

Final Activity Design Document

The collage consists of nine photographs arranged in a grid-like fashion. The top row shows two men in white shirts and flower leis talking, a man holding a document titled 'Pacific Islands Sentencing Conference', and a man pointing to a whiteboard with a list of sentencing options. The middle row shows two men at a desk with a Toshiba laptop, a man at a podium, and three people sitting outdoors. The bottom row shows a man pointing to a whiteboard about fundamental rights to fair trial and a group of men in white shirts and flower leis sitting in a row.

Final Activity Design Document (ADD): Pacific Judicial Strengthening Initiative: PJSI.

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List of Abbreviations

ACN	-	Activity Concept Note
ADD	-	Activity Design Document
CBO	-	Community Based Organisations
CII	-	Cook Island Indicators
CJ	-	Chief Justices
CJE	-	Court Judicial Excellence
CJLF	-	Chief Justices' Leadership Forum
DFAT	-	Department of Foreign Affairs and Trade (Australia)
FSM	-	Federated States of Micronesia
GFV	-	Gender and Family Violence
ICT	-	Information Communication Technology
IDC	-	Indicative Design Concept
IEC	-	Initiative Executive Committee
IFCE	-	International Framework for Court Excellence
INGOs/NGOs	-	International/Non-Government Organisations
J/Co	-	Judicial/Court Officer
JLC	-	Judicial Liaison Committee
LIF	-	Leadership Incentive Fund
M&E	-	Monitoring and Evaluation
MEA	-	Monitoring and Evaluation Adviser
MFAT	-	Ministry of Foreign Affairs and Trade
FCA	-	Federal Court of Australia
N/RTT	-	National/Regional Training Team
NA	-	Not Applicable or Needs Assessment
NC	-	National Coordinator
NJDC	-	National Judicial Development Committee
NZ	-	New Zealand
PacLii	-	Pacific Legal Information Institute
PAX	-	Participants
PIC/s	-	Pacific Islands Country/ies
PILON	-	Pacific Island Law Officers Network
PJDP	-	Pacific Judicial Development Programme
PJEP	-	Pacific Judicial Education Programme
PJSI	-	Pacific Judicial Strengthening Initiative
PNG	-	Papua New Guinea
TA	-	Technical Adviser
ToR	-	Terms of Reference
ToT	-	Training of Trainers
UNDP	-	United Nations Development Programme
USP	-	University of the South Pacific
WGI	-	World Governance Indicators

1. Executive Summary

E1.0 DEVELOPMENT CHALLENGE AND PROPOSED RESPONSE

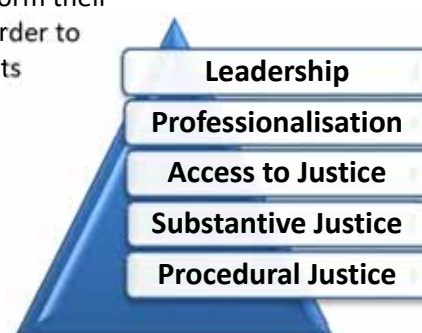
This Activity Design Document (ADD) outlines and explains the proposed approach for the Pacific Judicial Strengthening Initiative (PJSI) which is to be funded by the Government of New Zealand over the current phase of official development assistance (June 2016-June 2021¹).

The purpose of PJSI is to address the needs of the courts in 14 Pacific Island Countries (PICs²) identified in the needs assessment report dated January 2016 (Appendix A). These needs are numerous, diverse, overlapping and span short-long term. On analysis, they relate to three major problems - or development challenges - that stakeholders agree should be addressed during the current 60-month phase of support, 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.

PJSI will focus on addressing these needs so that the courts can perform their constitutional mandates to administer justice across the region. In order to support the courts to improve their performance, PJSI will organise its support for judicial initiatives thematically to ensure a strategically integrated approach.

This thematic hierarchy of needs ratifies the goal and objectives contained in the Activity Concept Note (ACN): 'PIC courts to provide accessible, responsive, fair and efficient services delivering measurably improved substantive justice outcomes for beneficiaries.' Identification of stakeholders' needs enables this goal to be now expressed more incisively as:



Building Fairer Societies

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

In addressing this goal, PJSI will focus on supporting two long-term outcomes as prescribed in the ACN. These outcomes serve interchangeably as objectives, being:

- a) Judicial Leadership - Judicial leaders are capable of leading and managing change locally.
- b) Performance - Court services are accessible, responsive, fair, and efficient.

This ADD articulates the 'theory of change' for PJSI to build fairer societies across the Pacific by enabling the provision of more accessible, just, efficient, timely and responsive court services. These services will improve the quality of society and human wellbeing by supporting PIC courts to deliver measurably more just outcomes - as outlined in the attached outcomes and results frameworks - for those seeking to exercise their legal rights.

E2.0 PROPOSED DELIVERY MODALITY AND ACTIVITIES

PJSI will address stakeholders' needs through an overarching delivery modality of two (x2) components that will deliver the high-level outcomes specified in the ACN, relating to leadership and service respectively. This delivery modality organises eleven (11) outputs to address the five thematic areas, being: judicial leadership, access to justice, professionalisation, substantive justice and procedural justice.

¹ Subject to MFAT approval and contracting.

² These PICs are: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. Fiji participated in earlier phase, but its membership was suspended and is under ongoing review.

PJSI will adopt a two-step capacity-building strategy that will transfer, build, devolve and localise capacity. This strategy will tighten the programmatic focus to address regionally prioritised needs and, at the same time, devolve both capacity and responsibility to implement activities to local actors. Once stakeholders have endorsed the priority of needs to be addressed in this ADD, the Federal Court of Australia (FCA) will link capacity-building activities at the regional and local level as follows:

- at the regional level, the FCA will first supply technical assistance to design and deliver activities - such as, for example, Training-of-Trainer (ToT) in any number of priority needs such as gender violence, human rights, orientation, decision-making, court craft and so on - for members of the regional and national training teams (RTT and NTT);
- at the local level, the FCA will then support those members of the RTT and/or NTT to design, adapt, localise and deliver the same activities in designated PICs; and
- additionally, the FCA will deliver this assistance at the regional and local levels both in-country and remotely using a range of information communication technologies (ICT) and 'blended learning' applications to address stakeholders' capacity-building needs most cost effectively.

E3.0 SUMMARY OF TASKS/ACTIVITIES

Once endorsed by stakeholders, this ADD proposes that PJSI will organise support for improving the courts' services using this delivery modality to implement the following suite of (128) activities, of which: 36 are regional; 65 are local; and 27 are remote activities.³

COMPONENT ONE LEADERSHIP JUDICIAL LEADERSHIP (67 activities)	COMPONENT TWO PERFORMANCE			
	ACCESS TO JUSTICE (5 activities)	PROFESSIONALISATION (18 activities)	SUBSTANTIVE JUSTICE (13 activities)	PROCEDURAL JUSTICE (25 activities)
Regional Leadership - Regional: 16 - Local: 0 - Remote: 2	Access to Justice - Regional: 1 - Local: 4 - Remote: 0	Professional Development - Regional: 4 - Local: 4 - Remote: 0	Human Rights - Regional: 2 - Local: 4 - Remote: 0	Efficiency - Regional: 0 - Local: 5 - Remote: 0
National Leadership - Regional: 1 - Local: 8 - Remote: 5		Localising Professional Capacity Building - Regional: 3 - Local: 0 - Remote: 5	Gender & Family Violence - Regional: 2 - Local: 5 - Remote: 0	Accountability - Regional: 5 - Local: 5 - Remote: 15
Leadership Incentive Fund - Regional: 0 - Local: 35 - Remote: 0		Institutionalising Professional Development - Regional: 2 - Local: 0 - Remote: 0		

E4.0 KEY RISKS AND MITIGATION

The FCA will adopt a proactive approach to risk identification and mitigation by continuously monitoring and reviewing risks. Key risks identified at the time of developing this ADD 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 ADD ensures that support to PICs, and the outcomes to be achieved, are tailored in accordance with PIC's identified needs and capacities.

Risk 2: Short timeframes available to undertake the needs assessment may result in the ADD not comprehensively reflecting all PICs priority needs thereby potentially disenfranchising the PJSIs partner

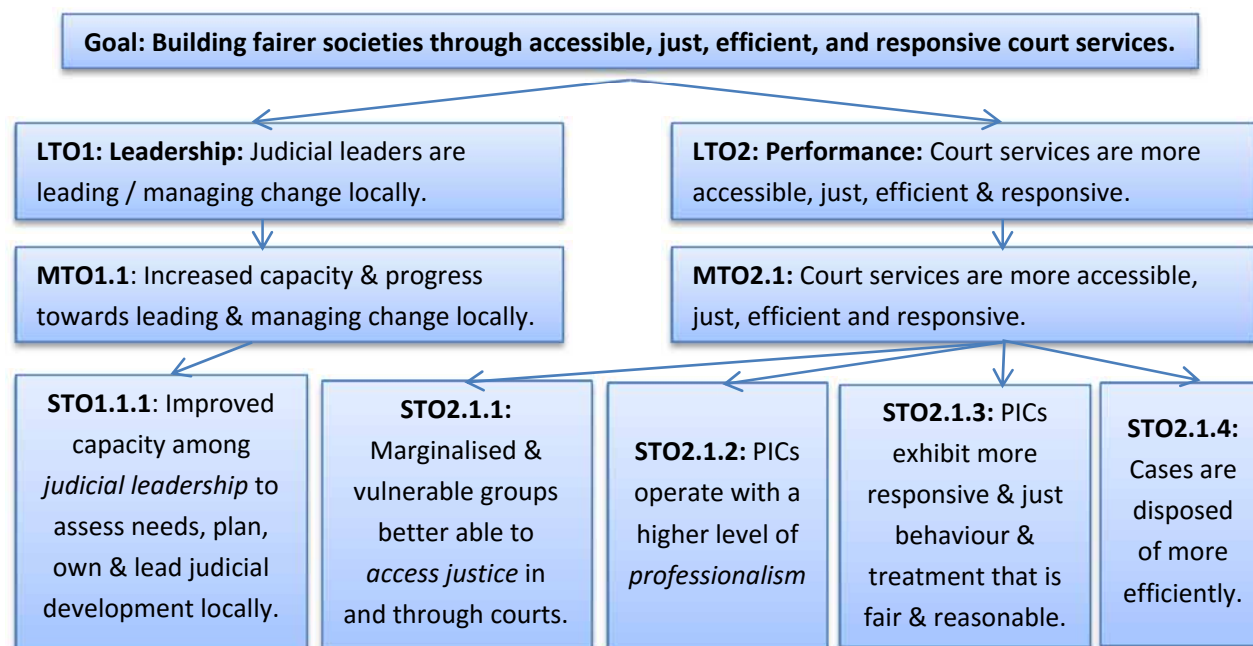
³ Note: the activity numbers shown here and later in this design include thematically-linked activities which are costed once only for budgetary purposes.

courts. To mitigate this risk, PJSI used the initial needs assessment but will also refine its approach iteratively in close consultation with partner courts over the 5 years of implementation.

Risk 3: 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-PIC momentum.

Risk 4: The diversity of 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 ADD will prioritise identified needs within a strategic framework to ensure that interventions fall within priority thematic needs-areas so that appropriate resourcing of activities is achieved.

E5.0 RESULTS DIAGRAM



The Key Outputs contributing to the achievement of the Short-Term Outcomes (STOs) and in turn, the Medium-Term Outcomes (MTOs) and eventually, the Long-Term Outcomes (LTOs) are as follows:

1.1.1.1	Chief Justices trained in leadership & associated tools provided.
1.1.1.2	Judicial leaders trained in leadership and change management and associated tools provided.
1.1.1.3	Local activities conducted through training & funding provided.
2.1.1.1	PIC courts committed to improving access to justice, people trained & relevant tools provided.
2.1.2.1	Judicial / Court Officers trained in priority areas of knowledge skill & attitude.
2.1.2.2	PICs courts trained and equipped with resources to address needs locally.
2.1.2.3	A modality to institutionalise cost-effective / sustainable in-region training.
2.1.3.1	PIC courts committed, trained & equipped with tools to deliver justice aligning with human rights.
2.1.3.2	PIC courts committed, trained & equipped with tools to better respond to gender & family violence.
2.1.4.1	PIC courts trained & equipped with the tools to improve efficiency in the administration of justice
2.1.4.2	Court performance monitored, evaluated & reported on to improve accountability

E6.0 EXPECTED TOTAL WHOLE-OF-LIFE COSTS

The total allocated MFAT contribution for PJSI is AUD 8,232,500 over 5 years,⁴ and the allocations made in the indicative budget in this ADD amounts to this figure. Further to MFAT's direction, no over-allocation has been made.

In addition to the MFAT budget, the Federal Court of Australia will also contribute up to AUD 123,993 in the form of overhead costs over the life of the Initiative.

In summary, the ADD budget is broken down as follows:

- Component → Judicial Leadership = AUD 3,468,120 (48%); & Performance = AUD 3,815,578 (52%)
- Contingency → AUD AUD 134,310 (or 1.63% of the indicative ADD budget) is for 'unallocated' amounts to be utilised at the FCA's discretion to support the implementation of approved activities.
- Managerial costs → these total AUD 823,511, or 10.0% of the indicative budget.

⁴ This budget amount was defined by MFAT in its feedback on the 1st Draft ADD, dated 29 February, 2016.

2. Analysis and Strategic Context

2.1 Country, region and sector issues

The 14 Pacific Island Countries (PICs) participating in the PJSI are characterised by their physical smallness, geographical dispersion, cultural diversity, capacity limitations and institutional fragility. Many, if not most citizens live in remote communities, have limited knowledge of and access to the courts, and resolve their disputes using traditional mechanisms.

Since the late 1990s, earlier official development assistance in the form of the Pacific Judicial Education Program (PJEP) and the Pacific Judicial Development Program (PJDP) have addressed the goal of strengthening governance and rule of law in PICs by enhancing access to justice and supporting professional judicial officers who act independently according to legal principles. Both programmes have had some successes in building the professional capacity of judges and court officials and strengthening the institutional capacity of the courts. But the capacity of PIC courts to deliver justice services that are accessible, fair, efficient and responsive remains qualified - varying considerably across the region - and their capacity to lead and manage their ongoing development is both nascent and fragile.

2.2 Stakeholder analysis

As the Appendixed Needs Assessment Report demonstrates, there is a complex of judicial development needs, reflecting the diversity of PICs across the region (Refer to section 2.1 in Appendix A).

As developing jurisdictions, most PICs suffer endemic and pervasive funding and human capital shortages that constrain all of their operations. Resources (whether personnel, financial or infrastructure / equipment) have been identified as one of the principal challenges being faced by partner courts. Within this context, stakeholders have identified a range of substantive and procedural needs, ranging from structural and organisational reform, to budget supplementation, review of terms of appointment and conditions of service, and law reform.

Within this spectrum of needs is an overarching imperative for PJSI to cohere an actionable approach to addressing the issue of need, without becoming stretched too thinly to make any difference, which is an Initiative-level risk. On analysing this data, the pervading impression is the overwhelming - indeed insatiable - demand for continuing support, particularly training. While this may validate the rationale for extending PJSI, it impels PJSI to adopt a rigorously strategic approach to prioritising what needs will be addressed, and to transform shopping lists of 'wants' into actionable hierarchies of needs. Moreover, it obliges PJSI to reinvest stakeholders with the responsibility and capacity to do so themselves wherever feasible. One of the biggest challenges for PJSI's change management strategy is to confront the legacy (and perverse incentive) of dependency that many years of worthy support have fostered.

2.3 Problem analysis

This design is predicated on the analysis of current needs as outlined in the needs assessment in section 2 in Appendix A. While these needs are numerous, diverse, overlapping and span short-long term, they coalesce into three major problems - or development challenges - that stakeholders agreed should be addressed during this 5-year phase of support:

- Expanding *access to justice* to and through the courts
- Building competent provision of *substantive justice* outcomes
- Increasing efficient delivery of *procedural justice* services⁵



⁵ PJSI recognises that the central concept of **justice** comprises two hemispheres: the substantive and the procedural. '**Substantive justice**' describes the qualitative elements of a just society, and is linked to notions of liberty, universal

PJSI will focus on addressing these major needs so that the courts can perform their constitutional mandate to administering justice across the region. In order for PJSI to support the courts to perform their mandate in a strategically effective manner, it is necessary to organise its approach to supporting judicial initiatives. To do so, these needs are organised into the thematic hierarchy below to enable PJSI to provide support in an integrated manner:

These needs are interdependent and the design uses change-management architecture to encompass them and their interdependence. This hierarchy of needs, as articulated by Pacific stakeholders, ratifies the goal and objectives contained in the ACN: 'PIC courts to provide accessible, responsive, fair and efficient services delivering measurably improved substantive justice outcomes for beneficiaries.' Stakeholders' identification of needs enables this goal to be expressed more incisively as:

Building Fairer Societies

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

PJSI support will focus on two long-term outcomes. These outcomes were framed in the ACN and can serve interchangeably as objectives - in our assessment, they do not require any change. Therefore, they remain as:

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

2.4 Theory of Change

The theory of change describes the vision for the PJSI and articulates how it will be attained. As outlined in the Indicative Design Concept (IDC) in section 3 of Appendix A, this design refines the theory of change for the PJSI. Over the years, the theory of change for PJEP and PJDP has evolved. As outlined in the ACN, PJEP (1999-2004) and PJDP (2006-June 2008 and 2010-15) built on the notion that providing technical assistance to improve the competence of judicial and court officers will lead to better judicial performance and service delivery and, thereby, enhanced access to justice. This 'theory of change' evolved in three stages: (i) an initial approach which centred on training law-trained and lay judicial officers and court staff; (ii) an intermediate approach which continued training and began integrating organisational capacity-building; (iii) more recently in PJDP, to a more holistic approach of improving access to and delivery of justice-related services. That phase combined an emphasis on institutional strengthening, through the development of management skills, with targeted technical assistance delivered regionally through leadership fora, toolkits and pilot projects and financial assistance to local initiatives. In some ways, this evolution may be described as a journey from the 'regional' to 'local', which was rationalised during PJDP and will continue to be refined in future in order to consolidate the application of regional-level recourses to address/deliver local needs.⁶

From the start of PJSI in early 2016, the assessment of stakeholders' needs enables both the problem and thereby its solution to be reframed more effectively. This assessment identifies a consensus

• —————
concepts of morality, democracy and rights (sometimes called 'thick'). Substantive justice is the opposite of procedural justice, in that it is a just behavior or treatment that is fair and reasonable. Substantive law creates rights and obligations and determines the end of justice embodied in the law, whereas procedural law is an accessory to substantive law. In the context of judicial reform, substantive justice is outcome-orientated usually referring to the nature of the improved results for the court user, for example: in family and gender violence (FGV), the enablement of claimants to enjoy a measurably better quality of life by exercising their rights to physical and sexual security. The measurable improvement is the outcome of a substantively safer (better) quality of life.

