



# PACIFIC JUDICIAL STRENGTHENING INITIATIVE

## PJSI 2-Year Extension COVID-19 Re-design: 2020-2021

*- Approved by the IEC on 25 June 2020 -*



**FEDERAL COURT  
OF AUSTRALIA**



*PJSI is funded by the New Zealand Government and  
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## Table of Contents

Abbreviations .....	ii
1.0 Introduction: COVID-19 Re-design Rationale .....	7
2.0 Approach, Methodology & Criteria .....	7
3.0 Summary of Proposed Activities.....	12
3.1 Key Outcomes.....	14
3.2 Activity Summary.....	14
4.0 Key Risks and Mitigation.....	26
5.0 Results & Key Outcomes.....	27
6.0 Budget Reallocations .....	27
Annex One - Monitoring and Evaluation Framework .....	A-1
Annex Two - PJSI Phase II Webinar Activities: Indicative Schedule - Chronological Order (June 2019-March 2021) .....	A-5
Annex Three - COVID Re-design Budget Summary .....	A-6
Annex Four - COVID Consultations and Re-design .....	A-7



## Abbreviations

CII	-	Cook Island Indicators
CJE	-	Centre for Judicial Excellence
CJLF	-	Chief Justices' Leadership Forum
COJ	-	Certificate of Justice
COVID	-	Coronavirus
CTS	-	Case Tracking System
DOJ	-	Diploma of Justice
FCA	-	Federal Court of Australia
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
NJC	-	National Judicial College
NTT	-	National Training Team
PICs	-	Pacific Island Countries
PJSI	-	Pacific Judicial Strengthening Initiative
PNG	-	Papua New Guinea
RTT	-	Regional Training Team
SDGs	-	Sustainable Development Goals
TA	-	Technical Adviser
TBC	-	To be confirmed
USP	-	University of the South Pacific



## 1.0 INTRODUCTION: COVID-19 RE-DESIGN RATIONALE

On 26 March 2020, the Initiative Executive Committee (IEC) tasked the Federal Court of Australia (FCA) to review and re-design the Pacific Judicial Strengthening Initiative's (PJSI's) program of activities due to the COVID-19 pandemic. This pandemic presents a major threat to the health and economic prosperity of the Pacific region. To minimise the health crisis, all Pacific Island Countries (PICs) across the region have closed their borders, imposing major restrictions on travel and movement, and social distancing. These measures have in turn severely restricted economic activity generally. More particularly for PJSI, these measures are restricting the capacity and operations of the courts to administer justice to the citizens they serve under the constitution of each state. Additionally, they have also restricted PJSI to deliver previously endorsed support to the courts across the region.

### Realignment in time of crisis

Hence the rationale for this re-design is to pivot and re-align the allocation of PJSI's resources to best fit the existing and new priorities of the courts and the citizens that they serve during this crisis. PJSI's program of activities is outlined in the 2-Year Extension Activity Plan: 1 June 2019-31 May 2021 (existing activity plan) approved by Pacific stakeholders and New Zealand Ministry of Foreign Affairs and Trade (MFAT). In re-designing this program, the IEC has tasked the FCA to continue to:

- implement those activities which remain needed and actionable;
- adapt those activities that may no longer be feasible owing to travel restrictions; and
- re-apply any resources that may be vacated from other activities that may no longer be needed or feasible towards new priorities that are now needed by the courts.

### State resilience to deliver essential services

At the regional level, there is an overarching need to build the resilience of the state to deliver essential public services to its citizens in times of crisis, such as during the current pandemic. These services relate to protecting the health, economic security and social order of communities.

### Mandate of courts to protect rights of needy and most vulnerable

Most particularly, the courts are responsible to protect the rights of citizens by administering justice. In times of crisis, such as now, the needs of the vulnerable for access to justice are at their most fragile - notably including the poor, victims of family and gender violence, remandees and prison detainees, among others.

## 2.0 APPROACH, METHODOLOGY & CRITERIA

The proposed redesign strategy is motivated by responding to and addressing the current covid-specific priorities of Pacific courts as they are articulated by respective Chief Justices. Hence the rapid methodology involved consulting Chief Justices initially in writing and then via skype or zoom to identify their current covid-related needs and priorities.



The PJSI Team has undertaken a rapid consultation process (both written and oral) with each Chief Justice of all 15 Partner Courts, and all core technical advisers. This process has enabled us to review the operation of all courts across the region, identify their current needs and priorities, and critically reassess the utility of pre-existing activities program during the pandemic.

This reassessment has addressed criteria relating to the COVID-19 pandemic, specifically:

- (a) the special COVID-related needs and priorities identified by Pacific stakeholders during the pandemic;
- (b) the relevance and utility of existing support having particular regard to the needs of vulnerable groups - such as victims of Gender and Family Violence (GFV), pre-trial detainees on bail and prisoners;
- (c) feasibility and cost effectiveness of implementation in the current context (especially ability to be remotely delivered); and
- (d) availability of alternate activities that are 'a better fit' in the current context to deliver PJSI's overarching objectives.

This process has also identified those activities that can be brought forward and effectively implemented immediately remotely.

The PJSI Team commenced the process to re-design the Initiative following direction to do so, supplied by the IEC at its meeting on 26 March 2020. The process involved an assessment of:

- Activities and outputs that remain possible to implement amidst COVID-related restrictions;
- Which, and how activities can be re-engineered to be delivered remotely;
- As a result of COVID and changes to court operating realities, what new activities emerge as priorities for Chief Justices - particularly related to PIC Courts' capacity to continue to deliver essential justice services and the needs of vulnerable citizens; and
- The extent to which the reconfiguration of activities and outputs changes anticipated outcomes and targets.

To complete this analysis Chief Justices, key Project counterparts and Technical Advisors (TAs) were consulted (See **Annex Four**). The consultations provided clarity about PICs operating environments, constraints, needs and priorities; as well as which activities could be re-engineered and delivered remotely while travel restrictions continue. The PJSI Team, including its TAs re-designed existing activities to be delivered remotely, and designed new activities that respond to COVID-related priorities.

