recommended in the independent PJSI Mid-Term Review, ongoing coordination of judicial education activities will be reviewed by the Judicial Liaison Committee and maximise the opportunity for New Zealand and Australian judicial officers to impart knowledge.

¹² As per 6th Initiative Executive Committee (Resolution 3) and 4th Chief Justices' Leadership Forum approval of the 2-year Extension Plan.

¹³ Further to the feedback received in the independent PJSI Mid-term Review, no further dedicated Training-of-Trainers activities are proposed under PJSI Phase II.

¹⁴ As recommended in the independent PJSI Mid-Term Review, the engagement strategy will be broadened to identify multiple entry points.

Without diverting PJSI's core focus on supporting court-based justice services, the purpose of this pilot activity is to appraise what is needed to address these gaps.

Outputs:

A 'desk review' (web/literature review and survey) situation analysis report of the needs for and the needs of bar associations/law societies conducted including: admission, regulation, compliance and disqualification of lawyers; professional standards and ethics; trust accounts; practice management; continuing legal education; and complaints.

Stakeholders consulted and a proposed action plan developed.

Activities:¹⁵

- 1 x desk review situation analysis report of the needs for/of bar associations/law societies.
- 1 x five-day regional workshop (to be shared with the Institutionalising Legal Aid Project – i.e. up to approximately 2.5 days allocated to each project) for stakeholders and representatives of bar associations and legal aid - up to 30 participants (1 representative from bar associations; 1 representative from legal aid x 15 PICs).

Project 8 - Localising Professional Capacity Building

Purpose: Human capital across the region consolidated, more competent to, & actively delivering training locally.

Outputs:

1. Webinar technology and courseware developed and shared with partner courts.
2. Substantive / capacity development workshop designed, courseware developed and delivered.

Activities:

- Extend remote pilot by up to 4 x remote webinars¹⁶ open to all Partner Courts with the support of the National Judicial College to complement face-to-face training, and to bolster a culture of online learning. As directed by the region's leadership,¹⁷ PJSI will pilot the use of webinars to support remote engagement / consultations between relevant IEC representatives and lay judicial officers and court officers. Additionally, indicative substantive topics proposed (subject to the availability of funds) include: judicial wellbeing / mindfulness; gender and family violence, ethics, court administration / case management issues). Each substantive webinar will include a post-activity assessment, a review to determine the success of these webinars and the feasibility of further remote engagement approaches with Partner Courts.

¹⁵ As recommended in the independent PJSI Mid-Term Review, ongoing coordination of judicial education activities will be reviewed by the Judicial Liaison Committee and maximise the opportunity for New Zealand and Australian judicial officers to impart knowledge.

¹⁶ As recommended in the independent PJSI Mid-Term Review, a continuing priority will be to explore the use of Information Technology for meetings, training and workshops.

¹⁷ As per 6th Initiative Executive Committee (Resolution 3) and 4th Chief Justices' Leadership Forum approval of the 2-year Extension Plan.

- 1 x five-day *Regional Substantive / Capacity Development* Workshop (to be shared with Project 14) up to 30 participants (2 per Partner Court).¹⁸

Project 9 - Institutionalising Professional Development

Aim: To enable cost-effective and sustainable in-region professionalisation of Pacific judicial / court officers / and legal officers.¹⁹

Purpose: Enable affordable and sustainable in-region professionalisation of Judicial/Court Officers by providing structured career development to judicial and court officers across the region and building the capacity of a judicial training institution.²⁰

Outputs:

a) Career Gateway: The further development of educational processes and qualifications for new entrants to the judicial service is proposed, agreed and operationalised with USP by developing:

1. A strategy paper for endorsement by PJSI regional leaders on practical and effective ways to promote ongoing awareness / participation in University of the South Pacific's (USP) Certificate and Diploma of Justices by Partner Court staff, including options for Partner Courts to develop self-funding strategies.
2. Progress and educational outcomes achieved to-date, curriculum and content, and USP's experience evaluated.

b) Career Pathway

1. Review and assess institutional and organisational capacity and quality of services to determine whether they are sufficiently robust to provide ongoing professional development courses to judicial and court officers from the Pacific region.
2. Develop curricula, courseware, and costings for 3 to 4 regional training services that PNGs Centre for Judicial Excellence (CJE) can provide to Partner Courts for presentation to PJSI regional leaders for endorsement.