Procedural justice describes formalistic aspects of justice, notably that justice is prospective, open, clear and stable, (sometimes called 'thin'). Procedural justice is the idea of fairness in the processes that resolve disputes and is related to the administration of justice and legal proceedings. In the context of judicial reform, it is process-orientated usually referring to efficiency-based improvements to the delivery of justice, for example: delay or backlog reduction, computerisation of case management processes, etc. The measurable improvement is the process to dispose of a claim in a more timely manner enabling claimants to resolve disputes more efficiently (whatever the substantive outcome).

⁶ Hammergren L, *Institutionalisation* advice endorsed by the Programme Executive Committee in its meeting in Apia in 2012.

among stakeholders both inside and outside the courts on what PJSI should aim to attain refer to section 3.2 in Appendix A. Seizing the current opportunity to use this data to improve responsiveness, PJSI will aim to build fairer societies across the Pacific by enabling the provision of more accessible, just, efficient, timely and responsive court services. These services will improve the quality of society and human wellbeing by supporting PIC courts to deliver measurably more just outcomes for those seeking to exercise their legal rights.

At its essence, PJSI reframes both the needs and their solutions in terms of *justice*, rather than has previously been the case in PJEP and PJDP in terms of education, development or institutional capacity. PJSI will depart from the structure and focus of the PJDP in order to deliver greater benefits to PIC courts and the communities that they serve; and to build on the results achieved by the PJDP to progress towards self-sufficiency. This shift in focus, or paradigm has affected and evolved the goal and outcomes. For further details about the shift in paradigm see section 3.3 of the Needs Assessment Report at Appendix A.

2.5 Lessons learned

The MSCs experience has provided the following key lessons:

1. Flexible budgets/ing promotes responsiveness by enabling changes to be readily accommodated;
2. Divergent capacity/resources across PICs impacts the consistency of results;
3. Face-to-face support generally delivers greater benefits to PICs;
4. Provision of direction and decision-making by the region's judicial leaders was critical;
5. Strengthening local project management capacity is critical to self-sufficiency over time.

2.6 Rationale for New Zealand involvement

The PJSI is aligned with MFAT's mission of supporting sustainable development in developing countries in order to reduce poverty and contribute to a more secure, equitable and prosperous world through: effective, innovative aid; sustainable economic development; working in partnership; reducing disaster risk; safe and secure communities and human development. The PJSI will leverage New Zealand's comparative advantage by:

- Utilising the skills and technical expertise of the New Zealand Judiciary⁷ and the New Zealand Institute for Judicial Studies, New Zealand Ministry of Justice and the New Zealand Law Commission, in addition to exploring potential linkages with other relevant New Zealand agencies/partners.
- Building on the existing good working and peer-to-peer relationships between New Zealand and Pacific Judiciaries (for example supply of books and other judicial support material which often occurs informally).
- Working collaboratively with and utilising the skills and expertise of the NZ Police (particularly in relation to domestic violence through the Pacific Prevention of Domestic Violence Programme).
- Exploring possibilities to work collaboratively with the New Zealand Crown Law Office in relation to the Pacific Island Law Officers Network (PILON) Litigation Skills Training programme.

⁷ The FCA has established a Judicial Liaison Committee with the New Zealand judiciary to ensure the effective engagement of the New Zealand judiciary (including utilising New Zealand judicial technical expertise for delivery of services) in the PJSI.

3. Output Structure and Activity Description

3.1 Output Structure

This section provides the overarching output structure within which specific activities will be organised and implemented. As discussed, the proposed design for PJSI will address the needs assessment in an overarching structure of two (2) **components** that will deliver the high-level outcomes specified in the ACN relating to leadership and service respectively. This ADD organises eleven (11) **outputs** to address the five thematic priorities identified in the needs assessment, being: judicial leadership, access to justice, professionalisation, substantive justice and procedural justice. Within this structure, PJSI will deliver the full suite of (up to 128) **activities** that are detailed below. For the purposes of this ADD, an 'output' describes a class of 'activities', or development interventions, that address a specific thematic priority. This structure will operationalise PJSI's theory of change, outlined above, to traverse the spectrum of development logic from 'inputs' to 'outputs' to 'outcomes' to 'results' in order to plan, manage and monitor the implementation and attainment of PJSI's stated goal, being, *building fairer societies* across the Pacific.

3.2 Activity Description

Within the above output structure, this section describes the proposed activities to be implemented over PJSI's 60-month implementation phase; details of the proposed end-states and outcomes for all activities are provided later in this document. More specifically, this ADD outlines and describes eleven projects - and their respective activities. As discussed further in Section 4.4 a rolling -24-month annual planning process will be undertaken. This iterative process will ensure a responsive and flexible design that is knowledge-driven through formative (ongoing) M&E. In doing so, this section identifies what will happen in order to transport the status quo from the situation/needs assessment at the start of this phase to the results that will be delivered by the end. It explains how the 'gap' will be crossed from where stakeholders are to where they will be.

An indicative activities summary is found below. It is important to note that the total number of activities (128: 36 regional; 65 local; and 27 remote)⁸ and their distribution across the individual outputs.

COMPONENT ONE LEADERSHIP JUDICIAL LEADERSHIP (67 activities)	COMPONENT TWO PERFORMANCE			
	ACCESS TO JUSTICE (5 activities)	PROFESSIONALISATION (18 activities)	SUBSTANTIVE JUSTICE (13 activities)	PROCEDURAL JUSTICE (25 activities)
Regional Leadership - Regional: 16 - Local: 0 - Remote: 2	Access to Justice - Regional: 1 - Local: 4 - Remote: 0	Professional Development - Regional: 4 - Local: 4 - Remote: 0	Human Rights - Regional: 2 - Local: 4 - Remote: 0	Efficiency - Regional: 0 - Local: 5 - Remote: 0
National Leadership - Regional: 1 - Local: 8 - Remote: 5		Localising Professional Capacity Building - Regional: 3 - Local: 0 - Remote: 5	Gender & Family Violence - Regional: 2 - Local: 5 - Remote: 0	Accountability - Regional: 5 - Local: 5 - Remote: 15
Leadership Incentive Fund - Regional: 0 - Local: 35 - Remote: 0		Institutionalising Professional Development - Regional: 2 - Local: 0 - Remote: 0		

⁸ Note: the activity numbers shown here and in later in this design include thematically-linked activities which are costed once only for budgetary purposes.

PJSI will adopt a two-step capacity-building strategy that will transfer, build, devolve and localise capacity. This strategy will tighten the programmatic focus to address regionally prioritised needs and, at the same time, devolve both capacity and responsibility to implement activities to local actors. Once stakeholders have endorsed the priority of needs to be addressed in this ADD, the FCA will link capacity-building activities at the regional and local level as follows:

- At the *regional* level, the FCA will first supply technical assistance to design and deliver activities - such as, for example, a *substantive Training-of-Trainers* (ToT) linked to one or more of the priority needs such as gender violence, human rights, orientation, decision-making, court craft and so on - for members of the regional and national training teams (RTT and NTT).
- At the *local* level, the FCA will then support those members of the RTT and/or NTT to design, adapt, localise and deliver activities in designated PICs. This local-level support may then be provided under one of the activities designed to specifically address the priority need area.
- Additionally, the FCA will deliver this assistance at the regional and local levels both in-country and remotely using a range of information communication technologies (ICT) and 'blended learning' applications to address stakeholders' capacity-building needs most cost effectively.

The timing of all the activities below will be discussed and agreed with the region's judicial leaders at the Stakeholders' Workshop in February 2016.

3.2.1 Judicial Leadership: 3 Outputs (17 Regional Activities; 43 Local Activities; and 7 Remote Activities = *Total: 67 Activities*)

- *Thematic purpose* - Build institutional capacity, systems, processes and tools at the regional level for stakeholders to proactively manage judicial development at the local level.
- *Results Framework thematic-level short-term outcome:* Improved capacity of judicial leadership to assess needs, plan, own and lead judicial development locally.

Output 1 - Regional Leadership
Aim: Support the region's judicial leaders ⁹ to reach their full leadership and change management potential.
Purpose: Strengthen strategic regional capacity and tools enabling competent oversight of local judicial development.
Outputs: <ol style="list-style-type: none"> 1. Workshops conducted and judicial leaders trained in contemporary leadership and change management strategies. 2. Judicial leaders proactively applying leadership/change management strategies to effectively deliver on local judicial development objectives within Annual Plans. 3. Policy agreed for coherent and consistent management of National Leadership Output and the Leadership Incentive Fund (LIF). 4. Workshop participants agree to expand the Cook Island Indicators (CII) to include other elements as contained in the International Framework for Court Excellence (IFCE). 5. Linkages/twinning arrangements established between Pacific, New Zealand and Australian courts.
Activities: Regional workshops hosted by various PICs, complemented by follow-up remote support: <ul style="list-style-type: none"> • Up to 2 x three-day <i>Regional Leadership Fora</i> hosted by various PICs / year (up to 14 participants [1 per PIC] + up to 4 resource persons). At least one / year of these will be a Chief Justices' Leadership Forum.

⁹ 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.

<ul style="list-style-type: none"> Up to 8 x two-day <i>Initiative Executive Committee</i>¹⁰ (IEC) Meetings over 5 years (up to 5 Pacific members, 2 MFAT representatives, + up to 3 resource persons), plus 2 x Remote IEC Meetings (one in year 4 and one in year 5) being held via teleconference. <i>Note:</i> 1 x IEC would be linked with the annual CJs Leadership fora. Follow-up remote support to PICs.
Output 2 - National Leadership
Aim: Support national judicial leaders ¹¹ to achieve judicial development objectives locally.
Purpose: Strengthen national capacity enabling competent management of local judicial development activities.
Outputs: <ol style="list-style-type: none"> Regional / sub-regional / national workshops conducted and judicial leaders trained to manage local judicial development projects and the process to manage the LIF (see 3 below). National Judicial Development Annual Plans drafted. Project Management Toolkit implemented locally in PICs successful in securing larger-scale LIF. Resources added to Project Management Toolkit, piloted and used to monitor and evaluate progress of LIF and/or Annual Development Plans. Court User Perception Survey completed in all PICs.
Activities: The 2-step regional → local capacity building modality will be complimented by remote support as follows: <ul style="list-style-type: none"> 1 x five-day <i>Regional Project Management and Evaluation Workshop</i> (up to 14 participants [1 per PIC] + up to 3 resource persons). Up to 8 x two-week local <i>Project Management and Planning visits</i> to PICs successful in securing larger-scale LIF. 5 x 3-week inputs to facilitate remote support activities throughout the Initiative. Remote follow-up support to participants.
Output 3 - Leadership Incentive Fund¹²
Aim: To enable the achievement of national judicial development objectives not otherwise supported by PJSI.
Purpose: Strengthen local capacity to manage development activities including funds.
Outputs: <ol style="list-style-type: none"> Governing and operating mechanisms and policies developed and agreed. Funds dispersed for qualifying applications that conform to criteria.¹³ Local activities implemented.
Activities: up to 35 (25 x small grants and 10 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

¹⁰ Formerly known as the *Programme Executive Committee* under PJDP. See also Section 4.2 below for further details about the IEC.

¹¹ Leaders comprise those charged with local/national responsibility to achieve strategic and operational development goals.

¹² Funds will not be available for any capital or core-court costs including salary/infrastructure costs. The fund is designed to support sustainable activities promoting quality justice in PICs directly aligned with PJSIs overarching objectives. Guidelines for the LIF will be developed during the inception phase. The LIF will be premised on the PJSIs strategic objectives of enhancing local capacity to sustainably deliver on development objectives locally.

¹³ Criteria will include but will not be limited to: alignment with PJSI's goal; addresses priority themes; adopts the 2-step capacity-building modality.

activities. FCA management and administration to assess applications, review progress, reports and acquittals.

3.2.2 Access to Justice: x 1 Output (1 Regional; and 4 Local Activities = Total 5 Activates)

- *Thematic purpose - Improve the accessibility of court remedies, and enable needy right-holders to exercise their legal rights.*¹⁴
- *Results Framework thematic-level short-term outcome:* Marginalised and vulnerable groups better able to *access justice* in and through courts.

Output 4 - Access to Justice
Aim: To improve access to justice.
Purpose: To support legal empowerment through outreach and community legal education by the courts informing the public on the role of courts, the rule of law, and the exercise of legal rights.
Outputs: <ol style="list-style-type: none"> 1. Regional ToT workshop on access to justice supporting legal empowerment through outreach and community legal education. 2. Local workshop(s) on access to justice, community legal education and legal empowerment to develop local training curricula and outreach strategies. 3. Unrepresented Litigants Toolkit reviewed/extended and implemented in 4 additional PICs. 4. Linkages established with INGOs/CBOs active in legal empowerment and community legal education.
Activities: Technical assistance to: <ul style="list-style-type: none"> • 2-step regional → local capacity-building modality: 1 x Regional Substantive ToT workshop undertaken in coordination with <i>Activity 6</i>; followed by up to 4 x 2-week visits to PICs to localise and deliver access to justice activities locally. • Associated training of court officers and community members as part of the Substantive ToT. • Develop linkages to INGOs/CBOs and legal information to be refined and disseminated locally through the proposed in-PIC visits.

3.2.3 Professionalisation: 3 Outputs (9 Regional Activities; 4 Local Activities; and 5 Remote Activities = Total: 18 Activities)

- *Thematic purpose: Build professional competence, and institutional capacity, to administer justice that is accessible, fair, efficient and timely.*
- *Results Framework thematic-level short-term outcome:* Partner courts operate with a higher level of professionalism.

Output 5 - Professional Development
Aim: Judicial and court officers administer and deliver justice competently.
Purpose: Build the competence and professionalism of judicial court officers and key court actors in priority aspects of knowledge, judicial skills and ethical attitudes endorsed by stakeholders.

¹⁴ Needy right-holders will be identified in each PIC by reference to classes of rights and/or types/groups of persons currently unempowered and not confident to access justice. Initial baseline data provided by PICs during the Stakeholder Consultation Workshop on 23/4 February 2016 will be supplemented by in-country Court User Perception Surveys to be completed at the commencement of PJSIs implementation.

<p>Outputs:</p> <ol style="list-style-type: none"> 1. Five regional workshops and up to eight in-PIC visits conducted and participants trained in specific areas of core judicial competence. 2. Local trainers have the resources developed by PJSI and ability to deliver courses locally. 3. Local trainers deliver training and related capacity-building activities in up to eight PICs.
<p>Activities: Technical assistance to deliver a 2-step regional>local capacity-building modality:</p> <ul style="list-style-type: none"> • 1 x five-day <i>Regional Workshop</i> (up to 28 participants [2 per PIC] + up to 8 resource persons); followed by up to 4 x two-week visits to PICs to localise and deliver activities locally. • 3 x 3-day <i>Regional Training Workshops</i> (up to 14 participants + up to 4 resource persons). • Remote/in-country visits providing technical assistance through technical and remote support on areas of core judicial competence including, but not limited to orientation and decision-making.¹⁵
<p style="text-align: center;">Output 6 - Localising Professional Capacity Building</p>
<p>Aim: Consolidate the development of human capital across the region to deliver training locally.</p>
<p>Purpose: Replenish, extend and embed training expertise in judicial service across the region to build capacity in conducting both substantive (legal and procedural) training and ongoing training-of-trainers (ToT). Responsibility for conducting this training is devolved to local and regional trainers during the term of PJSI.</p>
<p>Outputs:</p> <ol style="list-style-type: none"> 1. Two regional substantive / capacity development ToT workshops designed and delivered and participants trained in project management skills; 2. One ToT workshop conducted and participants trained in the skills, knowledge and attitudes necessary to assess needs, design, deliver and assess training locally. 3. Remote mentorship and resource sharing with local trainers. 4. Training conducted locally in PICs.
<p>Activities: Technical assistance through in-person training and the development of remote mentoring to implement the Train-the-Trainer and Project Management toolkits. The former workshops will be scheduled when possible to occur immediately before substantive training to be delivered regionally or locally.</p> <ul style="list-style-type: none"> • Two x 5-day <i>Substantive / Capacity Development ToT Workshops</i> (up to 14 participants [1 per PIC] + up to 4 resource persons), coordinated with substantive inputs under other activities. • One 10-day <i>Regional Certificate-level Training-of-Trainers</i> workshop (up to 14 participants [1 per PIC] + up to 5 resource persons). • 5 x 3-week remote technical advice inputs to mentor and maximise devolution and resource sharing with local trainers.
<p style="text-align: center;">Output 7 - Institutionalising Professional Development</p>
<p>Aim: To enable cost-effective and sustainable in-region professionalisation of Pacific judicial/court officers.¹⁶</p>

¹⁵ The highest priorities articulated through analysis of the needs analysis data will be considered and finalised by stakeholders attending the 23/4 February Consultation Workshop to be finalised.