### **COVID-related priority adjustments**

The process of consulting stakeholders on current COVID-related needs has identified a number of priorities that give rise to refining PJSI's activity program for 2020-2021. These priorities are framed within the context of the existing activity plan. Noting that PJSI is entering the final year of its 5-year program cycle, these priorities aim to: (a) consolidate existing activities rather than launch new ones, (b) maximise delivering best value for money with remaining resources; and (c) build transitional foundation initiatives for MFAT's ongoing purposes in designing any future program(s). These refinements include the following:



- a) **Rescheduling and bringing forward existing activities** including: partnering with the National Judicial College to facilitate participation in a Global COVID-19 Webinar; developing a Pacific-specific COVID webinar and engagement opportunity for Partner Courts to discuss COVID-19 issues, strategies, and experiences; engaging with several partner courts to support their public reporting / accountability activities; developing case tracking systems to better manage cases/collect necessary court data - noting increasing backlog caused by COVID-related adjournments; court planning support for the upcoming financial year at the time of COVID-19/in light of the situation's impact on court operations; and ongoing support to LIF activities (local orientation, and Certificate / Diploma of Justice Studies).
- b) **Reengineering other existing activities** including: the regional SDG Workshop so that the focus of proposed support in this area is narrowed to target key SDGs of most relevance to vulnerable groups at the time of COVID-19 so that support can be remotely delivered; and a number of adviser in-country visits so that these are re-structured to enable remote delivery in partnership with local counterparts.
- c) **introducing new activities to address COVID-specific priorities** including: remote delivery of court services including e-filing, video-conferencing and remote hearings; ICT and court data collection/analysis-related areas to improve the capacity of counterparts to understand and manage courts based on current data-trends; remote support to judges and court officers through training and toolkits in particular support to remote implement orientation / refresher training in partnership with our locally-based Regional and National Training Team members; support to promoting substantive justice for rights-holders needing the protection of the courts during this crisis, for example needs of vulnerable groups such as victims of violence, remandees/applicants for bail; and development of further topical webinars to exchange courts' experiences and solutions on areas related to COVID-19/other current priority needs identified by our partner courts.

These COVID-related priority adjustments are integrated into PJSI's previously approved 2-Year Extension Activity Plan (the Plan, as revised below). This Plan outlines the proposed approach and activities for the Government of New Zealand MFAT funded extension of the PJSI from 1 June 2020-31 May 2021 (PJSI Phase II: COVID re-design).

As previously endorsed, the overarching purpose of PJSI is to address the developmental needs of the courts in 15 Pacific Island Countries (PJSI Partner Courts<sup>1</sup>) 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. Most recently, these needs have been reviewed as part of this COVID-related re-design process. 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, this re-design will continue to:

<sup>1</sup> 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.



- a) 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.
- b) 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 (currently being implemented at the time of the re-design).<sup>2</sup>



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 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.

Given progress made to-date and resource constraints, and specifically the front-loading of support to activity delivery during PJSI Phase I, to date, Phase II adopted a tapering implementation approach that built on and consolidated the strengthening of local capacity across the region during the preceding phase. This strategy tightened 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 continues to promote capacity-building across Partner Courts by:

- Regionally - providing technical assistance to leadership to guide, refine and approve proposed support and the delivery of activities locally.
- Sub-regionally/locally - supporting 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.
- Providing 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.

<sup>2</sup> Institutionalising Legal Aid; Bar Associations: Professionalising and Regulatory Roles; and Sustainable Development Goals



### Re-design overview: changes at a glance

This Plan embodies a number of significant changes that are now highlighted relating to program activity changes, delivery modalities, and budget re-allocations. The detailed changes to activities are outlined in (4) below.

#### Program activity changes

As the result of revising PJSI's design approach, just over half (50.38%) of the activities outlined below have been newly designed, refined in their nature, alignment, scheduling and/or mode of delivery - as outlined in **Table 1**, below. This table provides a high-level summary of the re-allocations, re-designs and new activities developed in this re-design:

Action Under Re-design	No. Activities	% of Re-design Activities
Re-allocation	10	-
Re-designed	11	8.27%
New Activities	56	42.11%
Unchanged <sup>3</sup>	66	49.62%
<b>Total PJSI Phase II Activities:</b>	<b>133</b>	

**Table 1:** Re-designed activity types

#### Delivery modalities

This re-design modifies the delivery of many activities to be remote, using information communication technologies (ICT), where feasible, appropriate and effective, as outlined in **Table 2** below. Indeed, COVID is timely in spurring courts across the region to adopt and build their ICT capabilities.

Activity Type:	No. Activities
- Regional (In-person):	7
- Local (In-person)	44
- Remote (Regional):	59
- Remote (Local):	23
<b>Total:</b>	<b>133</b>

**Table 2:** Delivery modalities

As the result of this re-design, 61.65% of all outstanding activities will now be delivered remotely. **Note:** some in-person activities have been retained as being optimal. This will be reviewed/re-scheduled subject to ongoing travel restrictions being lifted in Quarters 3 or 4 of 2020.

The significant shift to remote delivery presents an opportunity to conduct an analysis of the cost-effectiveness of this modality. While the proposed suite of activities continues to lend themselves to the achievement of the existing outcomes, it remains to be seen how effective remote modalities are in practice. There are a number of positive and negative factors

<sup>3</sup> Note: a significant proportion of these 'unchanged activities' are being / have been implemented at the time of undertaking the re-design.





associated with conducting in-person and remote activities. The impact of these factors can be assessed against the backdrop of the outcomes achieved by each PIC at the end of the Initiative.

### **Budget re-allocations**

The more significant re-allocations of available budget are outlined in **Table 3** below:

<b>Project Activity(s)</b>	<b>Budget reallocation</b>
<i>National Leadership Project (Project 2):</i> due to the re-allocation of two substantive projects for Fiji, which will not be needed based on feedback received from the local leadership.	<i>12.8% reduction</i>
<i>Professional Development Project (Project 6):</i> as re-design consultations highlighted the need and interest in additional ongoing support to Access the USP Certificate of Justice and Diploma of Justice in 2021; and for remote orientation / induction training support.	<i>19.6% increase</i>
<i>Bar Associations: Professionalising &amp; Regulatory Roles (Project 7):</i> due to the partial re-allocation from the large regional workshop to substantive Access to Justice and Gender and Family Violence activities.	<i>12.9% reduction</i>
<i>Localising Professional Capacity Building Project (Project 8):</i> principally due to the re-allocation of the substantive SDG Regional Workshop for 30 participants due to COVID-related travel constraints.	<i>16.6% reduction</i>
<i>Gender and Family Violence Project (Project 11):</i> as a response to feedback received on regional GFV issues.	<i>8.5% increase</i>
<i>Efficiency Project (Project 12):</i> as a direct response to Partner Courts' needs for improved remote Video Conferencing and data collection/analysis capacity in the COVID-context.	<i>13.0% increase</i>
<i>Accountability Project (Project 13)</i> due to proposed streamlining of anticipated M&E-related travel due to COVID-related travel constraints.	<i>5.3% reduction</i>

**Table 3:** Budget reallocations

## **3.0 SUMMARY OF PROPOSED ACTIVITIES**

As previously endorsed, the delivery modality for PJSI Phase II: COVID Re-design will mirror the structure developed in the PJSI Phase II: Extension Plan with activities being organised across fourteen Projects and spread across the five thematic areas, being: judicial leadership, access to justice, professionalisation, substantive justice and procedural justice.