Activities:

- 1 x Gateway Strategy Paper.
- 1 x Pathway Institutional Capacity and Curriculum Assessment.
- *Career Gateway & Career Pathway:* 3 x remote and in-country/region inputs.

¹⁸ Likely to be linked with the SDGs, with potential topics being: Reporting on SDG management and reporting; SDG targets - clarification and identification of relevant targets to partner courts; and Links with CII, SDG targets, and PJSI Accountabilities. Further to the feedback received in the PJSI Mid-term Review, it is proposed for the endorsement of Region's Leadership that this Workshop will likely involve senior judicial and/or court officers from all PJSI Partner Courts.

¹⁹ No MFAT funds allocated to the PJSI will be used to cover core funding and/or meeting the operational/equipment costs of the proposed organisation.

²⁰ As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development. PJSI cannot fund infrastructure or operational costs associated with this Project.

THEME FOUR: SUBSTANTIVE JUSTICE

Project 10 - Human Rights

Purpose: Consolidate the capacity of the courts to apply human rights standards in decision making - including in relation to responses to gender-based violence and tensions with customary justice systems - and, more widely, to apply a human rights-based approach to expand access to justice and increase procedural fairness.²¹

Outputs:

1. Follow-up support / local workshop(s) provided to up to 3 Partner Courts that received support during PJSI Phase I to promote improved compliance with human rights standards in decision making.
2. Support the programmatic objectives to support court performance and accountability, and the development of the tools and capacity with Partner Courts to collect gender and GFV-disaggregated data.
3. Human Rights Toolkit reviewed/extended and refined.

Activities: The 2-step regional → local capacity-building modality adopted in PJSI Phase I will be complimented by follow-up support to promote uptake of interim results:

- Up to 3 x remote and in-country inputs Partner Courts that received support in Phase I. Proposed locations: Kiribati, Solomon Islands and Tonga [TBC].
- 1 x review / update of Human Rights Toolkit.

Project 11 - Gender & Family Violence

Purpose: Measurably improve accessibility to, responsiveness of and satisfaction with courts and justice outcomes in Gender and Family Violence matters.²²

Outputs:

1. Follow-up support / local workshop(s) provided to up to 3 Partner Courts that received support during PJSI Phase I to further adapt, adopt and integrate culturally-appropriate local GFV plans.
2. Gender and Family Violence Toolkit reviewed / extended and refined based on implementation experience.
3. Support the programmatic objectives to support court performance and accountability, and the development of the tools and capacity with Partner Courts to collect gender and GFV-disaggregated data.
4. All Partner Courts collect gender-disaggregated data and progress towards collection of GFV data.

Activities: The 2-step regional → local capacity-building modality adopted in PJSI Phase I will be complimented by follow-up support to promote uptake of interim results:

²¹ As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development.

²² As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development.



- Up to 3 x remote and in-country inputs Partner Courts that received support in Phase I. Proposed locations: Federated States of Micronesia, Samoa and Vanuatu [TBC].
- 1 x review / update of Gender & Family Violence Toolkit.

THEME FIVE: PROCEDURAL JUSTICE

Project 12 - Efficiency

Purpose: To promote efficiency in the disposal of cases by developing, supporting and guiding the improvement of case management tools, processes, and where applicable; systems.

Outputs:

1. Follow-up support / local workshop(s) provided to up to 3 Partner Courts that received support during PJSI Phase I to review progress and further strengthen management and administration mechanisms to improve efficiency in the disposal of cases.
2. Follow-up support / local workshop(s) provided to up to 4 Partner Courts that received support during PJSI Phase I to further strengthening Information and Communications Technology-related systems and processes in the management of courts and their caseloads.
3. Support the programmatic objectives to support court performance and accountability, and the development of the tools and capacity with Partner Courts to collect gender and GFV-disaggregated data.
4. Efficiency, Delay and Backlog Reduction and the Time Standards Toolkits reviewed / extended and refined based on implementation experience.
5. 1 x regional substantive / capacity development workshop designed and delivered.