¹⁶ 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.

Purpose: This output serves the dual purpose of a) providing structured career development to judicial and court officers across the region; b) building the capacity of a judicial training institution in the Pacific.

Outputs:

a) Career Gateway: Based on existing pathways, an educational process and qualification for new entrants to the judicial service through a 'Certificate of Justice' is developed, agreed and operationalised within a Pacific-based training institution.¹⁷

1. A remote situation assessment of judicial service career development needs and opportunities, evaluation USP experience, and dialogues with prospective institutional providers completed.
2. An options paper prepared and presented to PJSI regional leaders for endorsement.
3. (If/once endorsed), institutional capacity-building and curricula development work plans developed and implemented. Pursuant to stakeholder acceptance and approval of the strategy, subsequent outputs comprise ensuring:
4. In-country and remote technical advice supplied by counterpart institutions in Australia and New Zealand to provide build institutional and organisational capacity.¹⁸
5. Curricula and courseware shared between training institutions, refined and settled for the Certificate of Justice.
6. Twinning arrangements/linkages are established with like entities in Australia and New Zealand to provide ongoing support and guidance to the institution.

b) Career Pathway

1. A scoped and fully costed strategy is submitted for consideration by Pacific judicial leaders (at a regional leadership workshop) and by New Zealand and Australian judicial training institutions.¹⁹
2. Institutional and organisational capacity is sufficiently robust to provide ongoing professional development courses to judicial and court officers from the Pacific region.
3. Curricula and courseware shared between training institutions, refined and settled for the Certificate of Justice.
4. Twinning/partner arrangements with counterparts in New Zealand / Australia are established for long-term support.

Activities:

1. *Career Gateway:* 1 x 11.5 weeks remote and in-PIC/region inputs with 3 x visits to PIC/region.
2. *Career Pathway:* 2 x 4-week remote and in-PIC/region inputs over 2 years with 1 x visit to PIC/region in each year.²⁰

3.2.4 Substantive Justice:²¹ 2 Outputs (4 Regional Activities; and 9 Local Activities = *Total: 13 Activities*)

¹⁷ Specification about the approach, methodology, potential partner institutions, accreditation, and value for money, sustainability, course/IP ownership, and lessons learned from other initiatives including the Justice of Law qualification will be traversed in detail in the scoping paper.

¹⁸ A strategy for this engagement and the twinning/partner arrangements under point 4 below will be developed during implementation. It may include a requirement that all advice and support is provided pro bono to the PJSI/PIC partner. courts. Out-of-pocket expenses associated with support/partnership will need to be discussed with providers to assess the extent to which it is considered that participating provider courts have the resources available to make such investments over time.

¹⁹ The scoping paper does not signal MFAT buy-in to any outputs that may be proposed in the paper.

²⁰ It is assumed that the institution receiving support under this activity will fund ongoing development support in years 3-5.

²¹ A definition of Substantive Justice is offered at footnote 5 above.

- *Thematic purpose: improve the substantive fairness - that is, the qualitative or ‘thick’ dimensions - of justice service delivery; specifically in relation to human rights law generally, and gender and family violence specifically.*
- *Results Framework thematic-level short-term outcome: Partner courts exhibit more responsive and just behaviour and treatment that is fair and reasonable.*

Output 8 - Human Rights
Aim: To enable PICs to deliver justice aligning with human rights norms across the region.
Purpose: To adapt and integrate the norms of international human rights law with local, customary values and practices in order for the courts to formulate local codes of human rights - possibly in the form of a contextualised ‘ <i>Know Your Rights</i> ’ Toolkit - for the use by court officers and members of the community in the courts to deliver improved substantive justice outcomes.
Outputs: <ol style="list-style-type: none"> 1. Regional leadership workshop on human rights conducted. 2. Judicial leaders endorse local adaptation of culturally appropriate local codes of human rights. 3. Interested PIC(s) pilot(s) the adaptation of a culturally-appropriate local code of human rights. 4. Local workshop(s) on human rights conducted to pilot local code. 5. Local code on human rights - possibly in the form of a ‘<i>Know Your Rights</i>’ Toolkit - formulated, specifically including disabilities, minorities and juvenile rights. 6. Linking with related activities, training of court officers and community members undertaken. 7. Links established with I/NGOS/CBOs active in human rights to develop and disseminate resources.
Inputs: Technical assistance to deliver: 2-step regional → local capacity-building modality: <ul style="list-style-type: none"> • 1 x Regional leadership workshop undertaken in coordination with <i>Activity 1</i>; • 1 x development of a regional resource / toolkit and 1 x testing of that resource; and • Up to 4 x 2-week visits to PICs to localise and deliver human rights / toolkit activities locally. • Associated training of court officers and actors as part of the leadership workshop. • Develop linkages to INGOs/CBOs and legal information to be refined and disseminated locally through the proposed in-PIC visits.
Output 9 - Gender & Family Violence ²²
Aim: To measurably improve the accessibility and responsiveness of court services to victims of GFV, and victims’ satisfaction with courts and justice outcomes according to law.
Purpose: Noting the severe and pandemic levels of GFV across the region as measured against global benchmarks, this output will address the need for courts to apply the rule of law, be more accessible and responsive in delivering improved substantive justice outcomes.
Outputs: <ol style="list-style-type: none"> 1. Judicial leaders from all PICs agree to proactively lead judicial attitudes towards ensuring appropriate legal treatment of victims of GFV aligning with codified norms. 2. Regional leadership and/or ToT workshop on GFV conducted. 3. Continued support to and/or utilisation of the Family Violence Toolkit developed during the PJDP provided. 4. A GFV Toolkit developed²³.

²² See Environmental and Social Impacts section below for further details of the social impacts the FCA anticipates PJSI will produce.

²³ The proposed new toolkit will focus on developing awareness, knowledge, skills, attitudes and tools for key court actors to become more accessible and responsive in enabling the rights of victims of GFV (as distinct from promoting the coordination of service providers, which is what the existing Toolkit does).

<ol style="list-style-type: none"> Local GFV nominated trainers are equipped with the tools (Toolkit) and ability to deliver GFV course locally. Local workshop(s) on GFV conducted All PICs collect gender-disaggregated data and work towards collection of GFV data. PICs already active in addressing GFV issues provided with nuanced support. Linkages established with NGOs/CBOs established to: empower vulnerable groups and victims, and increase awareness about the criminality of GFV.
<p>Inputs: Technical assistance to deliver: 2-step regional → local capacity-building modality:</p> <ul style="list-style-type: none"> 1 x Regional leadership workshop undertaken in coordination with <i>Activity 1</i> to craft approach to region's judicial leaders to garner commitment for proactivity in the area of GFV; 1 x development of a regional GFV resource / toolkit and 1 x testing of that GFV resource; and Up to 5 x 2-week visits to PICs to localise and deliver GFV / toolkit activities locally. Provide follow-up remote mentoring to local trainers.

3.2.5 Procedural Justice²⁴: 2 Outputs (5 Regional Activities; 5 Local Activities; and 15 Remote Activities = *Total: 25 Activities*)

- Thematic purpose:* improve the efficient and timely delivery of justice services.
- Results Framework thematic-level short-term outcome:* Cases are disposed of more efficiently.

Output 10 - Efficiency
Aim: To promote efficiency in the delivery of justice.
Purpose: To provide and assist PICs to implement management, administer active and technological tools and mechanisms that will improve efficiency in the disposal of cases.
<p>Outputs:</p> <ol style="list-style-type: none"> Efficiency Toolkit developed and implemented in PICs. Delay and Backlog Reduction Toolkit and/or the Time Standards Toolkit implemented in PICs. Local technical assistance provided in up to 5 PICs. Local Judicial Administration Improvement Plans developed and implemented in up to 5 PICs.
<p>Input: Technical assistance to deliver:</p> <ul style="list-style-type: none"> 5 x 2-week visits to PICs to localise and deliver toolkit activities locally.
Output 11 - Accountability
Aim: To improve public trust and confidence in Pacific courts.
Purpose: To improve transparency by internally monitoring and evaluating court performance, collecting and externally publishing annual court performance knowledge.
<p>Outputs:</p> <ol style="list-style-type: none"> All PICs produce annual reports containing court performance information against the Cook Island Indicators (CII) and later, elements of the Framework for Court Excellence (IFCE). PICs have the tools and capacity to collect gender and GFV-disaggregated data. PICs agree to measure court performance against the IFCE and conduct a self-assessment against its indicators. Robust monitoring and evaluation methodologies and tools are developed with PICs.

²⁴ See definition of Procedural Justice at footnote 5 above.

5. Court User Perception Surveys are completed periodically by PICs.

Inputs:

- 5 x 3-week remote technical advice inputs related to ongoing collection, analysis and publication of court performance data.
- 5 x 3-week resource inputs from data management resource to remotely support PIC data collection, collation, analysis and reporting.
- 5 x 3-week resource inputs to link with and take advantage of relevant progress made by National Leadership and GFV Project technical advisors to expand CII, survey court user perceptions and collect GFV-disaggregated data respectively.
- Technical monitoring and evaluation assistance including up to 10 regional / PIC visits and remote inputs to support, develop, implement, and report on progress assess outcomes.

3.3 Form(s) of aid proposed

See the Activity descriptions above for details about how the aid will be delivered.

3.4 Estimated programme budget and timing

This ADD has been developed further to the agreed Scope of Services between MFAT and the Federal Court of Australia (commencing on 27 November, 2015). The 'key deliverable' of this contract for services is to produce an ADD, with the potential for a 'second stage' to implement the final PJSI ADD. Implementation will *subject to* MFAT's Appraisal Committee sign-off on a final ADD, and MFAT's approval to develop a contract variation for some or all of the Implementation Stage. It is on the basis of these procurement arrangements that this ADD budget has been developed. The total available budget for PJSI is AUD 8,232,500 over 5 years,²⁵ and the allocations made in the indicative budget in this ADD for the 5 year implementation period amount to this figure. Further to MFAT's direction, no over-allocation has been made.

Notwithstanding, the proposed rolling 24-month annual planning process (further discussed in Section 4.4) will necessitate iterative refinements to the budget to respond to emerging partner court priorities and needs. This will also provide a mechanism to ensure that total expenditure over 5 years does not exceed the approved budget. Additionally, per unit costs for implementing different activity-types have been submitted to MFAT for approval to support the streamlining of the contracting process and any necessary future refinements.

In summary, the ADD budget is broken down as follows:

- Component → Judicial Leadership = AUD 3,468,120 (48%); & Performance = AUD 3,815,578 (52%)
- Contingency → AUD 134,310 (or 1.63% of the indicative ADD budget) is for 'unallocated' amounts to be utilised at the FCA's discretion to support the implementation of approved activities.
- Managerial costs → these total AUD 823,511, or 10.0% of the indicative budget.

A detailed summary of the budget has been submitted separately to, and approved by, MFAT.

²⁵ This budget amount was defined by MFAT in its feedback on the 1st Draft ADD, dated 29 February, 2016.

4. Implementation Arrangements

This section consolidates analysis of the hierarchy of priority needs identified by stakeholders. It explains the paradigm shift to be made by PJSI in ‘framing the problem’ and how it will address these needs, which is embodied in the architecture of components and implementation strategies, the design of activities, and the framework for monitoring and evaluating results. See section 3.5 of Appendix A.

4.1 Strategic Approaches

There are a number of strategic approaches underpinning this design and its implementation. Each strategy will be developed and monitored in concert with key stakeholders.

4.1.1 Local Ownership: Our approach to settling this design and subsequent implementation of the PJSI will continue to be characterised by *inclusion*, *participation* and *responsiveness*. The aim is to ensure that key stakeholders engage with and own the design, but also that it translates into proactive leadership and concerted effort to implement the changes PJSI offers. Inherently this requires flexibility in planning to enable the PJSI to be responsive, and in doing so, maintain its relevance.

4.1.2 Change Management & Capacity-Building: Consistent with adopting a justice-centred approach, PJSI will place its focus on making a difference both at the human and organisational levels. To do this, PJSI will differentiate two key concepts in its approach, relating to capability and capacity. ‘Capability’ describes the *actual* and demonstrable ability to do something - which, at least in the Pacific region is characterised by the scarcity of human capital, and is more of a human-centred concept; ‘capacity’ describes a *potential* or size to do something - which is more readily an organisational concept.

Training will deliver significant improvements but will *not* be a development end-goal in itself. It is a process that is instrumental to delivering both substantive and procedural outcomes that will drive or contribute with other strategies to measure results in terms of improvements to human wellbeing (however defined). At the functional level, training will promote the professionalisation of the courts by developing judicial competence at all levels. The overarching rationale for all change management strategies is to *localise capacity and responsibility* for ongoing development; *devolve* responsibility to local actors and recast our role as catalysts of change; and to *promote self-sufficiency, autonomy and sustainability*.

4.1.3 Incentives and Conditionality: Change strategies extend to a variety of other organisational capacity building, structural, policy, governance and behavioural change approaches across the political economy spectrum. Significantly, these will include more active use of *incentives* (to motivate or reward) and *conditionality* (to require) change. For example, using proven judicial incentive mechanisms from other regions to grant ‘Chief Justices’ Awards for Best Practice’ and ‘Best Improvement’ will provide non-pecuniary reward not only the strongest but also the most energised for improvements, using peer-based competition, recognition and esteem-raising. This will ensure that the smaller courts, which may have the most acute needs, are encouraged and included.

This will also include the **Leadership Incentive Fund** which provides PICs with an opportunity to self-manage activities addressing local priorities. The locally managed fund will be operationalised comprising conditions and incentives (e.g. non-pecuniary best practice / achievement awards / acknowledgements) and governing policies including robust oversight / management processes ensuring transparency, accountability and quality assurance. All funding will require the production of discernible and reported outcomes and will be supported administratively by the FCA. The Fund will have 2 streams:

- 5 x small grants up to AUD10,000 / year. Applications may be made by partner courts relating to any priority need-area aligning with PJSIs goal; and
- 2 x large grants up to AUD35,000 / year.²⁶

²⁶ Note: this may comprise several smaller or sub-activities.

Applications will relate to a limited number of pre-defined thematic areas,²⁷ and will require a more robust application process to justify expenditure and demonstrate tangible outcomes. Each approved application will be supported by targeted project management capacity development support provided via the *National Leadership Output* (discussed above).

4.2 Management and governance arrangements and structure

The PJSI will be governed by the **Initiative Executive Committee** (IEC) which currently comprises a nominated Chief Justice from each of the three Pacific sub-regions, a representative each of the lay judiciary and court officers and a representative from MFAT. The Committee will meet periodically to hear reports of the PJSIs progress and provide strategic direction to the FCA.

The PJSI will be **directed and managed by the PJSI Technical Director Dr Livingston Armytage and Team Leader Mr Lorenz Metzner. The PJSI Technical Director is responsible for providing** overarching strategy, direction and guidance in the design and technical implementation of the PJSI, quality assurance and high-level stakeholder engagement. A key component of the role is to provide inputs from a legal perspective in relation to the education of judicial and court officers and strengthening of judicial and court institutions and systems and processes. The **Team Leader will be responsible for** managing all aspects of the implementation of PJSI.

In concert with Chief Justice Elias, the FCA established a **Judicial Liaison Committee** (JLC) comprising judicial and non-judicial representatives each from the Federal Court and the New Zealand judiciary. The JLC will foster partnership between the Federal Court and the New Zealand judiciary enabling appropriate levels of involvement in the PJSI by both judiciaries. Giving effect to the JLC and overarching partnership; there will be regular liaison/briefings by a PJSI representative to the JLC along with quarterly virtual conferencing between JLC, or attendance at regional PJSI events; and attendance of JLC at PJSI leadership meetings. Physical attendance at any activities will however only be proposed where individual/s will also provide strategic guidance and support to PIC representatives. In terms of participation in the implementation of the PJSI activities: the JLC were invited to attend the Stakeholder Consultation Workshop, 23-24 February 2016, held in Auckland; a ledger of New Zealand and Australian judicial and non-judicial officers interested in providing expertise to PJSI activities is being created; and terms of reference for all PJSI activities requiring expert input will be shared with the JLC and distributed to all New Zealand and Australian courts.

When the Final ADD has been approved, the FCA will foster **linkages with other relevant projects** by contacting the donors and/or managers of all relevant projects and institutions working in support of courts with respect to the thematic substance the PJSI focuses on. The FCA will share the parameters of the design, discuss areas of complementarity between activities and assess the extent to which collaboration might be useful, practical and cost-effective in progressing towards PJSIs outcomes. A plan of engagement will then be devised and followed to maximise PJSIs utility and opportunity to leverage funds and inputs from other projects and institutions for the benefit of partner courts. The projects PJSI will primarily interact with are listed in the Needs Assessment Report.