COMPONENT ONE LEADERSHIP <sup>4</sup>	COMPONENT TWO PERFORMANCE			
JUDICIAL LEADERSHIP (57 activities)	ACCESS TO JUSTICE (6 activities)	PROFESSIONALISATION (28 activities)	SUBSTANTIVE JUSTICE (14 activities)	PROCEDURAL JUSTICE (28 activities)
<b>1. Regional Leadership</b> - Regional: 4 - Local: - - Remote (Reg.): 15 - Remote (Loc.): -	<b>4. Access to Justice</b> - Regional: - - Local: 2 - Remote (Reg.): 2 - Remote (Loc.): 1	<b>6. Professional Development</b> - Regional: - - Local: - - Remote (Reg.): 7 - Remote (Loc.): 2	<b>10. Human Rights</b> - Regional: - - Local: 1 - Remote (Reg.): 6 - Remote (Loc.): 2	<b>12. Efficiency</b> - Regional: 1 - Local: 5 - Remote (Reg.): 1 - Remote (Loc.): 10
<b>2. National Leadership</b> - Regional: - - Local: - - Remote (Reg.): 2 - Remote (Loc.): 2	<b>5. Institutionalising Legal Aid</b> - Regional: - - Local: - - Remote (Reg.): 1 - Remote (Loc.): -	<b>7. Bar Associations: Professionalising &amp; Regulatory Roles</b> - Regional: 1 - Local: - - Remote (Reg.): 1 - Remote (Loc.): -	<b>11. Gender &amp; Family Violence</b> - Regional: - - Local: 2 - Remote (Reg.): 1 - Remote (Loc.): 2	<b>13. Accountability</b> - Regional: - - Local: - - Remote (Reg.): 3 - Remote (Loc.): 4
<b>3. Leadership Incentive Fund</b> - Regional: - - Local: 34 - Remote (Reg.): - - Remote (Loc.): -		<b>8. Localising Professional Capacity Building</b> - Regional: - - Local: - - Remote (Reg.): 12 - Remote (Loc.): -		<b>14. Sustainable Development Goals</b> - Regional: - - Local: - - Remote (Reg.): 4 - Remote (Loc.): -
		<b>9. Institutionalising Professional Development</b> - Regional: 1 - Local: - - Remote (Reg.): 4 - Remote (Loc.): -		

<sup>4</sup> **Regional:** in-person regional activities such as CJLF or other regional workshops | **Local:** in-person local activities such adviser-led in-country visit  
**Remote (Reg.):** remote activities undertaken regionally with multiple Partner Courts | **Remote (Loc.):** remote activities undertaken directly with Partner Courts.



### 3.1 KEY OUTCOMES

As previously endorsed, PJSI Phase II will address stakeholders’ needs and promote the programmatic goal with a continued focus on supporting the two long-term (End-of-Initiative) 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.

PJSI’s Intermediate Outcomes - i.e. those to be achieved at the end of Year 4 (2020) are:

<b>Leadership</b>	1 priority change, as agreed to by each Chief Justice, progressed.
<b>Accessibility</b>	1 priority change, as agreed to by 3 Chief Justices, progressed.
<b>Professionalism</b>	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.
<b>Substantive justice</b>	<b>Human Rights and Gender &amp; Family Violence</b> - 1 priority change, as agreed to by each of the 3 participating Chief Justices, progressed.
<b>Procedural justice</b>	<b>Efficiency</b> priority change, as agreed to by each of the 3 Chief justices, progressed. <b>Accountability</b> - 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**.

### 3.2 ACTIVITY SUMMARY

#### THEME ONE: JUDICIAL LEADERSHIP

#### Project 1 - Regional Leadership

**Purpose:** Strengthen the capacity of the region’s judicial leaders<sup>5</sup> with systems, processes, strategies and tools enabling proactive and competent management of successful local judicial development activities.<sup>6</sup>

**Outputs:**

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

<sup>5</sup> 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.

<sup>6</sup> 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.



**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).<sup>7</sup> At least one per year.
- Up to 2 x one-day (in-person) *Initiative Executive Committee* (IEC) Meeting over 2 years, plus up to 3 x remote IEC Meetings being held via teleconference.<sup>8</sup> *Note:* the in-person IEC meetings would be linked with the Chief Justices' Leadership Forum.
- Development of a substantive re-design of PJSI implementation approach, outcomes and activities.
- Development and dissemination of up to 12 x fortnightly mail-out of '*COVID-19 Resources for Courts*' update.
- 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.<sup>9</sup>

**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 complemented by follow-up support to promote uptake of interim results as follows:

- 2 x remote *Activity Planning and Preparation Visits* to Partner Courts that received support in Phase I.
- 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.

<sup>7</sup> To be held in-person, subject to travel restrictions being lifted by early-October 2020 and in-person meetings being feasible within the contract period. Remote meetings will be held if in-person meetings are not possible.

<sup>8</sup> One in-person IEC Meeting may need to be undertaken remotely, subject to travel restrictions being lifted by early-October 2020 and in-person meetings being feasible. Remote meetings will be held if in-person meetings are not possible.

<sup>9</sup> As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development.



### Project 3 - Leadership Incentive Fund<sup>10</sup>

**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:**

- 28 (25 x small grants and 3 x large grants) application approved. At least 6 additional<sup>11</sup> partner court-led incentive-driven grants provided, which will rely on courts' willingness and ability to engage in ongoing development activities.<sup>12</sup> 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;<sup>13</sup> and by embedding strategies within PIC courts to improve accessibility.