Activities: The 2-step regional → local capacity-building modality adopted in PJSI Phase I will be complimented by follow-up support to promote uptake of interim results:

- Up to 3 x remote and in-country inputs Partner Courts that received support in Phase I. Proposed locations: Nauru, Niue,²³ and Tokelau [TBC].
- 1 x review / update of toolkit/s.
- Up to 4 x remote and in-country inputs Partner Courts to further strengthening Information and Communications Technology-related systems and processes. Proposed locations: Palau, Republic of Marshall Islands, Niue, and Tuvalu [TBC].
- 1 x five-day *Substantive / Capacity Development Workshop* - up to 30 participants (2 per Partner Court).²⁴

Project 13 - Accountability

Purpose: To improve public trust and confidence in courts by increased transparency to the public of court performance data, analysis and knowledge.

²³ NB: Niue did not receive support during Phase 1, but has demonstrated commitment and capacity to address systemic efficiency issues during Phase 2.

²⁴ Further to the feedback received and as per 6th Initiative Executive Committee (Resolution 3) and 4th Chief Justices' Leadership Forum approval of the 2-year Extension Plan a further workshop focusing on Court Administration and Data Management-related areas will be held.



Outputs:

1. All Partner Courts have the tools and capacity to produce annual reports containing court performance information against the Cook Island Indicators (CII).
2. Up to 4 Partner Courts have the tools and capacity to collect gender and GFV-disaggregated data.
3. Inclusion of Fiji in the Court Performance Reporting (subject to the approval of the Fiji Chief Justice) in the Cook Islands Indicator format.
4. Follow-up support to up to 2 Partner Courts to further strengthen annual reporting and gender and GFV-disaggregated data collection and reporting.
5. Support the programmatic objective to support court efficiency and the development of case management tools, systems and processes.
6. Monitoring and evaluation methodologies and tools are developed with Partner Courts.
7. Up to 4 Partner Courts have and periodically complete Court User Perception Surveys.

Activities:

- 2 x three-week remote technical advice inputs related to ongoing collection, analysis and publication of court performance data against the expanded CII, survey court user perceptions and collect GFV-disaggregated data.
- 1 x six-week input to develop and publish the '*Final PJSI Trend Report*' covering all Cook Island and additional five indicators.
- Input into 2 CJLFs.
- Up to 2 x one-week support visits Partner Courts to further strengthening annual reporting and gender and GFV-disaggregated data collection and reporting.
- Technical monitoring and evaluation assistance and remote inputs to support, develop, implement, and report on progress against outcomes.
- Development, deployment and analysis data gathered by public perception surveys in at least 2 additional Partner Courts so that Court User Perception Surveys are periodically completed by up to 5 Partner Courts.

Project 14 - Sustainable Development Goals (SDGs)

Purpose: Incubate and facilitate regional dialogue among justice-sector actors²⁵ to catalyse / develop a policy-based approach to implementing and measuring justice-related SDGs across the region.²⁶

Rationale: There is global consensus on extending the Millennium Development Goals into the SDGs that now includes a focus on SDG16 to promote selected aspects of law / justice. However, there is no regionally-focused thematic approach to their implementation. The Pacific is a vast, unique and globally-crucial region environmentally, culturally, politically and economically. A major challenge to be addressed is re-scoping any future focus, noting the wide and disparate spread of SDGs as they may distinctly affect the Pacific region. Within the context of SDG 16 - peaceful and inclusive societies and SDG 17 - partnerships for the goals - this pilot activity proposes to undertake a situation / needs assessment of unmet regional-relevant needs and to catalyse / develop, with stakeholders, an appropriate regional response

²⁵ As recommended in the independent PJSI Mid-Term Review, the engagement strategy will be broadened to engage with a broader range of justice sector stakeholders (not all of whom would be beneficiaries).

²⁶ As far as possible the support will coordinate with the Pacific SDG Partnership at UNDP.



to address those needs. This will include, for example: increasing gender equality (SDG #5); promoting the rights of PIC ‘migrant workers’ intra (between PICs) and inter-region (to New Zealand/Australia) (SDG #8); reducing structural and cultural inequalities (SDG #10); and protection against environmental threats from rising seas (SDG #13).

Outputs:

1. Issues paper²⁷ developed outlining the needs along with possible policy-based approach, mechanisms, strategies, partnerships, action and advocacy plans necessary to implement justice-focused SDGs in the Pacific region.
2. Assessment of how SDGs can be harmonised / integrated with the Cook Island Indicators and the PJSI Monitoring and Evaluation Framework, and any other global performance monitoring framework(s).