With respect to MFAT's Pacific Prevention of Domestic Violence Programme and DFAT's Pacific Women Shaping Pacific Development and Regional Rights Resource Team, the FCA will focus on leveraging their networks among court users and other actors in the justice sector to promote consistency in the treatment of gender and family violence and maximise cost effectiveness in implementing interventions. With respect to DFAT's Law & Justice Partnership in PNG, positive linkages will facilitate and add value to the investment made to PNG by DFAT enabling and maximising MFATs regional assistance role promoting the availability of sustainable professional development for the region's judicial/court officers. This is particularly relevant in terms of Project 7: Institutionalising Professional Development to ensure complementarity between DFAT and MFAT's respective contributions.

²⁷ Thematic areas may be limited to the local implementation of a toolkit and include relevant technical adviser inputs.

4.3 Consistency with New Zealand and other donor programmes and policy/strategy

The FCA will collaborate with all relevant MFAT-funded programs to ensure complementarity and maximise synergies in order to extend collective benefit to partner courts and their communities. While PJSI is the only source of specifically judiciary-focused support in a number of jurisdictions, it is not the only intervention working in support of Pacific courts and/or justice sectors. Therefore, PJSI will leverage support from key institutions and ongoing projects, including Australia's DFAT, PacLII, UNDP and EuropeAid.

4.4 Implementation plan

The FCA recommends a rolling annual planning mechanism scheduled to align with MFAT's financial cycle. In doing so, progress towards PJSI's goal and consultation with stakeholders can occur progressively to ensure that the PJSI remains as relevant and targeted as possible. At the outset this comprised of consultation with stakeholders (Stakeholder Consultation Workshop 23-4/2) and focused on revising the annual plan and committing specific budget allocations for the upcoming *12-month* period, and simultaneously scoping and planning an indicative program of activities and budget for the upcoming 13-24 month period. Adopting this approach through the life of the PJSI will enable planning to be prospective, sequenced, clearly forecast while simultaneously flexible and responsive.

Mobilisation (Inception) Period: The FCA requires a 3-month Mobilisation (Inception) Period commencing immediately following execution of the implementation contract between MFAT and the FCA. A summary of key mobilisation activities is found in Appendix E.

Initial 24-month Implementation Period: A detailed Gantt chart is found at Appendix E, and the detailed costings provided to MFAT have been based on this proposed resourcing. In total approximately 45% of the total activities will be commenced and / or completed in the first 2 years of implementation. This 'front-loading' of activities is intentional so that momentum can be re-gained as quickly as possible following mobilisation, and also maximise the potential to embed any change resulting from the PJSI's activities.

In summary, here follows an indicative list of key deliverables, some of which may start during the inception period:

- 3 x Leadership Workshops (two of which will be Chief Justices' Leadership Fora); and 3 x Initiative Executive Committee Meetings.
- 1 x Regional Project Management and M&E Workshop; up to 4 x project management and planning in-PIC visits linked to larger LIF grant applications; and commencement of ongoing facilitation of remote delivery.
- Up to 10 x small LIF grant activities; and up to 4 x larger LIF grant activities.
- 1 x adviser-supported local training visit 1 under the Access to Justice Output
- 1 x Regional Orientation Workshop; up to 3 x adviser-supported local orientation training visits.
- 1 x Regional Certification-level ToT Workshop; 1 x regional Substantive ToT Workshop; and commencement of ongoing remote adviser technical support to RTT, etc.
- 1 x *Career Gateway* project; and 2 x technical assistance visits under the *Career Pathways* project.
- 1 x Development and testing of regional human rights resource; and up to 2 x adviser-supported local human rights in-PIC training visits.
- 1 x Development and testing of regional resource; and up to 3 x adviser-supported local GFV in-PIC training visits.
- Up to 2 x adviser-supported local training visit under the Efficiency Output.
- Commencement of ongoing remote adviser technical support for: collection, analysis and publication of court performance data; data management resource to remotely support PIC data collection, collation, analysis and reporting; technical advisors to expand CII, survey court user perceptions and collect GFV-disaggregated data respectively.

- Commencement of ongoing Monitoring & Evaluation Technical Assistance.

4.5 Results Measurement & Monitoring and Evaluation

PJSI will deliver measurable improvements in the substantive and procedural quality of justice across the region; which aims to bolster public trust and confidence in partner courts. This will be achieved by delivering a suite of activities that specifically address the needs and status quo in each partner court. Each activity will be monitored and periodically, the progress made by each partner court will be evaluated to assess the extent to which the PJSIs goal is being contributed to. To measure this, the FCA proposes a simple Results Framework (see Appendix F) which is aligned with the *theory of change* to provide a clear line of sight from inputs, outputs, outcomes/targets to results and impacts.

4.5.1 Settling the Framework

Based on MFAT advice, the Framework is a 'living document' which anticipates periodic review following the first quarter and 24 months of implementation. The purpose of which is to ensure:

- Stakeholders contribute to continuing to clarify the nature, scope and trajectory of the PJSI;
- Indicators and targets are appropriately, but not unrealistically attainable; and
- Inputs/outputs/outcomes are measurable and appropriately timed.

4.5.2 Clustering

For the purpose of defining appropriate and feasible targets among the region's divergent ensemble of participating countries, the FCA conducted a preliminary assessment of the development support provided to, and capacity available within each PIC. This initial assessment was *reviewed and refined or ratified during the stakeholder workshop* held in Auckland on 23-4 February, 2016. The criteria against which PICs were assessed is as follows:

- *Bilateral Support*: level of non-regional development assistance received by a court relative to other partner courts in the region.
- *Local Capacity*: locally available personnel resources, capacity, and local judicial / court development governance mechanisms.

	High Local Capacity	Medium Local Capacity	Low Local Capacity
High Bilateral Support		PNG, Solomon Islands, Vanuatu	
Medium Bilateral Support		Samoa, FSM, Marshall Islands, Palau, Cook Islands	
Low Bilateral Support		Kiribati, Tonga	Tokelau, Niue, Nauru, Tuvalu

While the indicators of success and targets remain the same for all categories, the latter are informed by the targets discussed during the stakeholder workshop in Auckland on 24-3 February 2016.

4.5.3 Outcomes

PJSI will focus on delivering measurable and sustainable results in *leadership and court performance* relating to improvements in the substantive and procedural quality of justice across the region; and thereby build public trust and respect in the courts. PJSI will aim to impact improvements to justice based on accepted norms that are rights-centred and measurable through the exercise of rights as framed in domestic law (inclusive of transposed international law) and delivered by customary or state actors. See 'Activities and Inputs' below for details of each long, medium and short-term outcome.

4.5.4 Progress Monitoring

Progress will be continually monitored to assess whether PJSI is doing what it set out to do in terms of; delivering defined outputs, to a high quality, on time, cost-effectively and that are appropriate to the prevailing needs and circumstances in each PIC. Progress will be reported periodically to MFAT and other stakeholders. Data to inform progress monitoring will be drawn from:

1. Available quantitative baseline data related to judicial leadership and court performance, including that gathered against the Cook Island Indicators;
2. Available qualitative data drawn from partner courts internal (judicial/court officers) and external (court actors/users) assessments including gender-disaggregated data about the number of people training/involved in each activity;
3. The MSCs own records; and
4. Advisory reports which will also include activity assessments which focus on the *reaction* and satisfaction of trainees and the *learning* gain in terms of increased capability.

4.5.5 Evaluation Model

According to Kirkpatrick²⁸; whose Training Evaluation Model developed in the mid-1950's has had widespread and endured popularity among judicial educators globally, there are four-levels of evaluation. These comprise; *reaction*, *learning*, *behavioural change* and *results*. The higher up the evaluation scale we endeavour to reach, the more in-depth and sophisticated the information and analysis required to evidence change becomes. PJSI will be evaluated according to this model, appropriately refined to account for all non-training, or, institutional strengthening activities it comprises. The four levels of evaluation PJSI will undertake are:

Level 1: Reaction: Assessing reactions to inputs of those who participated or were involved. Reaction assessments subjectively measure participants' satisfaction with the inputs. This data is readily collectable by way of post-activity questionnaires at the conclusion of an activity, then collated, ranked and analysed. Satisfaction ratings will test several elements including the quality of presenters and materials along with the applicability, relevance and comprehensibility of the content.

Level 2 - Learning: Assessing the knowledge, skills and attitudes²⁹ of participants and/or those involved in an activity. Learning assessments measures the 'learning gain' resulting from the activity and includes questioning the quality, relevance and comprehensiveness of the activity along with substantive questions about its technical content. The learning gain can be assessed from the difference between correct responses provided before and after the activity, and can be a collation of subjective input from participants/those involved and objective feedback from technical advisors.

Level 3 - Behaviour: Assessing the quality and degree to which there has been demonstrable behavioural change through the application of learned and the effect this has had on their performance. With reference to an index of intended behaviour change determined in concert with participants, actual change will be subjectively measured by both participants and technical advisors.

Level 4 - Results: Assessing changes in institutional performance against targeted outcomes as a result of behavioural changes. Combined; levels three and four evaluate PJSIs *impact* and provide knowledge according to its quality, utility and benefit.

4.6 Sustainability

PJSI's overarching purpose is to enable PICs to provide sustainable justice services and to address locally any ongoing judicial development needs. The PJSI will contribute to these objectives by pursuing a range of strategies including:

²⁸ Kirkpatrick DL and Kirkpatrick JD, 2009, *Evaluating Training Programs*, Berrett-Koehler Publishers; www.bkconnection.com. **Note:** The FCA will refine Kirkpatrick's model enabling it to be applied with equal relevance to non-training activities.

²⁹ Including motivation, values, confidence and commitment.

- **Localisation** - PJSI will continue to build local capacity of partner courts to locally manage ongoing development activities by continuing to increase and strengthen the cadre of local and regional trainers and building technical competence to implement/deliver on existing tools/toolkits.
- **Devolution** - the FCA will reposition its role from being the key change agent to a catalyst of change by providing new incentives for partner courts to resume responsibility, (re)-positioning those responsibilities with local actors.
- **Regionalisation** - PJSI will maximise the 'smart' application of regional resources, like toolkits, to innovate and evolve improved approaches to supporting judicial development to PICs by capturing and sharing local experience for the benefit of the region.
- **Blended support modalities** - to offer remote support which complements in-person support.
- **Institutional partnerships** - fostering linkages between PICs, New Zealand, and Australian courts.

PJSI will adopt a more nuanced approach to structuring the nature and scope of support provided to PICs. *Judicial leadership* describes the necessary process that drives and is thereby linked to court *performance*. Leadership rests on human capability (a measure of ability) and performance on organisation capacity (in part, a measure of size), which contribute to self-reliance, and affect sustainability. These qualities are variable from PIC to PIC. For this reason, PJSI will calibrate its approach to PICs to address their respective needs and capacities. PJSI will no longer adopt a '1-size fits all' regional development approach. The proposed approach aims to: provide partner courts with an objective process to self-assess. This was completed during the *Stakeholder Consultation Workshop*; and substantiates assessments conducted by the FCA based on quantitative and qualitative data received as part of the needs assessment process; maximising the relevance of PJSI support to partner courts; providing opportunities and incentives to increase self-reliance among partner courts to direct ongoing development locally / regionally; and ensuring the appropriate allocation of PJSI resources among partner courts according to capacity and need.

Indicative criteria to be used to assess the status quo within each PIC includes: *Human Capability*: breadth and depth of the 'human quotient' within a partner court, namely; extent of operational and financial independence, succession capabilities, number of key positions occupied by skilled personnel; *Professionalism*: number of people with legal education and at which level; *Existence of institutionalised court development frameworks*; *Capacity to Drive and Manage Locally*: assessment of partner courts' 'proactivity' and project management capacity; *Equity / Fairness*: Levels of support/funding available either from jurisdiction's own government or other donor initiatives; and *Sustainability*: potential autonomy and self-reliance once donor support ends.

While sustainably maximising devolution and localisation of ongoing development to local actors, sustainable development will require enduring institutional partnerships between PIC and New Zealand/Australian courts that should not necessarily assume a complete exit strategy. This is informed by our experience which dictates that the capacity of PIC courts to deliver justice services that are accessible, responsive, fair and efficient - remains qualified. Capacity to lead and manage ongoing development locally varies considerably across the region in terms of available resources; particularly human capital and experience. The PJSIs differentiated approach to change management and sustainability will calibrate a **transition and exit strategy** for the needs of the PICs dependant on the results of stakeholders' capacity assessment. This will be reviewed, and in light of progress made in the first year, a transition and exit strategy will be provided to MFAT 12 months following commencement of implementation.

4.7 Procurement arrangements

Should further technical expertise be required to compliment the MSCs core team and nominated advisors, relevant expertise will be preferenced from within the Pacific, New Zealand and Australian judiciaries, and where possible; on a pro bono basis. Recruitment will be undertaken in line with applicable Australian and New Zealand government procurement guidelines. Selection criteria will be developed for each role by the MSCs core management team and weighted towards: a) expertise located within the Pacific; b) expertise from New Zealand and Australia; and c) fee-rate.

4.8 Overarching policy issues including gender, human rights and environment

In assuring consistency with strategies on addressing cross-cutting issue, PJSI integrates gender equality and human rights respectively by:

1. Identifying rights-holders vulnerable to social, economic and cultural exclusion and discrimination (including youth) to receive specific focus in terms of improving knowledge of their rights, how to physically and procedurally access courts and its attendant processes.
2. Including human rights and gender analysis in the context/problem analysis along with specific interventions and related objectives while improving treatment of related issues by PIC courts.
3. Designing activities to promote and ensure equitable participation, access and inclusion of vulnerable, marginalised groups including women, in terms of specific substantive treatment of gender / human rights issues and more generally across all interventions.
4. Building capacity across the region to collect and report on gender-disaggregated court performance and gender violence data while specifically tracking gender outcomes in the Results Framework.
5. Leveraging other related projects to maximise gender-related outcomes for PJSI and utilising the best, contemporary expertise on all related/inclusive activities.

4.9 Critical risks and management strategies

The risks identified in the ACN are considered current. The FCA will continuously monitor and review risks during implementation. At present, the following top four risks are most likely to occur with the most significant impact on the PJSI:³⁰

Risk	Impact	Mitigation Strategy
Devolution of technical and managerial responsibility may not align with counterparts' expectations.	Responsibility for continuing development cannot be transferred consistently to all PICs within the next 5 years.	Support to PICs will be tailored according to what each requires to achieve measurable improvements.
Within the short timeframes proscribed for the needs assessment, PICs cannot provide meaningful input.	The design does not reflect all PICs priority needs, PICs will not be engaged or committed to its delivery.	Iterative assessment of needs & refinement of activities based on close engagement with PICs during PJSIs life.
Insufficient capacity / resources & commitment in PICs to assume responsibility for their own development.	Dependency on donor and external technical/managerial support will continue.	Continual focus on relationship building, engagement, capacity & commitment to sustain momentum.
Diversity of needs identified in the needs assessment resulting in PJSI resources being stretched too thinly.	PJSI activities lack the strategic focus of a regional initiative with limited change resulting at the partner court-level.	Prioritising needs within PJSIs strategic framework will ensure that activities are appropriately resourced.
Resources spread too thinly across to many outputs.	Meaningful results across all projects are jeopardised.	24-month rolling planning process will review PJSIs results to ensure an adequately tight scope/breadth is maintained.

4.10 Environmental and social impacts

According to our assessment of Environmental and Social Impacts Guideline, Updated December 2015; Appendix A: Activity Classification Framework for Environmental and Social Impacts³¹ - the PJSI would be classed as a 'Category C' activity.

In terms of the social impacts the FCA anticipates the PJSI will generate, on the:

•

³⁰ See **Appendix B** for a comprehensive risk assessment.

³¹ Accessed 28 January, 2016;

https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiyhYvt_c3KAhWhHaYKHwi1DmkQFgghMAA&url=https%3A%2F%2Fwww.mfat.govt.nz%2Fassets%2F_securedfiles%2FAid-Prog-docs%2FTools-and-guides%2FEnvironment-Guideline.pdf&usg=AFQjCNHs6VIIYdqyHusYEQ_NMjYAX0h4oQ

- Supply side: Court actors will be more accessible and responsive to enabling rights and the rights of victims of FGV
- Demand side: Victims of FGV will be more empowered (i.e. understand and confidently) exercise their rights to physical and sexual security.

5. Appendices

- Appendix A: Needs Assessment & Indicative Design Concept
- Appendix B: Risk Matrix
- Appendix C: Detailed Outputs-Based Budget / Cost Estimates (including costing methodology)
- Appendix D: Detailed Description of Programme activities (if appropriate)
- Appendix E: Programme Management & Implementation Arrangements - Organisation Chart and other details as appropriate including Roles / Responsibilities of Parties/Stakeholders, and Gantt Chart
- Appendix F: Results Framework (Results Diagram, Results Measurement Table, Monitoring and Evaluation Work plan)

Appendix A: Needs Assessment & Indicative Design Concept

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Qualification

In the time and opportunity available, MFAT has agreed that the FCA provide a report that includes the needs assessment report (part A), and an 'indicative design concept which is sufficient for MFAT to see what it's buying' (part B). As envisaged by this agreement, aspects of this design remain to be fully detailed.