**Outputs:**

1. Follow-up support / local workshop(s) provided to 2 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.
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.
4. Develop a Court Guidance on '*Promoting Access to Justice through Community Consultations*' for all courts across the region, which consolidates the experiences and distils lessons learned in 'enabling rights' visits to PICs.

<sup>10</sup> 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.

<sup>11</sup> If support is provided to Partner Courts to participate in the USP Certificate of Justice and Diploma of Justice in 2021, 4-8 LIFs in addition to those noted here will need to be managed.

<sup>12</sup> LIFs will continue to be demand drive, however, support to COVID-related support - for example the development of 'Continuity of Operations Plans (COOPs)' will be prioritised.

<sup>13</sup> 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.



5. Draft, finalise, and disseminate the Kiribati Access to Justice Action Plan (2020-2022).

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

- 2 x in-country Access to Justice visits to Partner Courts to localise and embed Enabling Rights activities locally and implement community awareness raising activities.<sup>14</sup> 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.
- 1 x Court Guidance on '*Promoting Access to Justice through Community Consultations*'
- 1 x remote support input to Partner Court(s) draft, finalise, and disseminate the Kiribati Access to Justice Action Plan (2020-2022).

### Project 5 - Institutionalising Legal Aid

**Purpose:** To appraise the need and nature of support access to legal aid within the region.<sup>15</sup>

**Rationale:** PJSI supports the courts to administer justice 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.<sup>16</sup>

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

<sup>14</sup> To be delivered in-person, subject to travel restrictions being lifted by January 2021 and in-person implementation being feasible within the contract period. Alternatively, options to provide this support remotely will be explored.

<sup>15</sup> As recommended in the independent PJSI Mid-Term Review, the engagement strategy will be broadened to identify multiple entry points.

<sup>16</sup> 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.



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.

#### Activities:<sup>17</sup>

- 1 x desk review situation analysis report of the needs for/of legal aid.
- 1x four-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 28 participants (1 representative from bar associations; 1 representative from legal aid).<sup>18</sup>

### 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,<sup>19</sup> 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. During the re-design consultations, however, a COVID-related need was identified for ongoing support to Access the USP Certificate of Justice and Diploma of Justice in 2021; and for remote orientation / induction training support / resources for selected Partner Courts.

#### Outputs:

- Remote Orientation/Induction Training methodology developed adapting existing PJDP/PJSI Toolkits with other resources and remotely piloted in 2 Partner Courts to develop methodology to support locally-led orientation training remotely during COVID-19 and in the future.
- Provide for PICs to undertake the USP Certificate of Justice and Diploma of Justice in 2021 enabled.

#### Activities:<sup>20</sup>

- 2 x remote delivery of Lay Judicial Officer Orientation/Induction Training with 2 Partner Courts.
- Up to 7 x Partner Courts supported to the USP Certificate of Justice and Diploma of Justice in 2021 (via the LIF mechanism)

<sup>17</sup> 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.

<sup>18</sup> To be delivered in-person, subject to travel restrictions being lifted by mid-November 2020 and in-person implementation being feasible within the contract period.

<sup>19</sup> As per 6<sup>th</sup> Initiative Executive Committee (Resolution 3) and 4<sup>th</sup> Chief Justices' Leadership Forum approval of the 2-year Extension Plan.

<sup>20</sup> 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.





### 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.<sup>21</sup>

**Rationale:** PJSI supports the courts to administer justice 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.

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:<sup>22</sup>

- 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).<sup>23</sup>

### Project 8 - Localising Professional Capacity Building

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

**Outputs:** (see *Annex Two* for an Indicative Webinar Schedule)

<sup>21</sup> As recommended in the independent PJSI Mid-Term Review, the engagement strategy will be broadened to identify multiple entry points.

<sup>22</sup> 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.

<sup>23</sup> To be delivered in-person, subject to travel restrictions being lifted by mid-November 2020 and in-person implementation being feasible within the contract period.





1. Webinar technology and courseware developed and shared with partner courts, with a key focus on COVID-19-related issues, challenges and solutions for Partner Courts.

#### Activities:

- 7 x remote webinars co-facilitated with the National Judicial College<sup>24</sup> open to all Partner Courts. COVID-19-related issues, challenges and solutions for Partner Courts will be a prime focus, with additional indicative substantive topics potentially including: 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.
- 1 x participation in remote National Judicial College-led Global webinar on '*Lessons Learned from Around the World About Managing Courts in a Pandemic*'.
- 7 x additional remote PJSI-led webinars (to be held on a regular monthly schedule subject to the confirmation by Chief Justices), with an anticipated focus on COVID-19-related matters, as well as on selected PJSI substantive activity areas.

### Project 9 - Institutionalising Professional Development

**Aim:** To enable cost-effective and sustainable in-region professionalisation of Pacific judicial / court officers / and legal officers.<sup>25</sup>

**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.<sup>26</sup>

#### 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, and supplementary remote advice including outcomes of initial contact with potential funding sources for ongoing support to Partner Court participants/students.
2. Progress and educational outcomes achieved to-date, curriculum and content, and USP's experience evaluated.

<sup>24</sup> 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.

<sup>25</sup> 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.

<sup>26</sup> 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.



## 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, including capacity to deliver remote training and related support in response to COVID-19 and other travel restrictions.
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 Supplementary remote advice including outcomes of initial contact with potential funding sources for ongoing support to Partner Court participants/students.
- 1 x Pathway Institutional Capacity and Curriculum Assessment.
- *Career Gateway & Career Pathway*: 1 x in-country and 2 x remote inputs.

## 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.<sup>27</sup>

### Outputs:

1. In-country follow-up support / local workshop(s) provided to 1 Partner Court and remote follow-up support provided to 2 Partner Courts that received support during PJSI Phase I to promote improved compliance with human rights standards in decision making. Support will include consideration of, and strategies to, enable access to justice and protection of rights in COVID-19 and other crisis situations.
2. Up to 6 x Human Rights checklists / resource pamphlets for Partner Courts to use in common 'case types' or addressing particular themes. Where relevant, these checklists / pamphlets will also include consideration of mitigation measures for access to justice and protection.
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. Human Rights Toolkit reviewed/extended and refined.