Activities:

- Desk-based development of an issues paper to discuss the SDGs, their application to the region, identify regional/local needs and opportunities that PJSI, or its successors, and partners (e.g. JPPF) could support, assess how SDGs can be harmonised / integrated with the Cook Island Indicators and the PJSI Monitoring and Evaluation Framework, and any other global performance monitoring framework(s).
- 1 x five-day *Regional Substantive / Capacity Development* Workshop (to be shared with Project 8) - up to 30 participants (2 per Partner Court).²⁸

²⁷ An issues paper may include concepts such as coordination, action planning, etc.

²⁸ Likely to be linked with the SDGs, with potential topics being: Reporting on SDG management and reporting; SDG targets - clarification and identification of relevant targets to partner courts; and Links with CII, SDG targets, and PJSI Accountabilities. Further to the feedback received in the PJSI Mid-term Review, it is proposed for the endorsement of Region’s Leadership that this Workshop focuses on senior judicial and/or court officers from all PJSI Partner Courts.

Support Matrix - Proposed Activity Locations

Partner Court	1. CJLF	2. National Leadership	3. LIF	4. Access to Justice	5. Inst'l Legal Aid	6. Professional Dev't	7. Bar Associations	8. Prof. Cap. Bldg	9. Inst'l Prof. Dev't	10. Human Rights	11. Gender & FV	12. Efficiency	13. Accountability	14. SDGs
Cook Islands	✓		✓	✓	✓		✓	✓	✓				✓	✓
FSM	✓	✓	✓		✓		✓	✓	✓		✓		✓	✓
Fiji (unallocated)	✓	✓	✓		✓		✓	✓	✓				✓	✓
Kiribati	✓		✓	✓	✓		✓	✓	✓	✓			✓	✓
Nauru	✓		✓		✓		✓	✓	✓			✓	✓	✓
Niue	✓		✓		✓		✓	✓	✓			✓	✓	✓
Palau	✓		✓		✓		✓	✓	✓			✓	✓	✓
PNG	✓		✓		✓		✓	✓	✓				✓	✓
RMI	✓		✓		✓		✓	✓	✓			✓	✓	✓
Samoa	✓		✓		✓		✓	✓	✓		✓		✓	✓
Solomon Is.	✓		✓		✓		✓	✓	✓	✓			✓	✓
Tokelau	✓	✓	✓		✓		✓	✓	✓			✓	✓	✓
Tuvalu	✓		✓		✓		✓	✓	✓			✓	✓	✓
Tonga	✓		✓		✓		✓	✓	✓	✓			✓	✓
Vanuatu	✓		✓	✓	✓		✓	✓	✓		✓		✓	✓

5.0 KEY RISKS AND MITIGATION

PJSI will continue to adopt a proactive approach to risk identification and mitigation by continuously monitoring and reviewing risks. Key risks identified at the time of developing this Design include:

Risk 1: Devolution of technical and managerial responsibility for ongoing judicial / court development may not align with counterparts' expectations, resulting in an inability to effectively transfer responsibility to partner courts. To mitigate this risk, the Extension Plan ensures that support to Partner Courts, and the outcomes to be achieved, will be tailored in accordance with Partner Court's identified needs, capacities, and progress made to-date.

Risk 2: Partner courts may have insufficient capacity, resources or commitment to assume responsibility for their own development resulting in ongoing 'donor dependence'. To mitigate



this risk, PJSI will maximise engagement and build capacity and commitment to sustain in-country momentum. Furthermore, the Extension Plan proposes a 'follow-up' approach to the implementation of activities as a way to further embed learning and change.

Risk 3: Inaccessibility and non-responsiveness of Partner Courts will impact on PJSI's ability to meet medium and long term Initiative outcomes. To mitigate this risk, the Extension Plan focuses on continuing to build relationships with Partner courts to engage and seek commitment, as well as providing flexibility to work through any barriers to accessibility. This engagement will commence at the 4th Chief Justice Leadership Forum in Palau, where sign-off by Chief Justices will be sought for both the Extension Plan; and for the activities proposed to be held in each jurisdiction.

Risk 4: The diversity of Partner Court needs may stretch PJSI resources too thinly, lacking the strategic focus of a regional initiative resulting in limited change at the partner court-level. To mitigate this risk, the Extension Plan will focus on embedding previous support provided to address priority Partner Court needs, while ensuring that all support falls within the strategic framework defined for PJSI.