List of Abbreviations

A2J	-	Access to Justice
ACN	-	Activity Concept Note
ADD	-	Activity Design Document
ADR	-	Alternative Dispute Resolution
CEDAW	-	UN Convention on the Elimination of all Forms of Discrimination Against Women
CRoC	-	UN Convention on the Rights of the Child
CRPD	-	UN Convention on the Rights of Persons with Disabilities
FSM	-	Federated States of Micronesia
HDI	-	Human Development Index
ICCPR	-	International Covenant on Civil and Political Rights
ICT	-	Information Communication Technology
IFCE	-	International Framework for Court Excellence
IT	-	Information Technology
JLC	-	Judicial Liaison Committee
JPs	-	Justices of the Peace
KSA	-	Knowledge, Skills and Attitudes
MFAT	-	Ministry of Foreign Affairs and Trade
FCA	-	Federal Court of Australia
NZ	-	New Zealand
NZAP	-	New Zealand Aid Programme
OECD-DAC	-	Organization for Economic Cooperation and Development - Development Assistance Committee
PacLii	-	Pacific Legal Information Institute
PICs	-	Pacific Islands Countries
PJDP	-	Pacific Judicial Development Programme
PJEP	-	Pacific Judicial Education Programme
PJSI	-	Pacific Judicial Strengthening Initiative
PNG	-	Papua New Guinea
RMI	-	Republic of Marshall Islands
RTT	-	Regional Training Team
RTT-LTT	-	Regional Training Team - Local Training Team
UN	-	United Nations
US or USA	-	United States of America
WGI	-	World Governance Indicators

Executive Summary

The purpose of this document is two-fold to (a) present the findings of the Pacific Judicial Strengthening Initiative's (PJSI) needs assessment process, and (b) provide an indicative design concept as a prelude to completing the Activity Design Document (ADD).

Part A outlines the methodology and findings of the needs assessment, and Appendixes provide a sampling of data for reference. The assessment methodology gathers and triangulates a substantial body of data from stakeholders inside and outside the courts, together with analysis from experiential and evaluative sources. This data is then contextualised, using global data sets on development and the rule of law across the region.

Evidently, there are a plethora of needs: some of which are generic or regional and others are particular or local. These needs are manifold, varied and diverse, often competing and sometimes contradictory. A synthesis of these needs validates PJSI's outcomes as articulated in the ACN being **judicial leadership** - that judicial leaders are capable of leading and managing change; and court **performance** - that court services are accessible, responsive, fair and efficient. The data identifies an overarching need to professionalise the judicial branch, comprising judicial and court officers, lay actors such as magistrates, as well as key court actors on whom the courts depend notably prosecutors and advocates. This need includes building professional competence in terms of the knowledge, skills and attitudes to deliver justice. Major needs also relate to improving the access to, and delivery of, justice which confronts endemic barriers of distance, remoteness, cost, literacy and custom in many PICs. Additionally a range of managerial and operational needs exist that relate to the systems and processes to build the capacity of the courts to operate more efficiently, some of which have a technology or information and communication technologies aspect.

Part B provides the indicative design concept for PJSI to address these needs. From the outset, this indicative design presents a paradigm shift in development approach in the theory of change to focus on the organising theme of **justice**. At its essence, PJSI will frame both the needs and their solutions in terms of justice - rather than has previously been the case in PJEP and PJDP in terms of education, development or institutional capacity.

Subject to the endorsement of stakeholders, this design proposes that the goal of PJSI will be: **Building fairer societies**. PJSI will contribute to this goal by supporting partner courts to develop more accessible, just, efficient and responsive court services. PJSI will adopt a justice-centred approach that delivers measurable improvements to the quality of society and human wellbeing. To do so, PJSI will marshal its resources to deliver the two outcomes of leadership and performance that are framed by the ACN. In order to address identified needs, PJSI will support five thematic initiatives that relate to: *leadership; professionalisation; access to justice; substantive; and procedural justice*.

For purposes of sustainability planning, this design will no longer adopt a '1-size fits all' regional development approach. PJSI will nuance its approach to regional sustainability planning to target the spectrum of capacity development needs. Stakeholders will categorise partner courts as low, medium or high resource in terms of their human capability and organisation capacity needs to drive and manage change locally.

While still a work-in-progress, this design outlines indicative implementation strategies and activities. PJSI will extend a range of foundational PJDP activities - building on the success of toolkits, annual reports and other initiatives. It will also initiate a suite of new activities, invest in innovating remote delivery and 'blended learning', and adopt a more sophisticated political economy approach to change that integrates a broader range of change management modalities, incentives and conditionality in order to localise capacity and responsibility for ongoing development; devolve responsibility to local actors. Moreover, it proposes to support the institutionalisation of judicial development within the region by (a) supporting the development of human capital by introducing a career pathway into and through the judicial branch through a 'Certificate of Justice Studies'; and (b) building regional capacity to deliver judicial development through PNG's Centre of Judicial Excellence.

Finally, this design outlines an indicative monitoring and evaluation framework (MEF) that is framed to assess PJSI in terms of *Kirkpatrick's* hierarchy of reaction, learning, behavior and results.

1.0 Strategic Context and Analysis

The **Activity Concept Note (ACN)** frames the core problem, or need, to be addressed by PJSI, and hence this assessment, as being 'to build and consolidate court capacity to administer justice accessibly, fairly and efficiently for all citizens. Justice is fundamental to social stability, societal development and individual wellbeing. The courts are the key state agency for administering justice:

'... The [Pacific Island Countries] PICs are characterised by their physical smallness, geographical dispersion, cultural diversity, capacity limitations and institutional fragility - as recent events have underscored. Many if not most citizens live in remote communities, have limited knowledge of and access to the courts, and resolve their disputes using traditional mechanisms. Within this context, there is an overarching need for courts to develop means to reach more citizens, both by expanding direct access and building stronger links with customary justice.

Over the years, both PJEP and PJDP have addressed the goal of strengthening governance and rule of law in PICs by enhancing access to justice and supporting professional judicial officers who act independently according to legal principles. Both programmes have had some successes in building the professional capacity of judges and court officials and strengthen the institutional capacity of the courts. But the capacity of PIC courts to deliver justice services that are accessible, responsive, fair and efficient remains qualified - varying considerably across the region - and their capacity to lead and manage their ongoing development is both nascent and fragile.'

To address ongoing needs, the ACN differentiates the start of PJSI by specifying that it *'...will provide systemic support to courts as institutional partners to deliver improved justice outcomes to citizens. Additionally, PJSI will support devolving responsibility to lead, manage and implement the judicial development process to the local level.'* In doing so, the ACN predicates an evolving 'theory of change' for PJSI that has built on the notion that providing technical assistance to improve the competence of judicial and court officers will lead to better judicial performance and service delivery and, thereby, enhanced access to justice. This theory frames the judiciary as being the leaders of the justice system and of their own reform, and introduces a bifurcated 'development logic' to integrate: (a) continued engagement with and support to the courts as key *recipients* of PJSI funding; with (b) extending courts engagement with service users, non-users and potential users through legal empowerment and other means to improve their responsiveness to the ultimate *beneficiaries* of their services.

In effect, the ACN fundamentally refocuses the outcomes of capacity building to emphasise the relationship of the courts with their citizens, as measured by the day-to-day delivery of improved justice services that enhance human wellbeing.

Part A - Needs Assessment

2.0 Methodology & Findings - Hearing Many Voices

This needs assessment has listened to many voices across the region from both within the courts and from the communities that they serve. It has been informed by research, situation and gap analysis of country contexts and consultation with participating countries and key stakeholders. More specifically, this methodology has comprised triangulating 10 data sources, being:

- i. key informant interviews with the Chief Justices in each partner jurisdiction by telephone/skype using a standardised instrument together with open-ended questions for unforeseen issues relating to needs for support;
- ii. selected interviews of local and regional experts within the Pacific, Australia, New Zealand and potentially beyond;
- iii. surveys of Chief Justices and National Coordinators in each PIC;
- iv. key stakeholders' regional workshop (2-day) comprising an appointed representative from each PIC to be convened in Auckland;
- v. survey of key stakeholders using court services (e.g. legal profession, media, academics, Community Based Organisations and Non-Government Organisations);
- vi. analysis of PJDP reports including annual reports and related data;
- vii. analysis of the PJDP evaluation report (Turnbull);
- viii. observations of court performance based on in-country visits undertaken between 2010-15;
- ix. analysis of available data on court performance across the region; and
- x. analysis of data/reports from relevant projects and entities working with the same key stakeholders and on related issues in the region.

A note on methodology

This assessment is ongoing. This is partly in the interests of reliability, because it requires the completion of a stakeholders' feedback loop to validate the data, and to ensure / demonstrate that we have heard effectively. This will occur at the stakeholders' workshop in February 2016. It is also because further assessments of local conditions is needed, notably in the smaller - and less accessible - PICs, like Tokelau, Tuvalu and Niue where a fuller appreciation of conditions and needs will enhance PJIs responsiveness. It is proposed that this shortcoming will be addressed by selected in-country visits early in the implementation period.

2.1 Stakeholder Analysis

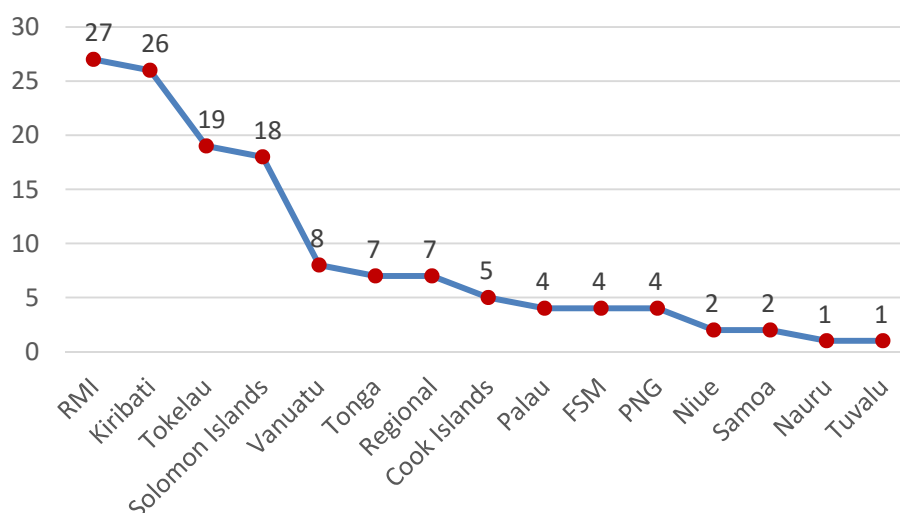
The stakeholders relevant to the PJSI, and whose responses shaped this needs assessment, comprise the following groups:

- The region's Chief Justices who are charged with providing justice to those they serve in each PIC.
- Judges and court officers who support each Chief Justice in enabling (procedural and institutional justice) and dispensing substantive justice.
- Other actors within the justice sector who interact with and/or use the courts who need courts to be responsive, efficient, fair and accessible.
- Parties who file and defend matters before the courts who have similar needs to other actors within the justice sector.

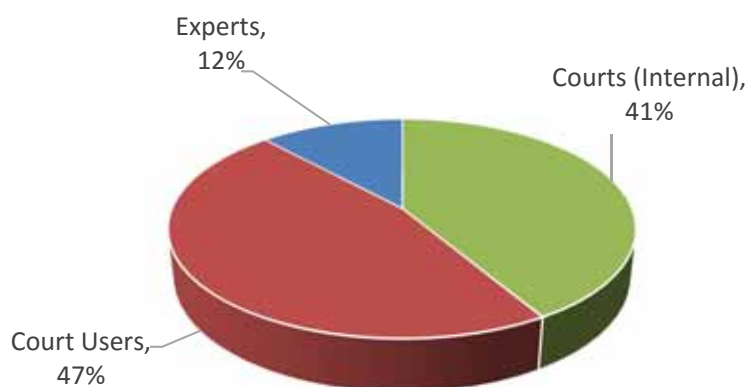
- Actors working to support justice in each PIC, namely those funding and implementing other projects/activities.

2.2 Informants

Total Respondents by Location³²
(numbers of responses received)



Total Respondents by Group
(responses received as a % of total received)



This needs assessment is different to that undertaken for PJDP in 2011. Each assessment serves different purposes, and accordingly gather different data using different methodologies. The purpose of this assessment is to identify the needs that PJSI should address, whatever they may be. In 2011, the assessment was narrower; focusing on ranking previously identified training needs. The reason for this difference is that the goal and strategic architecture of PJDP were pre-set, and the assessment purpose was intended to guide the allocation of resources within that framework. The purpose of this assessment is fundamentally more open-ended, intending to inform guide and justify the allocation of PJSI's resources to support the delivery of justice across the region - however delivered - whether through training or other change management modalities. The focus of data collection is less

³² Note: there a respondent participated in more than one survey activity/interview, only one respondent was calculated for the purposes of this chart.

prescriptive. Additionally the methodologies used are both wider and more substantial in their scope and depth.³³

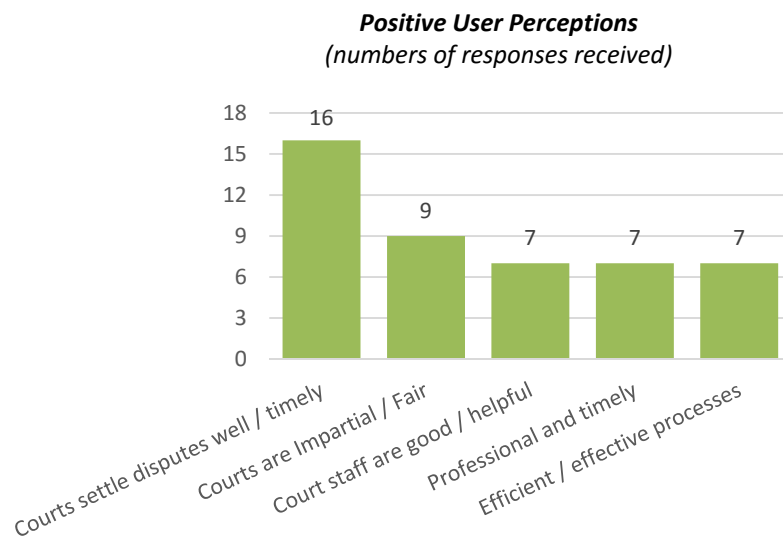
The current assessment adopts a more 'open' and holistic focus to identifying courts' systemic needs to improve the quality and delivery of justice. The earlier approach used a more 'closed' methodology to gather quantitative data to enable ranking of responses to pre-nominated training needs. In large part, those finding remain topical to the present. Finally, the methodologies used in this assessment are more inclusive, integrating the voices of court users (including the bar and community) and experts with contemporary knowledge of PIC courts, while the earlier assessment focused on court service providers (Chief Justices and National Coordinators).

2.3 Needs-focused Methodology

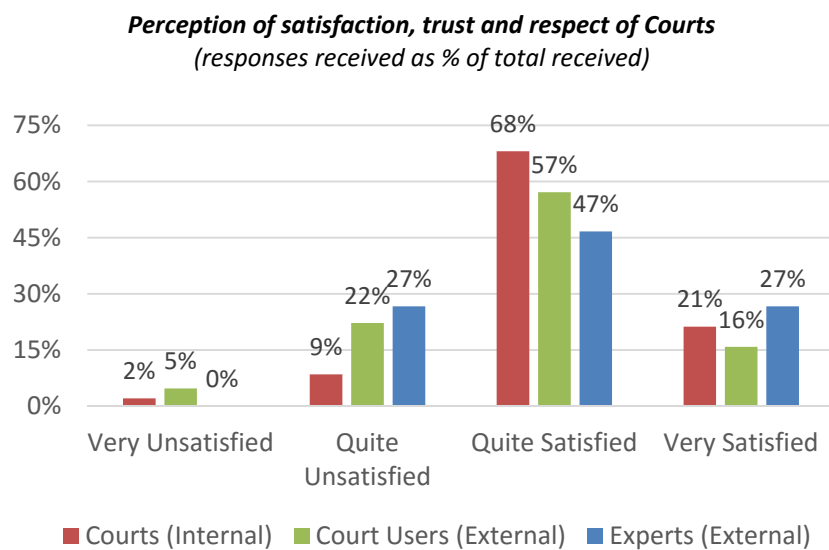
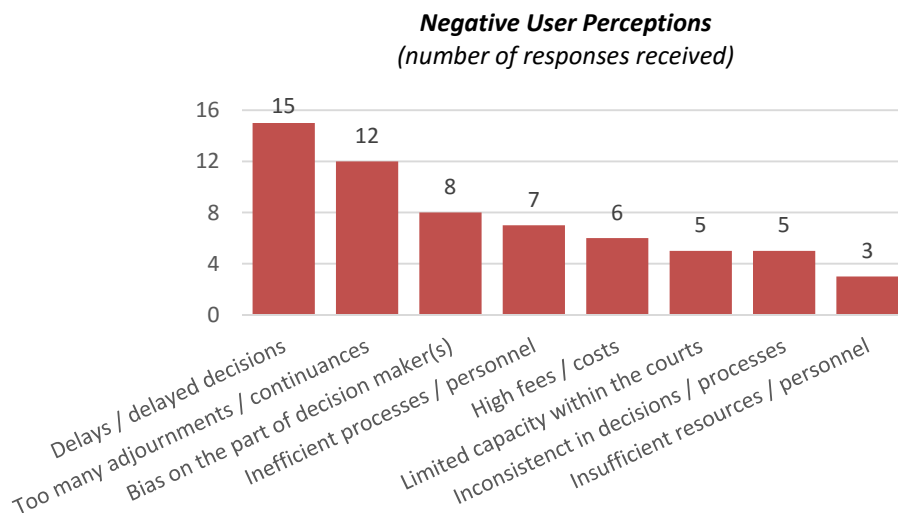
Importantly, there is a wealth of encouraging feedback: many respondents expressed high levels of satisfaction with the performance of the courts, for example:

- ✓ *"I have high regard for the ongoing excellent performance of [xxx] courts.*
- ✓ *The Courts work is based on Justice and the Court works with the law.*
- ✓ *The Courts do well in a way of putting women's needs as the Courts priority especially when assaulted.*
- ✓ *Courts are very doing great given the very limited resource and man power available.*
- ✓ *In the past people feared the court, now they are more friendly to the public in their conduct; reach out more to the public.*
- ✓ *Always on time and prepare for each case; each and every defendant is treated equally and fairly; courtesy and respect is always shown.*
- ✓ *Sentencing of the defendant is always fair and just.*
- ✓ *Court staff are courteous, responsive to our queries. ... The judges are knowledgeable, fair and impartial.*
- ✓ *The courts are doing extremely well in bringing the cases before them to a resolution as expeditiously as possible and do not let cases sit idle.*
- ✓ *[...] is a very corrupt country, but the judicial system, at least at the High Court and Supreme Court levels are as straight arrow as can be."*

³³ For example, there were at the time of drafting 135 respondents to surveys in 2015, compared with 80 in 2011.