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

- 1 x in-country visit and 2 x remote inputs with Partner Courts that received support in Phase I.

<sup>27</sup> As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development.



- 1 x review / update of Human Rights Toolkit.
- Up to 6 x Human Rights Checklists / checklists / resource pamphlets.

### 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.<sup>28</sup>

**Outputs:**

1. In-country follow-up support / local workshop(s) provided to 2 Partner Courts and remote follow-up support provided to 2 Partner Courts that received support during PJSI Phase I to further adapt, adopt and integrate culturally-appropriate local GFV plans, including consideration of access to justice and protection issues related to COVID-19 and other crisis situations.
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 complemented by follow-up support to promote uptake of interim results:

- 2 x in-country visit and 2 x remote inputs with Partner Courts that received support in Phase I.
- 1 x review / update of Gender & Family Violence Toolkit
- 1 x Gender & Family Violence workshop + materials piloted remotely for future regional delivery.

## 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. In-country follow-up support / local workshop(s) provided to 2 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.

<sup>28</sup> As recommended in the independent PJSI Mid-Term Review, the design builds on and extends existing competency-based capacity development.



2. In-country follow-up support / local workshop(s) provided<sup>29</sup> to 3 Partner Courts and remote follow-up support provided to an additional 1 Partner Court that received support during PJSI Phase I to further strengthen 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.
6. Video-conferencing & Remote Engagement Toolkit developed and remotely piloted and operationalised with at least 4 Partner Courts, to guide the installation, operation, and related policy and procedural considerations when using video and audio technologies to conduct court matters. The toolkit will also to facilitate improved (remote) access to court / justice services during COVID-19 and other crisis situations.
7. Remote quarterly support provided in small groups and/or individually to at least 3 Partner Courts to increase capacity and processes in: data analysis; case management; and the interpretation, analysis and dissemination of court performance reports, to improve court decision-making and the quality of court services.
8. Case Tracking System (CTS) remotely operationalised in at least 2 additional Partner Courts including data migration and user capacity building, to improve court case and data management.

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

- 2 x remote and in-country visits with Partner Courts that received support in Phase I.
- 3 x in-country visits<sup>30</sup> and 1 x remote support input to a Partner Court to further strengthen Information and Communications Technology-related systems and processes.
- 1 x review / update of Efficiency, Delay and Backlog Reduction and Time Standards toolkit/s.
- 1 x five-day *Substantive / Capacity Development Workshop* - up to 30 participants (2 per Partner Court).
- 1 x Video-conferencing & Remote Engagement Toolkit developed and remotely piloted (regionally and/or with individual Partner Courts) with at least 4 Partner Courts.
- Remote quarterly engagement (across 3 quarters) with at least 3 Partner Courts (in small groups and/or individually) .
- 2 x remote inputs to develop, implement and operationalise a Case Tracking System (CTS) in 2 Partner Courts.

<sup>29</sup> To be delivered in-person, subject to travel restrictions being lifted by January 2021 and in-person implementation being feasible within the contract period. Alternatively, options to provide this support remotely will be explored.

<sup>30</sup> To be delivered in-person, subject to travel restrictions being lifted by January 2021 and in-person implementation being feasible within the contract period. Alternatively, options to provide this support remotely will be explored.



### 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.

**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. Remote follow-up support to 2 Partner Courts to further strengthen annual reporting and gender and GFV-disaggregated data collection and reporting, with a particular focus on the importance of data collection and analysis - including gender and GFV-related data - to accurately document the impact of COVID-19 (or other crisis situations) on courts and their operations.
5. Strategy paper developed to further integrate the Cook Island Indicators with other global court / justice performance systems, and how to promote their relevance beyond PJSI.
6. Support the programmatic objective to support court efficiency and the development of case management tools, systems and processes.
7. Monitoring and evaluation methodologies and tools are developed with Partner Courts.
8. 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.<sup>31</sup>
- 2 x one-week remote support visits Partner Courts to further strengthen 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.

<sup>31</sup> To be delivered in-person, subject to travel restrictions being lifted and in-person implementation being feasible within the contract period. Remote support will continue if in-person inputs are not possible.



### Project 14 - Sustainable Development Goals (SDGs)

**Purpose:** Incubate and facilitate regional dialogue among justice-sector actors<sup>32</sup> to catalyse / develop a policy-based approach to implementing and measuring justice-related SDGs across the region.<sup>33</sup>

**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 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 paper 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).
3. 3 x remote webinars (aligned with regular webinar series noted in Project 8, above) to increase awareness in at least 3 Partner Courts of the SDGs generally, how the SDGs relate to the Courts' work, and opportunities for policy integration and external reporting.

#### 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).
- Up to 3 x webinars with at least 3 Partner Courts on the SDGs and their relevance to addressing key justice issues and Courts' ongoing operations.

<sup>32</sup> 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).

<sup>33</sup> As far as possible the support will coordinate with the Pacific SDG Partnership at UNDP.





### Support Matrix - Proposed Activity Locations<sup>34</sup>

Partner Court	1. Regional Leadership	2. Nat. Leadership Visits	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	✓		✓		✓		✓	✓	✓				✓	✓
Kiribati	✓		✓	✓	✓		✓	✓	✓	✓			✓	✓
Nauru	✓		✓		✓		✓	✓	✓			✓	✓	✓
Niue	✓		✓		✓		✓	✓	✓			✓	✓	✓
Palau	✓		✓		✓		✓	✓	✓				✓	✓
PNG	✓		✓		✓		✓	✓	✓				✓	✓
RMI	✓		✓		✓		✓	✓	✓			✓	✓	✓
Samoa	✓		✓		✓		✓	✓	✓		✓		✓	✓
Solomon Is.	✓		✓		✓	✓	✓	✓	✓	✓			✓	✓
Tokelau	✓	✓	✓		✓		✓	✓	✓				✓	✓
Tuvalu	✓		✓		✓		✓	✓	✓			✓	✓	✓
Tonga	✓		✓		✓		✓	✓	✓	✓			✓	✓
Vanuatu	✓		✓	✓	✓		✓	✓	✓		✓		✓	✓

#### 4.0 KEY RISKS AND MITIGATION

PJSI will continue to adopt a proactive approach to risk identification and mitigation by continuously monitoring and reviewing our operating environment across the region. In addition to the risks identified and mitigated in the PJSI Phase II extension design, the following COVID-related risks include:

<sup>34</sup> Note: some re-design activities are not included in the Matrix as they have not been allocated to a Partner Court as yet. This will be undertaken based on follow-up support needs, and updated priorities as identified in the re-design consultations.