Risk 5: Short timeframes available to review, analyse and incorporate the findings of the independent Mid-Term Review into the Extension Plan may result in activities not comprehensively reflecting all recommendations prior to the Chief Justices' Leadership Forum. To mitigate this risk, MFAT will present the Mid-Term Review key recommendations at the Chief Justices' Leadership Forum to secure the region's approval of the 2-year extension approach.

Risk 6: Sustainability of building fairer societies through accessible, just, efficient and responsive court services may be limited when PJSI activities cease in 2021 as the Initiative often plays a catalytic role in the change process. Once again, the 'follow-up' approach proposed in the Extension Plan will provide an opportunity to further embed learning and change - and hence strengthen sustainability. PJSI will also seek MFAT's direction on future funding to enable a collaborative and sustainable handover is undertaken and proposes a number of 'bridging' activities (Project 14: Sustainable Development Goals; and Projects 5 and 7: Institutionalising Bar Associations and Legal Aid) to facilitate a transition to future support post-PJSI.

6.0 RESULTS & KEY OUTCOMES

PJSI will support PICs to convert learning to action in order to achieve specific and tangible changes related to access to justice, efficiency, gender and family violence, human rights, along with other priority changes not otherwise addressed by PJSI. The target is for each PIC with which PJSI collaborates, to have achieved the objectives of each change by the end of the Initiative. We will consolidate and extend changes and gains made over the previous three years to this end. PJSI will also continue supporting the quality and sustainability of in-region training providers, and public accountability for court performance. See **Annex One** for the Monitoring and Evaluation Framework. More specific outcomes, targets and indicators will be developed following confirmation of the priority changes each PIC Chief Justice commits to progressing.

Annex One – Monitoring and Evaluation Framework

End Of Initiative Outcome (EOI)	EOI Target	Intermediate Outcome (IO)	IO Target	Baseline (at June 2019)	Indicators	Data source	Responsibility for data collection
1 - Judicial leaders are leading & managing change locally	1 priority change achieved its goal in each PIC.	1.1 - leadership - priority change, as agreed to by each Chief Justice, progressed.	1 priority change progressed by each PIC.	3 Chief Justices have court improvement plans inclusive of priority reforms they wish to implement.	Identification of a change, committed to by each Chief Justice.	Documented commitment from each Chief Justice.	Technical Director supported by the Team Leader / Program Manager
					#, nature & sufficiency of actions taken by each PIC to progress each identified change.	Reports from each Chief Justice and TA expert analysis.	
					Progress towards achieving the objectives of each change reported.		
2 - Court services are more accessible, professional, responsive , just, efficient & transparent	1 priority change achieved its goal in 3 PICs.	2.1 – accessibility – priority change, as agreed to by 3 Chief Justices, progressed.	1 priority change progressed by 3 PICs.	4 PICs appreciate the importance of & have developed plans to improve access to justice. Community outreach strategies developed & implemented in 4 PICs. 3 PICs are planning &/or taking steps to implement priority changes as identified during Phase I.	Identification of a change, committed to by each Chief Justice.	Documented commitment from each Chief Justice.	Access to Justice Adviser
					#, nature & sufficiency of actions taken by each PIC to progress each identified change.	Reports from each Chief Justice and TA expert analysis.	
	2 in-region training providers are sustainable & offer 6 foundational	2.2 – professionalism – Judicial & court officers have access to ‘in-region’ training.	PNGCJE confirms funding for years 1-3 & conducts/evaluates 10 local activities. 3 additional PICs	PNG CJE has appointed a Director management & training capacity has improved, and is adequate to manage the Centre & training of local activities. It is not yet ready to offer training regionally	PNG CJE has sufficient committed, ongoing funding, management & training capacity & quality/range of courseware to expand its local portfolio of training services &		Reports of TA expert analysis.