But the full picture is far from perfect. Users' complaints about court performance can be classified as follows:



2.4 Summary of Needs Assessment Findings: Framing the Problems

What follows is a synthesis of responses that illuminate the needs - or problems - to be addressed by PJSI. The aggregation and interpretation of data gathered from all of these assessment methodologies presents a complex of judicial development needs, reflecting the diversity of PICs across the region. In order to minimise any risk of over-generalisation, the raw data from each of these methodologies are Appendixed in order of methodology (i-x) to this report.

Evidently, there are a plethora of needs: some of which are generic or regional and others are particular or local. These needs are manifold, varied and diverse, often competing and sometimes contradictory.

As developing jurisdictions, most PICs suffer endemic and pervasive funding and human capital shortages that constrain all of their operations. 26.5% of responses identify *resources* (whether personnel, financial or infrastructure/equipment) as one of the principal challenges being faced by partner courts. Within this context, stakeholders identify a range of substantive and procedural needs. These range from structural and organisational reform, to budget supplementation, review of terms of appointment and conditions of service, and law reform.

Within this spectrum of needs is an overarching imperative for PJSI to cohere an actionable approach to addressing the issue of need, without becoming stretched too thinly to make any difference, which is an Initiative-level risk. *On analysing this data, the pervading impression is the overwhelming - indeed insatiable - demand for continuing support, particularly training. While this may validate the rationale for extending PJSI, it impels PJSI to adopt a rigorously strategic approach to prioritising which needs that it will address, and transforms shopping lists of 'wants' into actionable hierarchies of needs. Moreover, it obliges PJSI to reinvest stakeholders with the responsibility and capacity to do so themselves wherever feasible.* One of the biggest challenges for PJSI's change management strategy is to confront the legacy (and perverse incentive) of dependency that many years of worthy support has fostered.

For the purposes of framing 'the problem' or needs to be addressed by PJSI, a synthesis of the major needs identified in this assessment is presented in below.

2.5 Country, Region and Sector Contexts

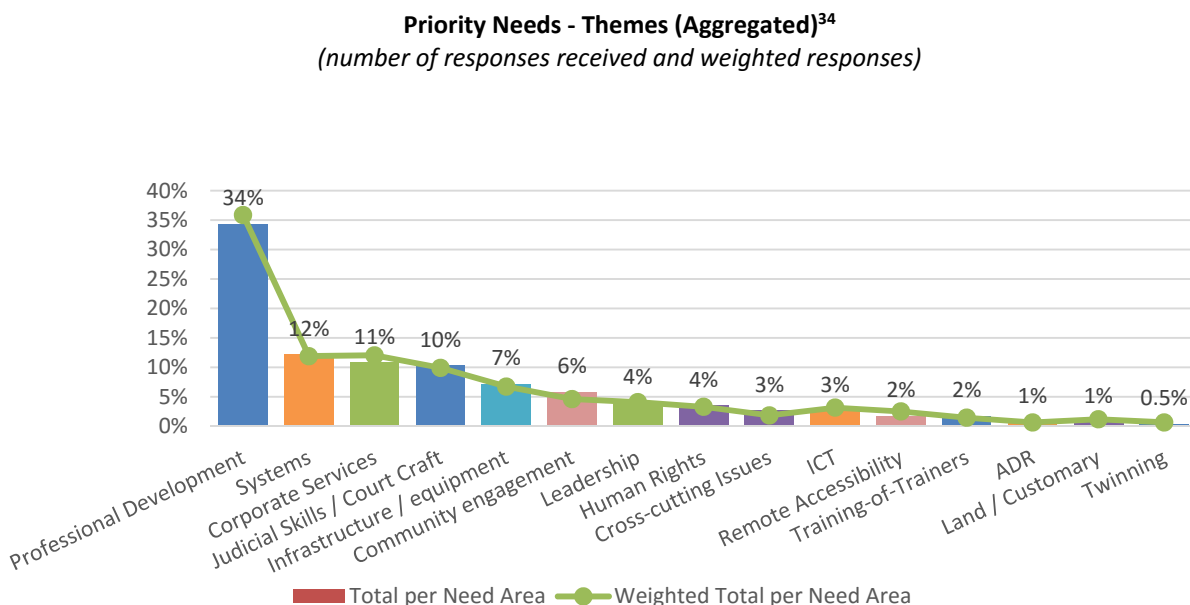
2.5.1 Whose Needs?

While it is noted that the ACN squarely focuses the purpose of PJSI on the courts, it is important to highlight that many informants, from chief justices to court users, identify the quality of justice as a public good resting on the aggregate capacity not only of core stakeholders such as judicial and court officers, but on all court actors. These include lay actors notably magistrates, commissioners and justices of the peace (however named), as well as the prosecution, practising bar and police. This reflects widespread recognition of the overarching reality that the quality of justice, or strength of court performance, depends on its weakest link: if the police or prosecution are forensically weak then the criminal justice system may fail; if the private bar is weak then the civil justice system may fail.

While there are legitimate concerns about spreading PJSI's resources too thinly, the evidence of this assessment identifies a compelling need to re-frame support from PJDP's earlier focus on judicial and court officers only, towards PJSI addressing the needs of key court actors - *provided* that support remains tightly focused on improving court-based performance, rather than becoming dissipated on non-court-based needs. This indicates, for example, that building knowledge of substantive law or skills of court craft should can be extended from judicial and court officers to include lay magistrates,

commissioners and justices of the peace, as well as prosecutors and lawyers where required. Indeed, this expansion has already been successfully piloted by the courts of Tonga in their orientation training in 2014 to include members of the public and private bars.

2.5.2 Synthesis of Data Gathered from Methodologies (i)-(v)



An analysis of the major needs identified by stakeholders indicates that the highest prioritised thematic area of need (at 47.06% of responses received) relates to the need to **professionalise** the judicial branch of government, comprising both judicial and court officers, across the region.³⁵ When they discussed professionalism, informants generally identify needs to improve the competence of court actors (including their knowledge, skills and attitudes), and the quality of services they provide the community.

Many informants identify the need for improved **competence**, indicating that modest levels of judicial proficiency in terms of knowledge, skills and attitudes (KSA) continue to characterise most actors in the justice sector across the region that impair the delivery of justice and require ongoing support, including:

- a. *Judicial officers:* Informants identify a wide range of competency-based needs relating to knowledge, skills and attitudes of *judicial officers* as the primary dispensers of justice. The most significant area of individual need (with 10.41% of needs-related responses) is developing core 'court craft' skills - notably decision making, delivering written and extempore judgments, sentencing, handling litigants-in-person, managing hearings and caseloads, and judicial attitudes of independence, integrity and professionalism.

Many informants both inside and outside the courts (in total 7.24% of needs-related responses) identify enduring needs relating to knowing basic and fundamental aspects of substantive law and

³⁴ Note: the colour allocated of each need relates to the thematic group to which it has been allocated in the next chart.

³⁵ Members of a profession are generally defined as workers who possess a number of special attributes that include a high degree of systematic knowledge based on education, apprenticeship, and examinations; strong community orientation and loyalty; self-regulation; and a system of rewards defined and administered by the community of workers. Magali Sarfatti Larson, 1977, *The Rise of Professionalism: a Sociological Analysis*, Berkeley, California: University of California Press, 208 onwards.

procedure. Many identify that family and sexual violence both inside and outside the home is a pandemic problem for the region. A range of other needs may be described as being 'perennial' or recurrent; these include judicial orientation, court craft and ethics. Additionally, others identify needs relating to specialised jurisdictions, whether complex litigation, mediation and ADR, family or juvenile justice; as well as gender justice, international human rights law (notably ICCPR, CEDAW and CROC) and the protection of minorities. Other informants frame the dominant needs around the notion of '*professionalism*', as discussed above, which at its essence is a complex of norms and values of good judging. The needs for improved professionalism are often described in terms of motivation, manner, standards and service; which are through punctuality, politeness, even-handedness, efficiency and respect.

- b. *Lay judicial officers*: Informants routinely identify the challenges faced by first instance courts, as the point of contact for most justice-seekers in the community. These courts are usually administered by lay (non-law trained) actors who are responsible for providing the 'first response' are generally appointed on the basis of community respect. They lack the advantage of any formalised induction to their role and duties. Their needs span from understanding the role of the justice system - and their role within it - to fundamental aspects of law and procedure, generic judicial skills and the precepts of independence and ethical conduct. Of most importance, understanding of judicial independence, ethical standards and the principles of procedural justice or fair trial are universally needed across the region. Many informants identify unfair treatment and conflict of interest on the part of lay actors arising from customary practices, notably kinship bias. Other informants again frame the dominant needs around the notion of '*professionalism*', which at its essence is a complex of norms and values of good judging. As above, the needs for improved professionalism are often described in terms of motivation, manner, standards and service; whether through punctuality, politeness, even-handedness, efficiency and respect.
- c. *Court and registry officers*: Informants identify widespread needs of *court and registry officers* as having substantial and significant needs. A broader area of need identified by informants (at 15.84% of all needs-related responses), relates to delay and backlog reduction, notably improving efficiency through timely disposal; including time standards, differential case management, adjournments and diary/list management.
- d. *Other key court actors*: Many informants report that PJSI should address the needs of *other key court actors* on whom the quality of justice service delivery co-depends - notably (police and) prosecutors and the private bar whose needs relate to basic aspects of legal knowledge and court-based forensic skills.

In addition, foundational needs relate to improving knowledge and understanding the role and functions of the courts more broadly, that is to the **managerial skills of administering cases efficiently**. Many informants identify needs relating to judicial administration, caseload management (amounting to 12.22% of the 15.84% of responses noted above) and the application of information communication technologies (ICT) (amounting to 2.71% of the 15.84% of responses noted above). ICT needs range from updating court websites, to electronic filing and data-base management. These needs relate to systems and processes - which usually (though *not* invariably, for example, time management) have a **technology or ICT**³⁶ aspect to managing and administering caseload. They include judicial administration; support for core registry functions including planning, budgeting, reporting, monitoring and evaluation; corporate services, and customer service. The ICT needs include IT-based case management systems, electronic data-base; electronic filing. Additional more

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³⁶ For the purposes of this assessment, 'ICT' (or, information and communication technologies) is defined as a diverse set of technological tools and resources used to communicate, and to create, disseminate, store, and manage information. *Note:* the PJSI recognises that the Government of New Zealand is proposing to develop an ICT-related support initiative. PJSI would plan to engage with any such initiative (if / when established) to coordinate relevant activities.

miscellaneous needs relate to libraries, archives, interpreters; stenographers and related equipment, whether books, computers, software (excel, adobe) and the like.

There is a thematic-level need to strengthen **judicial leadership and change management capacity** (at 14.93% of responses received) of the judicial branch to proactively build local capacity to improve the quality of justice both procedurally and substantively. This need anticipates an end to donor support, and includes whatever it takes to build or restore autonomy, self-reliance and sustainability to the ongoing process of judicial development across the region. Despite the development of practical know-how and significant replenishment of the RTT during PJDP, the capacity of courts to address their own professional development needs remains quite limited, as noted by Turnbull, specifically in terms of planning, implementing and monitoring continuous improvement of the administration of justice generally and judicial development more specifically.

Another thematic-level need identified in this assessment is **access to justice** that can be described as being a regional-level challenge. 7.69% of responses received identify that access to, and delivery of, justice confronts a range of endemic barriers and substantial challenges that are caused by distance and remoteness, cost, legal literacy and local custom in many PICs. These challenges exist both within many PICs, as much as between PICs and the wider world. Informants identify a range of needs associated with these challenges. These relate to community outreach/engagement and public information; to legal empowerment including community legal education, legal aid, and support for paralegals and unrepresented litigants; to fee waivers; to logistical mechanisms to enhance communication and provide remote delivery.

2.5.3 Synthesis of Data Gathered from Methodologies (vi)-(x)

Additionally, as the result of undertaking analysis of PJDP reports including annual reports and related data collated in the 2015 PJDP Completion Report (*methodology vi*); and conducting observations of court performance based on in-country visits undertaken between 2010-2015 (*methodology viii*), the following offer the opportunity to consolidate the outcomes achieved during PJDP in terms of addressing prevailing needs across the region. These needs are articulated within the strategic architecture of the PJDP and are not indicative or pre-emptive of the ensuing design framework for the PJSI.

1. Access to Justice

- Support commitment to and implementation of the *Access to Justice* toolkit across PICs linked with CII #5-7.
- Deepen support to *family violence and youth justice* promoting and enabling the judiciary to assume the role as leaders of cultural/attitudinal change across the justice sector, facilitating appropriate treatment of related cases.
- Remotely support commitment to and the implementation of the *Public Information and Enabling Rights* toolkits across PICs, linked to improving quality/quantity of data under CII #5-7.

2. Governance

- Remotely support the implementation of the *Judicial Complaints Handling* toolkit in PICs - linked to improving quality/quantity of reported data under CII #8-10.
- Continue to conduct regular meetings of judicial leaders (Chief Justices) to sustain the numerous in/tangible benefits derived therefrom.
- However titled, support to *National Judicial Development Committees* failed to gain significant traction during PJDP, with Chief Justices preferring to retain existing models for reform planning and delivery.

- Given the effectiveness of discrete locally developed/delivered activities under the *Responsive Fund*, a facility enabling more local grants should be included, albeit with responsibility for management transferred to PIC. Some enabling *Project Management* support will be required for PICs whose management skills remain nascent.
- *Institutionalisation* was scoped, considered and finalised - no ongoing intervention or consideration is required, though the rationalisation of regional service delivery continues to be required in terms of the PEC's adaption of the 'Hammergren Report' (2012) relating to incubating pilot activities, developing local capacity, developing common tools and supporting regional meetings to develop solutions to common problems.³⁷
- With the region's Chief Justices having approved a concept paper outlining the use of technology to expand the audience to which PJSI may reach while increasing numerous efficiencies, it is recommended that PJSI include capacity to explore modalities through which in-person support can be blended with *Remote Delivery*.

3. Systems and Processes

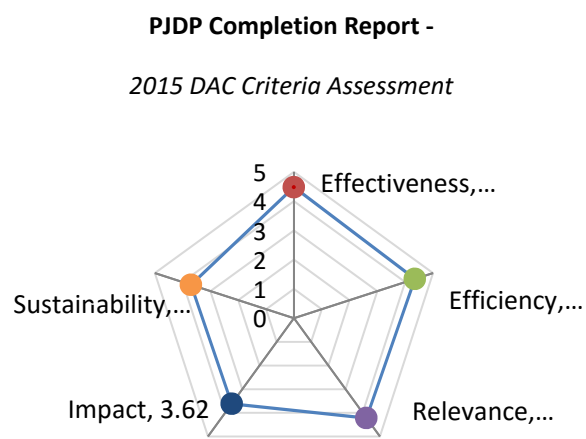
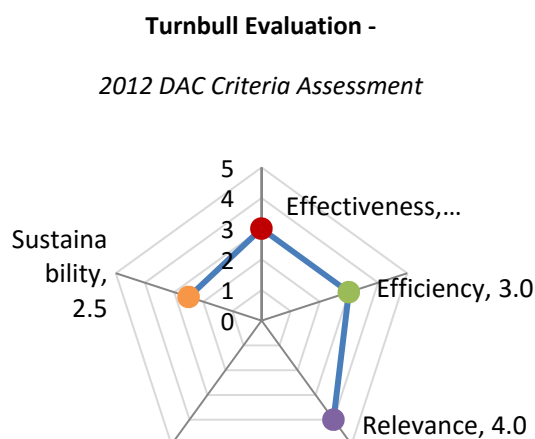
- The PICs having implemented the *Judicial Administration* toolkits on Time Goals and Reducing Backlog and Delay, can assist other PICs to do the same. Support should however be provided to ensure that all PICs dispose of cases expediently.
- Performance Monitoring - see below 'ix) analysis of available data on court performance across the region'.
- Court Annual Report - see below 'ix) analysis of available data on court performance across the region'.