Risk	Mitigation
Unavailability or pre-occupation of counterparts in PIC, thereby unable to dedicate sufficient time to prepare for, participate in and provide follow-on input to Project outputs.	The re-design explicitly probed these factors. The proposed re-design is cognisant of current operating realities. However, while the situation remains fluid, it may become necessary to consider an extension to the Agreement between the FCA and MFAT.
Adjustment among PIC counterparts to remote engagement may take time and therefore present an opportunity cost.	PICs have been exposed to remote engagement through PJSIs webinars. Whilst pilots, the results are encouraging in terms of accessibility, engagement and value.
Counterparts may not engage so readily online, and may not develop the levels of understanding and ownership required to achieve the outputs and outcomes.	PICs will continue working on Projects they were engaged in pre-COVID. As such, they are already invested in the objectives and engaged in related work. The TAs are well placed to support counterparts through any downturn in engagement.
Reliance on often unreliable technology infrastructure across the region may hamper connectivity, capacity to deliver activities, and therefore achieve desired outputs and outcomes.	PJSI will deploy a variety of web-based and written tools.

## 5.0 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.

## 6.0 BUDGET REALLOCATIONS

The total allocated MFAT contribution for PJSI is AUD 9,087,423 over 5 years.<sup>35</sup> The available allocation for the 2-Year Extension Plan is approximately AUD 3,474,000. In addition to the MFAT budget, over the course of the 2-year extension period, the Federal Court of Australia will also contribute up to AUD 49,500 in the form of overhead costs.

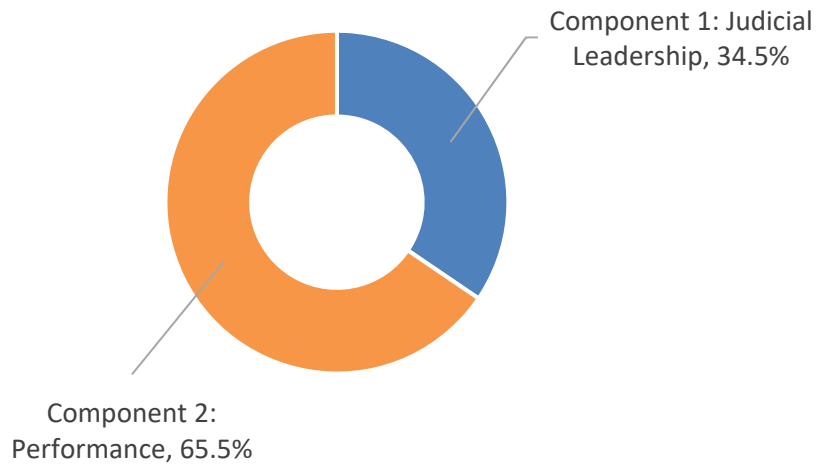
As part of this re-design, care has been taken to ensure that all activities are on a cost-neutral basis. Overall, allocations under the full PJSI budget - *after* this redesign - are summarised in the attached indicative budget found in **Annex Three**. Furthermore, the PJSI budget is broken down as follows:

<sup>35</sup> As per the head Grant Funding Agreement between MFAT and the Federal Court of Australia signed 5 June, 2019.

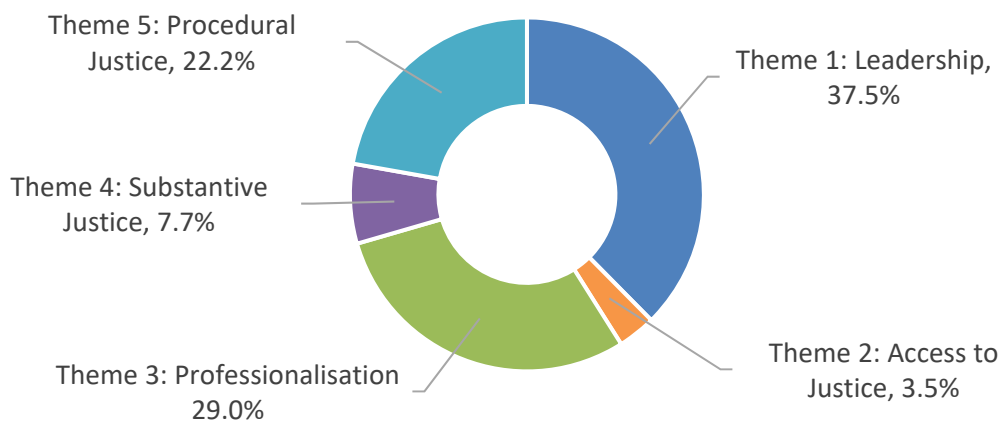




**By Component →**



**By Thematic Area →**



- Contingency at the time of the Re-design → AUD 30,242 (or 0.33% of the PJSI budget) is for ‘unallocated’ amounts to be utilised at the PJSI Team’s discretion to support the implementation of the approved Outputs.
- Management costs → remains unchanged, and totals AUD 691,099, or 7.61% of the five-year PJSI budget.



## 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.	<b>1.1 - leadership</b> - 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.	<b>2.1 - accessibility</b> - 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	<b>2.2 - professionalism</b> - 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	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.	Career Pathway/Gateway Adviser with M&E Adviser leading on LIF activities.



End of Initiative Outcome (EOI)	EOI Target	Intermediate Outcome (IO)	IO Target	Baseline (at June 2019)	Indicators	Data source	Responsibility for data collection
	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.	is not yet ready to offer training regionally 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.	<b>2.3 - substantive justice - human rights</b> - 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	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.



End of Initiative Outcome (EOI)	EOI Target	Intermediate Outcome (IO)	IO Target	Baseline (at June 2019)	Indicators	Data source	Responsibility for data collection
				reported progress towards the achievement of their goals.	Progress towards achieving the objectives of each change reported.		
1 priority change achieved its goal in 3 PICs.	<b>2.3 - substantive justice - gender &amp; family violence</b> priority change, as agreed by each Chief Justice, progressed	1 priority change progressed in 3 PICs		3 PICs have Action Plans with goals related to prevention, victim-centred access, safety & fairness, perpetrator 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.	Identification of a change, committed to by each Chief Justice.	Documented commitment from each Chief Justice.	Gender & Family Violence 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 goal in 5 PICs.	<b>2.4 - procedural justice - efficiency</b> 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 PIC 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	Identification of a change, committed to by each Chief Justice.	Documented commitment from each Chief Justice.	Efficiency Adviser
					#, nature & sufficiency of actions taken by each PIC to progress each identified change.	Reports from each Chief Justice and TA expert analysis.	Efficiency Adviser & ICT Adviser
					Progress towards achieving the objectives of each change reported.		