	and/or advanced courses to judicial & court officers in all PICs. 17 LIF grants are awarded, associated activities implemented & achieve their objectives.	Those participating in PJSI / partner / local capacity building activities, perform their roles more competently than before participating in those activities.	enrol participants in the USP Certificate & the Diploma is launched. 7 LIF grants are awarded, associated activities implemented & achieve their objectives.	because it is not clear whether it has committed, ongoing, adequate funding. Also, it has not established its regional training capacity/offering. 10 courses / resources have been developed & delivered to local judicial/court officers. 85-90 people are anticipated to complete the USP Certificate of Justice. The Diploma of Justice is currently being designed and its launch is anticipated in early 2020. In the past 12 months, 25 LIF grants have awarded & the activities completed. Aggregate knowledge gained from PJSI activities (incl. LIFs) is 222%.	to contemplate offering courses to the region.		
					# people enrolled & successfully completing the USP Certificate & Diploma courses.	USP reports.	
					# local qualified trainers & training activities delivered by local trainers.	NC reports.	
					% increase in learning following PJSI / partner / local training activities.	NC reports, pre/post-activity competence assessments incl. in PJSI TA (follow-up) reports / PNG CJE report / LIF completion reports.	
	1 priority change achieved its goal in 3 PICs.	2.3 – substantive justice - human rights – priority change, as agreed by each Chief Justice, progressed	1 priority change progressed in 3 PICs	3 PICs are aware of human rights norms applicable to court practices, are demonstrably enthusiastic & have begun implementing positive changes aligned with Human Rights Action Plans during Phase 1. PICs have reported progress towards the achievement of their goals.	Identification of a change, committed to by each Chief Justice.	Documented commitment from each Chief Justice.	Human Rights Adviser
					#, nature & sufficiency of actions taken by each PIC to progress each identified change.	Reports from each Chief Justice and TA expert analysis.	
					Progress towards achieving the objectives of each change reported.		
	1 priority change achieved its	2.3 – substantive justice - gender & family violence priority	1 priority change progressed in 3 PICs	3 PICs have Action Plans with goals related to prevention, victim-centred access, safety & fairness, perpetrator	Identification of a change, committed to by each Chief Justice.	Documented commitment from each Chief Justice.	Gender & Family Violence Adviser

	goal in 3 PICs.	change, as agreed by each Chief Justice, progressed		accountability & sectoral collaboration. 3 PICs have identified a specific priority change they wish to achieve. 3 PICs are actively taking actions to achieve the change, no PICs are reporting on their progress.	#, nature & sufficiency of actions taken by each PIC to progress each identified change. Progress towards achieving the objectives of each change reported.	Reports from each Chief Justice and TA expert analysis.	
	1 priority change achieved its goal in 5 PICs.	2.4 – procedural justice - efficiency priority change, as agreed to by each of the 3 Chief Justices, progressed.	1 priority change progressed by 3 PICs	4 PICs have identified a priority efficiency change, and have comprehensive/feasible plans to achieve its objectives (as appraised by the TA). 9 PICs have developed case disposal time-standards. 11 PICs have implemented 45% of available technologies to improve efficiency/reliability. 8 PICs have moved beyond manual/excel case tracking systems & 7 PICs have electronic case management systems. No PICs independently/periodically review efficiency. PIC's with which PJSI has worked understand the importance of efficiency indicators & court performance reporting and 3 have introduced regular court performance reporting practices.	Identification of a change, committed to by each Chief Justice. #, nature & sufficiency of actions taken by each PIC to progress each identified change. Progress towards achieving the objectives of each change reported.	Documented commitment from each Chief Justice. Reports from each Chief Justice and TA expert analysis.	Efficiency Adviser Efficiency Adviser & ICT Adviser
	7 PICs annually presenting information publicly about court performance against the	2.4 - procedural justice - accountability - PIC presenting information publicly about court performance	4 PIC annually presenting information publicly about court performance against all the CII, including 2 presenting	6 PICs presented accurate/reliable court performance information publicly about some/all CIIs in their latest Annual Report. 1 PIC presented gender/GFV data. 2 PICs periodically conduct Court User Perception Surveys.	# PICs presenting comprehensive & relevant data/analysis in Annual Reports, Court Websites or Court Press Releases # PICs conducting User Surveys & publishing summaries in	Annual Reports, Court websites, Court Press Releases and TA expert analysis	Accountability Adviser

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	CII, including 4 presenting gender/GFV data. 4 PICs periodically conduct User Perception Surveys.	against the CII, plus gender/GFV disaggregated data	gender/GFV data. 3 PIC periodically conduct User Perception Surveys.		Annual Reports, Court Websites or Court Press Releases.		
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