4. Professional Development

- With a cadre of trained trainers, it is recommended that remote and periodic in-person support is provided to the group to sustain and further strengthen Regional Training Capacity.
- It is recommended that the cadre of trained trainers using the Orientation and Decision-Making Toolkits continue to provide sufficient Core Judicial Development training opportunities to ensure all judicial and court officers are competent in their roles. This can be complemented with remote learning and mentoring opportunities.
- Given the persistent lack of interest in *Benchbooks* during the PJDP, there appears to be no further needs to be addressed by this means.

Next, an analysis was undertaken of Turnbull's PJDP evaluation report dated 2012 (*methodology vii*). In that report, Turnbull evaluated the PJDP using 4 OECD-DAC criteria (impact was excluded as it was considered too early to assess impact/s). The following charts show the both the mid-term assessment undertaken by Ms. Turnbull, as well as the PJDP Programme completion assessment undertaken by the PJDP:

³⁷ Dr Linn Hammergren: '*Institutionalisation of PJDP and related issues*,' 2012.



- *Relevance* - needs and policy linkages appropriately identified, and mostly of high priority; and the design is in most respects right to meet them.
- *Effectiveness* - all outputs have been / are being delivered as planned. Most planned outcomes are expected to be advanced.
- *Efficiency* - generally good practice procurement, timeliness, etc; some scope for improvement in delivery of practical outputs, and in value for money. Minor variations could be made to management/overheads.
- *Sustainability* - while most positive benefits may be sustained in the short-term, it noted that additional inputs are required if positive benefits are to be sustained for the medium-longer term.

PJDP acted on Turnbull's recommendations by consolidating progress, increasing delivery pace and maximising value for money by increasing the number of activities delivered as evidenced in the 2015 Completion Report. As most ongoing relevance in terms of identifying needs, Turnbull's assessment emphasises the fragility of sustainability, highlighting persisting needs for:

- Chief Justices Leadership Forum (CJLF) meetings;
- Responsive Fund;
- Core competency development for judicial and court officers;
- Strengthening the efficiency and effectiveness of processes and systems including the management, monitoring, reporting on, and maintenance of these processes and systems;
- Training Pacific judicial and court officers on addressing family violence and youth justice issues (to address this relevant and priority need);
- Supporting engagement with informal justice systems;
- Identifying and addressing attitudes, behaviours and decisions impacting on gender equality/equity;
- Increasing awareness of how human rights issues apply to courts.

An analysis was then undertaken of available data on court performance across the region (*methodology ix*). In particular, the '2014 Trend Report' presents the most comprehensive regional analysis of court performance data available, of which the following are significant in terms of ongoing needs:

- Support 4 PIC not yet producing annual reports, limited remote support to recent starters, ensuring ongoing commitment/capacity to produce annual reports.
- Support PIC (courts at all levels) not able to collect data on all 15 CII. Check remotely, sustainability within collecting PIC of capacity, commitment, systems to collect data.
- Support PIC to develop systems, capacity, commitment to collecting and reporting on gender disaggregated data on juvenile justice & family violence.
- Extending CII towards full framework eg IFCE and support PIC currently able to collect data on all/most CII to implement expanded framework (perhaps through mentoring from RMI, Palau, FSM who already have IFCE in place).
- Establishing performance standards against all CII, means to implement and report results against them.
- Recommend using the CII and perhaps its extension, as the M&E framework. It's a tool/framework all PICs know about and are invested in; it will also streamline M&E.
- Support system using regular review of external court stakeholder perceptions about court services (also consolidates public info/enabling rights and supports evaluative data collection). Led by Palau/RMI who do it and include data in AR.
- Support advanced annual reporting in all PICs inclusive of summary external review data, budget statement.

Finally, analysis of data/reports from relevant projects and entities working with the same key stakeholders and on related issues in the region (**methodology x**). Most recently, discussions were held at the Pacific Islands Forum Secretariat Regional Governance Working Group Meeting, Fiji (16-17 November, 2015) which included a range of entities working within the region, a number of which included either direct or indirect interaction with the courts. Of relevance to this needs assessment was the rule of law, access to justice and human rights small group discussion. Key themes identified by this discussion were:

1. The identification of *regional issues* relating to RoL, A2J, and HR including:
 - Executive interference in the judicial process
 - Autocratic tendencies
 - Judicial independence (eg, magistracy)
 - Access to justice - professionalism of formal systems
2. Possible *research areas* / policy options for Pacific Island Forum Secretariat to focus on in the future included:
 - Natural resource management (including deep sea mining)
 - Urbanisation
 - Climate change-related displacement / migration

An additional point to note coming out of the consultations was the fact that a new European Union-funded / United Nations Development Programme-managed, project to support the Fiji Judiciary is in the process of being mobilised. The project is intended to be for a period of five-years, and have a budget of USD 10 million.

2.5.4 Lessons Learned

PJDP implementation, as well as the surveying of stakeholders in all partner courts, has resulted in a number of relevant experiences being identified that will inform the approach to designing and ultimately implementing the PJSI. These key experiences include that:

1. While the Federal Court of Australia gave priority to restoring continuity and momentum under PJDP Phase 2 owing to the preceding interruption in support from the earlier phase, inheriting the strategic architecture and framework from previous iterations of the PJDP was less useful than being granted the opportunity to research and design a renewed theory of change.
2. While the PJDP has operated for five years, it was originally contracted for two years, extended by one year, followed by a further two-year extension. A full 5-year implementation period at the outset would have enabled the FCA to design, commit to, and achieve more significant outcomes using a longer horizon for change.
3. While the budget was sizable, when applied annually to a broad project with 14 participating countries, expectations for programmatic behavioural change should be moderated to what is feasible.
4. Significant variations in available human capital in each PIC to implement changes affected the consistency of results across the region.
5. Subject to the ongoing development of an effective remote technology approach, regional remote networks and engagement was of less value than face-to-face interactions given the prevalence of oral cultures in the region, competing priorities for people's time, and the general inadequacy of IT access needed to participate in the networks.
6. Beyond technical value, stakeholders within PIC courts benefitted from opportunities to interact with and lead the PJDP.
7. While the Responsive Fund has been an invaluable tool in enabling PICs to address local needs and in strengthening local project management skills, it is extremely resource-intensive and in future would benefit from additional investment in its management. This will enable local project management skills to be further strengthened, moving further towards self-sufficiency in this area.

These experiences provide three principal lessons on developing a better-integrated political-economy approach to change through the need for PJSI to:

- Adopt a tighter focus on specific issues impeding the courts' capacity and responsiveness to deliver services efficiently and effectively.
- Continue to create better opportunities and develop incentives to enable judicial stakeholders to actively lead their own development; this includes building technical capacity as well as the capacity of PIC Courts to independently lead and manage all aspects of national judicial development and training, and devolving responsibility to lead these functions wherever feasible.
- Redress the lack of visible results for ordinary people and mounting concern about the insufficiency of predominantly court-centred, 'top-down' institutional development and technical assistance. This introduces a bifurcated 'development logic' to integrate: (a) continued engagement with and support to the courts as key *recipients* of PJSP funding; with (b) extending courts engagement with service users, non-users and potential users through legal empowerment and other means to improve their responsiveness to the ultimate *beneficiaries* of their services.

2.5.5 Synthesis from Global Data Sets on Development and the Rule of Law

This section extracts empirical data gathered from global measures of development, the rule of law and family/sexual violence. These data sets are directly relevant to PJSI because:

- a) they contextualise the development status and needs of partner courts - the UN's Human Development Index (HDI) indicates that most PIC courts operate in 'medium' to 'low' human development environments indicating severe constraints on their available human capital and public financial resources.
- b) they measure the state of the 'rule of law', which the World Bank assesses as ranging from moderate to precarious levels in terms of global norms of good governance.
- c) they document levels of family and sexual violence inside/outside the home which are at severe levels - almost *double* in some PICs - as measured against global benchmarks.

a) United Nations Human Development Index (HDI): Since 1990, the UN has annually published the Human Development Report that reports on major development issues, trends and policies. Each Report incorporates the Human Development Index which classifies every country around the world in terms of its development status. More specifically, the HDI ranks the world's countries in terms of a range of development measures including life expectancy at birth, mean years of schooling, expected years of schooling, gross national income, and purchasing power parity. It then classifies and ranks countries as: 'very high' (1-49); 'high' (50-102); 'medium' (103-144) 'low' (145-187).³⁸

With the exception of Tonga, which was classified as '*high*', the UN classified all other PICs in the '*medium*' and '*low*' in terms of human development measures. In 2014, PJSI's countries were ranked as follows:

PIC	HDI Ranking ³⁹
FSM	124
Kiribati	133
PNG	157
Samoa	106
Solomon Is	157
Tonga	100
Vanuatu	131

Data contained in the HDI measures the moderate to low levels of low human capital, shortage of qualified personnel, the pervasive limits of available public funding, and the often-uncompetitive incentive structures of those working in the judiciary. These factors are endemic and characteristic of the region: while they may be beyond the immediate reach of PJSI to change, they frame the constraints within which the courts must operate and thereby the opportunities for PJSI to make a difference.

b) World Bank's World Governance Indicators (WGI): Since 1996, the World Bank has annually published data of the state of 'governance' in 205 countries.⁴⁰ The data-set on 'the rule of law' captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. While broader than courts alone, this data directly incorporates perceptions on the courts' contribution to the rule of law.

Without risk of over-generalising complexity, 'the rule of law' as presently measured by the World

³⁸ Data available at: <http://hdr.undp.org/en/content/human-development-report-2014>.

³⁹ Countries not ranked were: Marshall Islands, Nauru and Tuvalu. Cook Islands, Niue and Tokelau are not separately ranked as they are aligned to New Zealand.

⁴⁰ WGI aggregates data using 6 measures relating to: *voice and accountability; political stability and absence of violence; government effectiveness; regulatory quality, rule of law and control of corruption*. While some of these data sets are 'fragile' (i.e. resting on single or small survey samples), it offers insights on aggregated perceptions of governance and the rule of law. Data available at: <http://info.worldbank.org/governance/wgi/index.aspx#home>

Bank can be described as spanning from *moderate* (Samoa, Tuvalu, Palau, Vanuatu) to *precarious*

PIC	WGI rating: 'Rule of Law'	Latest data
Cook Islands	19.7	2011
FSM	45.2	2014
Kiribati	51.0	2014
Marshall Is	48.1	2014
Nauru	10.6	2014
<i>New Zealand</i>	<i>98.6</i>	<i>2014</i>
Niue	25.8	2011
Palau	64.9	2014
PNG	21.2	2014
Samoa	75.5	2014
Solomon Is	32.7	2014
Tonga	52.4	2014
Tuvalu	66.3	2014
Vanuatu	62.0	2014

(c) United Nations Global Family & Sexual Violence Benchmark Survey: The UN undertook the first global survey of family and sexual violence (FSV) in 2012. This data indicates that FSV inside and outside the home is at pandemic levels across the region as measured against global benchmarks. Around one third (32%) of women worldwide have experienced physical and/or sexual violence by an intimate partner or sexual violence by a non-partner at some point in their lives. In a number of PJSI's PICs, however, the available data indicates prevalence violence up to almost **double** global benchmarks, notably:

- Kiribati:60.0%; of whom, 32.2% have been a victim in the past 12 months.
- Vanuatu:51.0%; of whom, 33% have been a victim in the past 12 months.
- Solomon Islands:45.5%.⁴¹

2.6 Rendering Coherence: Hierarchy of Thematic Needs

The major **needs** articulated by stakeholders *validate* PJSIs two principal outcomes as articulated in the ACN:

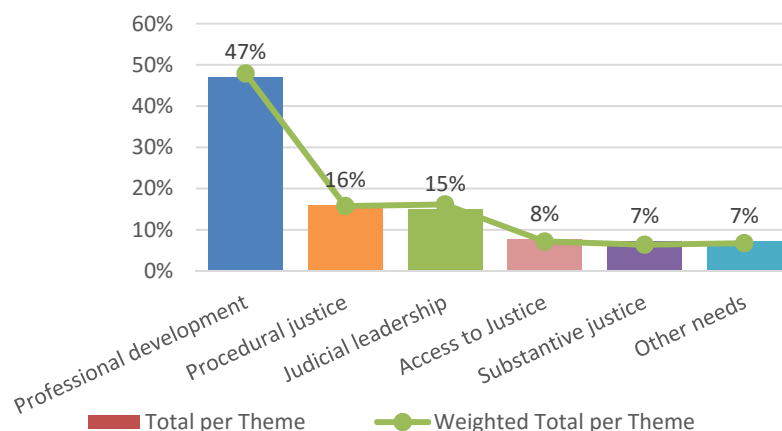
- 1. Judicial Leadership** - judicial leaders are capable of leading and managing change
- 2. Performance** - Court services are accessible, responsive, fair and efficient

A synthesis of the major needs identified in this assessment into key themes or categories of needs is illustrated and discussed below:

Nauru, PNG, Niue) levels across the region.

⁴¹ United Nations, *The World's Women 2015: Violence Against Women*, (Cht. 6):
<http://unstats.un.org/unsd/gender/chapter6/chapter6.html>

Needs Grouped by Thematic Hierarchy
(number of responses received and weighted responses)



- a. There is an overarching need to strengthen **judicial leadership** and change management capacity to proactively build local capacity to improve access to, and the quality of justice. Judicial leadership includes strategic, operational and external dimensions of the courts. This need anticipates an end to donor support, and includes whatever it takes to restore autonomy, self-reliance, and sustainability to the ongoing process of judicial development across the region. Despite the development of practical know-how and significant replenishment of the RTT during PJDP, the capacity of courts to address their own professional development needs remains quite limited, specifically in terms of planning, implementing and monitoring continuous improvement of the administration of justice generally and judicial development more specifically.
- b. The need to improve the **performance** of the courts relates to substantive and procedural aspects of justice. Performance improvement rests on the associated needs to **professionalise** judiciaries by building **competence** (knowledge, skills and attitudes) to provide quality procedural and substantive justice. Many informants identify an overarching need to professionalise the judiciary, comprising both judicial and court officers, across the region. When they discuss professionalism, informants generally identify needs to improve the competence of court actors (including their knowledge, skills and attitudes), and the quality of services they provide the community. More specifically, most informants focus on competence, indicating that modest levels of judicial proficiency in terms of **knowledge, skills and attitudes** (KSA) continue to impair the delivery of justice and require ongoing support. These needs include improving knowledge of basic and fundamental aspects of substantive law and procedure, developing core 'court craft' and 'good judging' skills, ethics along with tackling delay and case backlogs. Many also identify family and sexual violence both inside and outside the home as being a pandemic problem for the region. Informants routinely identified the needs of lay actors as the point of contact for most justice-seekers in the community - being the first responders or front door of the justice system across the region. These lay actors represent upward of 90% of the region's judicial officers and are generally appointed on the basis of community respect, lacking the advantage of any formalised induction to their role and duties. Their needs span from understanding the role of the justice system - and their role within it - to fundamental aspects of law and procedure, generic judicial skills and the precepts of independence and ethical conduct.
- c. That there are wide range of training needs to build competence and thus professionalise the judiciary, relating to **substantive justice**, including:

- *Judicial officers (law-trained)* - orientation/refresher, IT, gender/violence, international human rights law (notably ICCPR, CEDAW, CRPD and CROC⁴²) and the protection of minorities and vulnerable groups not currently able to access courts, disability inclusion, juvenile justice, evidence, expedition, complex litigation (e.g. commercial, land), ethics and research resources.
 - *Judicial officers (lay)* - the aforementioned plus understanding the role of the justice system - and their role within it - to fundamental aspects of law and procedure, generic judicial skills and the precepts of independence and ethical conduct, understanding of judicial independence, ethical standards and the principles of procedural justice or fair trial, unfair treatment and conflict of interest arising from customary practices, notably kinship bias.
 - *All judicial officers:* Judicial craft - decision making, delivering written and extempore judgments, sentencing, handling litigants-in-person and vulnerable witnesses, managing/controlling hearings and caseloads, and judicial attitudes of independence, integrity, motivation, manner, standards and service; which are through punctuality, politeness, even-handedness, efficiency and respect.
 - *Judicial trainers* - university-linked education, resources
 - *Police, prosecutors/bar* - forensic skills, court craft and process, evidence
- d. That there are wide range of training needs to build competence and thus professionalise the judiciary, relating to **procedural justice**, including:
- *Judicial officers (qualified/lay)* delay and backlog reduction, notably improving efficiency through timely disposal; including time standards, differential case management, Alternative Dispute Resolution (ADR), adjournments and diary/list management.
 - *Court officers* - knowledge and understanding the role and functions of the courts, court room process/etiquette, professional attitudes in dealing with court users, particularly self-represented litigants and the public, ensuring professional interpretation and transcription services and administering cases efficiently including the application of information communication technologies (ICT). ICT needs range from updating court websites, to electronic filing and data-base¹⁰.
- e. There are major needs to improve **access to justice** in a manner that promotes the rule of law and enables communities to access courts to exercise their legal rights. Access to justice is thematically significant in *internally* building the capacity of the courts (sometimes called supply-side support), as much as *externally* through empowering the community to use the courts (sometimes called demand-side support).
- *Internally* - building supply (or organisational) capacity enables courts to function efficiently effectively. Informants identified a distinctive cluster of administrative management and corporate needs. These organisational needs relate to systems and processes - which variably include for example, time management) and have a technology or ICT⁴³ component - to manage and administer caseload. They include judicial administration; support for core registry functions including planning, budgeting, human resource management, reporting, monitoring and evaluation and customer service. The ICT needs include IT-based case management systems, electronic data-base; electronic filing. Additional more miscellaneous needs relate to libraries, archives, interpreters; stenographers and related equipment, whether books, computers, software (excel, adobe) and the like.