End of Initiative Outcome (EOI)	EOI Target	Intermediate Outcome (IO)	IO Target	Baseline (at June 2019)	Indicators	Data source	Responsibility for data collection
				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.			
	7 PICs annually presenting information publicly about court performance against the CII, including 4 presenting gender/GFV data. 4 PICs periodically conduct User Perception Surveys.	<b>2.4 - procedural justice - accountability -</b> PIC presenting information publicly about court performance against the CII, plus gender/GFV disaggregated data	4 PIC annually presenting information publicly about court performance against all the CII, including 2 presenting gender/GFV data. 3 PIC periodically conduct User Perception Surveys.	6 PICs presented accurate/reliable court performance information publicly about some/all CII 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 or Court Press Releases.	Annual Reports, Court websites, Court Press Releases and TA expert analysis	Accountability Adviser



## Annex Two - PJSI Phase II Webinar Activities: Indicative Schedule - Chronological Order (June 2019-March 2021)

Activity	Location	Timing (TBC)	Project
<b>2019</b>			
Webinar #1 (with NJC): Regional Court Data Management Follow-up Webinar	Remote	28 Nov, 2019	Efficiency
<b>2020</b>			
Webinar #2 (with NJC): Lay Judicial Officer Engagement Webinar	Remote	27 Feb, 2020	Regional Leadership
Webinar #3: Facilitating Partner Court engagement with NJC Global Lessons Learned from Around the World About Managing Courts in a Pandemic	Remote	24 Apr, 2020	Regional Leadership
Webinar #4 (with NJC): COVID: Pacific Issues, Challenges and Local Solutions; Experience-sharing Webinar	Remote	28 May, 2020	Regional Leadership
Webinar #5 (with NJC): Opening the Courts Safely	Remote	23 Jun, 2020	Regional Leadership
Webinar #6 (with NJC): Remote 5 <sup>th</sup> Chief Justices' Leadership Forum	Remote	16 Jul, 2020	Regional Leadership
Webinar #7 (with NJC): The Pacific Courts and the COVID-19 Pandemic	Remote	6 Aug, 2020	Regional Leadership/A2J
Webinar #8: Video Conferencing Toolkit	Remote	20 Aug, 2020	Efficiency
Webinar #9: Sustainable Development Goals and the Courts 1	Remote	10 Sep, 2020	SDGs
Webinar #10: Sustainable Development Goals and the Courts 2	Remote	8 Oct, 2020	SDGs
Webinar #11: Sustainable Development Goals and the Courts 3	Remote	5 Nov, 2020	SDGs
Webinar Series #12 (with NJC): Topic TBC	Remote	3 Dec, 2020	TBC
<b>2021</b>			
Webinar Series #13: (Topic TBC in earlier regional webinars)	Remote	28 Jan, 2021	TBC
Webinar Series #14: (Topic TBC in earlier regional webinars)	Remote	11 Feb, 2021	TBC
Webinar Series #15: (Topic TBC in earlier regional webinars)	Remote	11 Mar, 2021	TBC



## **Annex Three - COVID Re-design Budget Summary**

**Submitted to MFAT separately.**



## Annex Four - COVID Consultations and Re-design

On 26 March 2020, the IEC tasked the FCA to review and re-design the PJSI's program of activities due to the covid-19 pandemic. The PJSI Team has undertaken a rapid consultation process (both written and oral) with each Chief Justice of all 15 Partner Courts, and all core technical advisers. The following consultations were undertaken:

- 1-9 April 2020:** The PJSI Team sought feedback via email on the status of court operations and court needs during covid-19 from Partner Court Chief Justices. PJSI also communicated via email and survey to all PJSI Technical Advisers to seek feedback on availability and what refinements and/or changes are recommended to their contracted activities/projects during this time.
- 6-17 April 2020:** Scheduling of all phone consultations with all available Chief Justices, Technical Advisers, and selected other counterparts. (*Note:* includes Easter break).
- 20 April-1 May 2020:** Detailed consultations via phone were undertaken with all available Chief Justices, Technical Advisers, and selected other counterparts. A detailed discussion with the New Zealand funded Judicial Pacific Participation Fund (JPPF) was also held. (See list of those consulted below).
- 4-15 May 2020:** Re-design commenced. Follow-up clarifications and detailed activity development discussions held with a range of stakeholders and Technical Advisers.
- 18-29 May 2020:** Development of detailed re-design rational, strategy, activity development, indicative implementation schedules, and budgets. Submission of draft Re-design to MFAT for initial feedback.
- 8-12 June 2020:** Update of draft Re-design incorporating MFAT feedback and submission to IEC Members.
- 25 June 2020:** Remote IEC Meeting by tele-conference on PJSI COVID Re-design.

### List of Counterparts and Stakeholders Contacted/Consulted as part of COVID Re-design:

- Hon. Chief Justice Sir Albert Palmer, High Court of Solomon Islands
- Hon. Chief Justice Sir John Muria, High Court of Kiribati
- Hon. Chief Justice Craig Coxhead, High Court of Niue
- Hon. Chief Justice Sir Hugh Williams, High Court of the Cook Islands
- Hon. Chief Justice Dennis Yamase, Federated States of Micronesia Supreme Court
- Hon. Acting Chief Justice Kamal Kumar, Supreme Court of Fiji
- Hon. Chief Justice Carl Ingram, High Court of the Republic of Marshall Islands
- Hon. Chief Justice Filimone Jitoko, Supreme Court of Nauru
- Hon. Acting Chief Justice John Rechucher, Supreme Court of Palau
- Hon. Chief Justice Sir Gibbs Salika, Supreme & National Courts of Papua New Guinea





- Hon. Acting Chief Justice Clarence Nelson, Supreme Court of Samoa
  - Hon. Chief Justice Helen Winkelmann, Tokelau Judiciary
  - Hon. Chief Justice Michael Whitten, Supreme Court of Tonga
  - Hon. Acting Chief Justice Sir Gordon Ward, High Court of Tuvalu
  - Hon. Chief Justice Vincent Lunabek, Supreme Court of Vanuatu
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- Ms Jennifer Akers, PJSI Efficiency Adviser
  - Ms Helen Burrows, M&E Adviser
  - Dr Livingston Armytage, Access to Justice, Institutionalising Professional Development, and Orientation Training Adviser
  - Ms Natalie David, PJSI Global Justice Performance Systems Adviser
  - Dr Carolyn Graydon, PJSI Human Rights Adviser
  - Ms Janine McIntosh, Director of Institute of Judicial Studies
  - Mr Lorenz Metzner, Project Management Adviser
  - Ms Tina Pope, Project Manager of Judicial Pacific Participation Fund
  - Judge (Ret.) Fareni Enoka Puni, PJSI Orientation Training Adviser
  - Mr Tevita Seruilumi, PJSI Gender & Family Violence Adviser
  - Ms Catherine Sumner, PJSI Accountability Adviser



## Summary of Court Status and Needs

Countries in the Pacific moved swiftly to implement travel restrictions earlier this year, which has meant that many are yet to report a single case of COVID-19.

Despite this, the pandemic has had varying impacts on courts across the Pacific region. For some this has meant the closure of courts except for urgent matters, while others continue to operate as normal, albeit under strict precautionary measures. Some courts have also moved to online case management and electronic filing systems, and commenced conducting hearings via video- and teleconferencing, many for the first time. Initiatives such as these will act to improve access to justice for people in Pacific countries, both during the pandemic and into the future.

As part of the Re-design consultations undertaken, the PJSI team sought the status of Partner Court operations, which is summarised, below:

Partner Court	Status (at commencement of pandemic)	Status (at 8 June, 2020)
<b>Cook Islands</b>	<p>Courthouse closed to the public for the duration of the pandemic.</p> <p>Open for criminal court hearings only, under strict social distancing protocols.</p> <p>Urgent family protection orders and injunctions may still be processed, although are encouraged to be dealt with on the papers where possible.</p>	<p>Courthouse closed to the public for the duration of the pandemic.</p> <p>Open for criminal court hearings only, under strict social distancing protocols.</p> <p>Urgent family protection orders and injunctions may still be processed, although are encouraged to be dealt with on the papers where possible.</p>
<b>FSM</b>	Courts remain open, including Clerk's Offices, with reduced hours and rotating staff.	Courts remain open, including Clerk's Offices, with reduced hours and rotating staff.
<b>Fiji</b>	<p>All courts and tribunals across Fiji will now only deal with urgent matters until 17 April.</p> <p>All Court Registries will operate with very limited staff.</p> <p>Special court sittings have been held for those who are alleged to have breached covid-19 curfew and lockdown measures.</p>	<p>All Court Registries will operate with very limited staff.</p> <p>Special court sittings have been held for those who are alleged to have breached covid-19 curfew and lockdown measures.</p>
<b>Kiribati</b>	Courts operating as normal, while implementing covid-19 preventative measures (including potential alternative forms of hearing cases).	Courts operating as normal, while implementing COVID-19 preventative measures (including potential alternative forms of hearing cases).



Partner Court	Status (at commencement of pandemic)	Status (at 8 June, 2020)
<b>Nauru</b>	Courts are open, while taking precautionary measures.	Courts are open, while taking precautionary measures.
<b>Niue</b>	Courts are closed with urgent matters being dealt with through the JPs. Only Bail Hearings, Coronial Hearings and Hearings arising out of any offences relating to the covid-19 Restrictions and Orders issued will be progressed.	Courts are closed with urgent matters being dealt with through the JPs. Only Bail Hearings, Coronial Hearings and Hearings arising out of any offences relating to the COVID-19 restrictions and orders issued will be progressed.
<b>Palau</b>	Court complexes in Koror and Melekeok closed to the public from 2-17 April. All filings will be done electronically, and only emergency or scheduled proceedings may continue. Any services provided by the Clerk of Courts will not be available until 20 April.	All filings will be done electronically, and only emergency or scheduled proceedings may continue.
<b>PNG</b>	Court is closed until 11 May. Filing of urgent applications to be done electronically. Teleconferences also available for Judge to hear urgent applications only.	National and Supreme Courts have reopened with a no mask-no entry policy. Access to the courtrooms remains restricted, and hygiene and safety protocols must be adhered to.
<b>RMI</b>	Courts are open.	Courts are open.
<b>Samoa</b>	Court matters from 23 March-3 April have been postponed until further notice.	Court matters have been postponed until further notice, resulting in likely case delays once re-opened.
<b>Solomon Islands</b>	Courts are open and registry services continue as normal, while implementing preventative measures. All workshops, seminars, training, and meetings will be suspended indefinitely. All essential services will remain open and to conduct business as usual with all executives and senior management staff to work from home if possible. All non-essential staff/ services have been instructed to take emergency leave.	Courts are open and registry services continue as normal, while implementing preventative measures. All essential services will remain open and to conduct business as usual with all executives and senior management staff to work from home if possible. All non-essential staff/services have been instructed to take emergency leave.



Partner Court	Status (at commencement of pandemic)	Status (at 8 June, 2020)
Tokelau	<p>The Government of Tokelau and the Taupulega in the respective villages have put in place measures to protect Tokelau from COVID-19.</p> <p>Some measures include restricting the number of sailings and requiring travellers to quarantine for 14 days prior to and after travelling to Tokelau. Gatherings in community groups has also stopped.</p>	<p>The Government of Tokelau and the Taupulega in the respective villages have put in place measures to protect Tokelau from COVID-19. Some measures include restricting the number of sailings and requiring travellers to quarantine for 14 days prior to and after travelling to Tokelau. Gatherings in community groups has also stopped.</p>
Tonga	<p>Tonga's courts have been identified as an essential service and so will remain open and continue to operate as usual, with some appeal cases occurring via teleconference.</p>	<p>Tonga's courts have been identified as an essential service and so will remain open and continue to operate as usual, with some appeal cases occurring via teleconference.</p>
Tuvalu	N/A	N/A
Vanuatu	Courts operating as usual.	Courts operating as usual.