⁴² ICCPR: International Covenant on Civil and Political Rights; CEDAW: Convention on the Elimination of All Forms of Discrimination; CRPD: Convention on the Rights of Persons with Disabilities; CROC: Convention on the Rights of the Child.

⁴³ For the purposes of this assessment, 'ICT' (or, information and communication technologies) is defined as a diverse set of technological tools and resources used to communicate, and to create, disseminate, store, and manage information.

- *Externally* - building demand (or legal empowerment) confronts a range of endemic barriers and substantial challenges. These challenges are caused to varying extents in many PICs by distance and remoteness, cost, legal literacy and local custom. In addition to the aforementioned capacity-related needs, informants identified a range of needs associated with these challenges. These relate to community outreach/engagement and public information; to legal empowerment including community legal education, legal aid, and support for paralegals and unrepresented litigants; to fee waivers; to logistical mechanisms to enhance communication and provide remote delivery.

Part B - Indicative Design Concept

3.0 Implementation Arrangements

This section consolidates analysis of the hierarchy of priority needs identified by stakeholders. It explains the paradigm shift to be made by PJSI in 'framing the problem' and how it will address these needs, which is embodied in the architecture of components and implementation strategies, the design of activities, and the framework for monitoring and evaluating results.

3.1 Synthesis and Hierarchy of Needs

At the start of PJSI, it is timely to address the question: *what are the justice-related problems (or needs) that the Initiative should address?* This design is predicated on the analysis of those needs as outlined in Part A of this document. While these needs are manifold, far-reaching and diverse, they coalesce into three major problems that stakeholders agreed should be addressed during this 5-year phase of support:

- *Access to justice* to and through the courts
- Competent provision of *substantive justice* outcomes
- Efficient delivery of *procedural justice* services

PJSI should focus on addressing these major needs so that the courts can perform their constitutional mandate to administering justice across the region. The Constitution of each PIC provides a vision for the state that articulates the norms and values of each society, and mandates the path for development that is variously described by its preamble, objectives and provisions. Each Constitution mandates the courts to serve as guardian and protector of these visions, the norms, values and rights enshrined within it. There can be no more solemn mandate for the courts to uphold. The state rests on a fragile edifice, being public trust in the institutions of good governance - as events within the region periodically show. As such, the rule of law is a key institution in the life and health of both state and society to ensure that state power and authority is exercised within limits and for the purposes set by the Constitution and law.

In order for PJSI to marshal its resources to support the courts to perform their mandate in a strategically effective manner, it is necessary to organise its approach to 'supporting judicial initiatives', as the name 'PJSI' indicates. To do so, these needs are organised into the thematic hierarchy below to enable PJSI to provide support in an integrated manner:



These needs are interdependent and cross-meshing. As such, if this thematic logic of the needs is accepted, the design of PJSI can be engineered using appropriate change-management architecture to encompass them and their interdependence.

This hierarchy of needs, as articulated by stakeholders within the Pacific, ratifies the goal and objectives contained in the ACN: 'PIC courts to provide accessible, responsive, fair and efficient services delivering measurably improved substantive justice outcomes for beneficiaries.' Stakeholders' identification of needs enables this goal to be expressed more incisively:

PJSI Goal

Building Fairer Societies

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

PJSI support will focus on two long-term outcomes. These outcomes were framed in the ACN and can serve interchangeably as objectives - in our assessment, they do not require any change. Therefore, they remain as:

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

3.2 Theory of Change

The theory of change describes the vision for supporting judicial initiatives across the region and articulates how it will be attained.

This design proposes to refine the theory of change for the PJSI. Over the years, the theory of change for PJEP and PJDP has evolved. As outlined in the ACN, PJEP (1999-2004) and PJDP (2006-June 2008 and 2010-15) built on the notion that providing technical assistance to improve the competence of judicial and court officers will lead to better judicial performance and service delivery and, thereby, enhanced access to justice. This 'theory of change' evolved in three stages:

- (i) an initial approach which centred on training law-trained and lay judicial officers and court staff;
- (ii) an intermediate approach which continued training and began integrating organisational capacity-building;
- (iii) more recently in PJDP, to a more holistic approach of improving access to and delivery of justice-related services. That phase combined an emphasis on institutional strengthening, through the development of management skills, with targeted technical assistance delivered regionally through leadership fora, toolkits and pilot projects and financial assistance to local initiatives. In some

ways, this evolution may be described as a journey from the ‘regional’ to ‘local’, which was rationalised during PJDP and will continue to be refined in future in order to consolidate the application of regional-level recourses to address/deliver local needs.⁴⁴

From the start of PJSI in early 2016, the assessment of stakeholders’ needs enables both the problem and thereby its solution to be reframed more effectively. This assessment identifies a consensus among stakeholders both inside and outside the courts on what PJSI should aim to attain. Seizing the current opportunity to use this data to improve responsiveness, PJSI will aim to build fairer societies across the Pacific by enabling the provision of more accessible, just, efficient, timely and responsive court services. These services will improve the quality of society and human wellbeing by supporting PIC courts to deliver measurably more just outcomes for those seeking to exercise their legal rights.

3.3 Shifting Paradigms to Justice

At its essence, PJSI will frame both the needs and their solutions in terms of *justice*, rather than has previously been the case in PJEP and PJDP in terms of education, development or institutional capacity. PJSI will reframe the problem or needs to be addressed and hence the solution proposed in its theory of change. In this phase, PJSI will depart from the structure and focus of the PJDP in order to deliver greater benefits to PIC courts and the communities that they serve; and to build on the results achieved by the PJDP to progress towards self-sufficiency. This shift in focus, or paradigm, from the PJDP to the PJSI will affect the goal and both long-term outcomes as outlined below.

3.3.1 Fair Societies

PJSI will support improving the fairness of societies across the Pacific. It will assist to build the effectiveness of the courts to administer the public good of justice. At the core of this objective, and any measurement of successful outcomes, is the notion of justice. What is justice? *It’s all about fairness*, as a senior judge explained at a PJDP judicial orientation course. PJSI will be centrally focused on the immanence of justice, and on promoting fairness. Fairness is the word ordinary people use to describe the quality of justice. It is a synonym for justice, without any legalistic mystique. For professionals, fairness embodies two formal principles being the overarching principle of equality of treatment, and where any disadvantage exists, the principle of equitable restoration of equality, known in ‘Rawlsian’ terms as the ‘difference principle.’⁴⁵

Explaining the nature of justice is essential to this design because it clarifies both the goal for PJSI as well as its outcomes, and provides the indicators by which success will be measured. Promoting justice is not a utopian quest for the perfectly just society, because that may be both impossible to agree let alone attain.⁴⁶ In targeting and measuring success, this design will facilitate a discussion and debate among stakeholders to build consensus around ‘*what a fairer society will look like*’ in each PIC.

Stakeholders should determine what they mean by ‘more just’ because this will provide PJSI with the measures of success. Justice is both a simple and a complex concept. Justice is a public good that has many dimensions: *political* (governance), *economic* (investment), *social* (safety), or *human-centred* (rights based). People have different expectations of justice. These expectations may be restorative (healing), retributive (punishing), egalitarian (equality), utilitarian (distributive; maximising social benefits), problem-solving, dispute-resolving, law enforcing, and accessing or enabling rights.

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⁴⁴ Hammergren L, *Institutionalisation* advice endorsed by the PJDP Programme Executive Committee in its meeting in Apia in 2012.

⁴⁵ Rawls, J. 1971, *A Theory of Justice*, revised edn (1999), Oxford University Press.

⁴⁶ Sen, A. 2009, *The Idea of Justice*, London: Penguin.

Acknowledging the pluralism, diversity and customary approaches to justice across the region, local circumstances and needs will require PJSI to nuance its approach for each PIC.

Justice as fairness comprises two hemispheres: the substantive and the procedural. It may be described in terms of ‘thick’ and ‘thin’ concepts: *thick* concepts relate to liberty, democracy, equality, dignity and equity, including substantive (ie rights-based) fairness; while *thin* concepts are formal and minimalistic, relating to the rules of procedural fairness such as predictability, efficiency and timeliness. This rights-based approach is intrinsically more *pro-poor* than in the past, because it requires the courts to be more responsive to the needy, that is; to those disadvantaged through by disability, marginalisation or other metric. Fairness is treating people equally without favouritism or discrimination, however complex and sensitive culturally that may be locally across the Pacific. Most important, for ordinary people, the notion of fairness is innate and indeed transcultural; unfairness is universally recognised by the four-year child in any community across the region.

3.3.2 Judicial Leadership

Judicial leadership is the key driver in promoting justice and building public trust and confidence. The concept of judicial leadership which is core to PJSI is concerned with (a) the courts taking responsibility for fulfilling the constitutionally mandated vision for their roles in PIC society; and (b) developing the capability to enable the courts to fulfil that role. This is the vision of a just society existing within the rule of law, which delivers services that respond to the needs of its citizens. Enabling this vision will require PJSI to support judicial leadership for reform and change through a range of strategies including, but not limited to, professionalisation and training. Judicial leadership sets the direction for this change and is required to address the challenges, problems and need for justice across the region. As the needs assessment has identified, these needs relate variously to delay, access to justice, legal empowerment, independence and integrity, capacity-building, service delivery, change management and the quality of justice.

Judicial leadership is primarily concerned with improving the state’s administration and delivery of justice as a public good to society. The complex juxtaposition of the court as a branch of the state and its moderation of the state in protecting people’s rights - is significant in the difficulty it presents PJSI in enabling the court to perform both roles effectively. In addressing the needs identified in the assessment, these improvements relate at the highest level to values of *accessibility*, *fairness* and *timeliness*. These are the key qualities of substantive and procedural justice, that include all others such as independence, accountability, transparency, efficiency, competence and responsiveness. Courts that are led in a process of continuous improvement towards attaining these values promote justice and earn public trust and confidence.

A particular challenge for judicial leadership is being adequately inclusive rather than isolated. For the courts this means that judges are orientated not only to preserving the insulation of independence but also to reaching out to the community. Getting the balance right is no easy task. It means that the courts should on occasion follow as much as lead; that is, to hear and respond to the legitimate needs and expectations of the community that they are constitutionally charged to serve, for example, in judicial education on ‘social context’, protecting the rights of the weak and need, often the marginalised and vulnerable in society, and across the Pacific to ensuring fair trial to unrepresented litigants.

In one sense, focusing on judicial leadership in this design may appear ‘*top down*’ in its change management approach; but this focus is complemented by an understanding that community outreach and social inclusion will enable a two-way dialogue which in another sense may be seen as being ‘*bottom up*.’ Another way of casting this dynamic is to see it in terms of enabling court-community coalitions of change to develop across the region.

3.3.3 Performance

In relation to improving court performance for citizens of the Pacific region, fairness is seen less formally but nonetheless in both substantive and procedural notions of justice. These include all of the aspects of access, equality, competence and responsiveness (substantive), efficiency and timeliness (procedural) that stakeholders identified in the needs assessment.

3.3.4 Nature and Scope of Support to PICs - Clustering & Sub-Objectives

PJSI will adopt a more nuanced approach to structuring the nature and scope of support provided to PICs. *Judicial leadership* describes the necessary process that drives and is thereby linked to court performance. Leadership rests on human capability (a measure of ability) and performance on organisation capacity (in part, a measure of size), which contribute to self-reliance, and affect sustainability. These qualities are variable from PIC to PIC. For this reason, PJSI will calibrate its approach to PICs to address their respective needs and capacities.

PJSI will no longer adopt a '1-size fits all' regional development approach. The proposed approach is based on the application of a refined version of the assessment tool developed in the ACN, with the aim of:

1. providing partner courts with an objective process to self-assess; either ratifying or refining our preliminary assessment. This was completed during the *Design Consultation Workshop* (23-24 February, 2016);
2. enabling a substantiating assessment to be conducted by the FCA based on quantitative and qualitative data received as part of the needs assessment process;
3. maximising the relevance of PJSI support to partner courts;
4. providing opportunities and incentives to increase self-reliance among partner courts to direct ongoing development locally / regionally; and
5. ensuring the appropriate allocation of PJSI resources among partner courts according to capacity and need.

Indicative criteria to be used to assess the status quo within each PIC will be:

- *Human Capability*: breadth and depth of the 'human quotient' within a partner court, namely; extent of operational and financial independence, succession capabilities, number of key positions occupied by skilled personnel.
- *Professionalism*: number of people with legal education and at which level.
- *Existence of institutionalised court development frameworks*.
- *Capacity to Drive and Manage Locally*: assessment of partner courts' 'proactivity' and project management capacity.
- *Equity / Fairness*: Levels of support/funding available either from jurisdiction's own government or other donor initiatives.
- *Sustainability*: potential autonomy and self-reliance once donor support ends.

Low-resource Needs Partner Courts: Partner courts that identify relatively high levels of existing and potential capability against some / most of the criteria will form part of this *low-resource needs* group. Implementation of PJSI activities may be limited to providing some support enabling participation in regional activities, with support for local activities being limited to specific areas not otherwise being addressed by other donor-funded (bilateral) projects. Given the existence of some project management capacity in each partner court, with some further capacity building in this area, the management of any such activities can be devolved to each partner court. It is envisaged that at

the end of the PJSI, these partner courts will require limited ongoing support to enable continued implementation of strategic reform plans.

To promote the two PJSI objectives, *Low-Resource Needs Partner Courts* will achieve the following proposed sub-objectives:

PJSI Long-term Outcome	Sub-outcome
Judicial Leadership - Judicial leaders are capable of leading and managing change locally.	<ul style="list-style-type: none"> Judicial leadership will have been strengthened to be in a position to assess needs, plan, own and lead judicial development locally.
Performance - Court services are accessible, responsive, fair, and efficient.	Partner courts will: <ul style="list-style-type: none"> Exhibit significantly more responsive behaviour to community needs. Have efficient processes in place to continue ongoing development activities locally.

Medium-resource Needs Partner Courts: Partner courts that identify moderate levels of existing and potential capability against some / most of the criteria will form part of this *medium-resource* group. Implementation of both local and regional PJSI activities *will require* some FCA support. Ongoing development of local capacity / National Judicial Development Committees is required with the aim of maximising devolution of some or all implementation and management of PJSI-supported activities by the end of the PJSI. Some contributions to participate in regional activities (for example with regards to co-funding participation in leadership fora where these are aligned with other regional activities) may be undertaken. At the completion of PJSI, it is anticipated that these partner courts are likely to require some further support to enable continued implementation of strategic reform plans.

To promote the two PJSI objectives, *Medium-resource Needs Partner Courts* will achieve the following proposed sub-objectives:

PJSI Long-term Outcome	Sub-outcome
Judicial Leadership - Judicial leaders are capable of leading and managing change locally.	<ul style="list-style-type: none"> Judicial leadership will have been strengthened to be in a position to assess needs, plan, own and lead judicial development with only limited regional support.
Performance - Court services are accessible, responsive, fair, and efficient.	Partner courts will: <ul style="list-style-type: none"> Exhibit more responsive behaviour to community needs. Have efficient processes in place to continue ongoing development activities with only limited regional support.

High-resource Needs Partner Courts: Partner courts that identify moderate levels of existing and potential capability against some / most of the criteria will form part of this *high-resource* group. Implementation of PJSI activities will require substantial support, most likely throughout the implementation period for both local and regional activities. Ongoing development of local capacity / National Judicial Development Committee are required, however, due to local resource constraints, substantial devolution may not be possible. Limited, if any contributions to PJSI-supported regional and local activities; are likely. At the completion of PJSI it is most likely that these partner courts will require ongoing support to enable continued implementation of strategic reform plans.

To promote the two PJSI objectives, *High-resource Needs Partner Courts* will achieve the following proposed sub-objectives:

PJSI Long-term Outcome	Sub-outcome
Judicial Leadership - Judicial leaders are capable of leading and managing change locally.	<ul style="list-style-type: none"> Judicial leadership will have been strengthened to be in a position to assess needs, plan, own and lead judicial development with reduced regional support.
Performance - Court services are accessible, responsive, fair, and efficient.	Partner courts will: <ul style="list-style-type: none"> Begin to exhibit more responsive behaviour to community needs. Have some processes in place to continue ongoing development activities with only limited regional support.

Classification of PICs: In the interests of ownership and inclusion, this design process envisages that stakeholders - rather than advisers - should determine the classification of PICs at the time of the Stakeholders' Workshop at Auckland in February 2016.

3.4 Strategic Approaches

There are a number of strategic approaches underpinning this design and its implementation. Each strategy will be developed in concert with key stakeholders and closely monitored and evaluated to ensure it supports the achievement of PJSI's long-term outcomes and goal. This framework will sit outside of the formal results framework but the outcomes will assist to inform reports against it.

3.4.1 Local Ownership

Our approach to settling this design and subsequent implementation of the PJSI will continue to be characterised by *inclusion*, *participation* and *responsiveness*. The aims of this approach are to ensure that key stakeholders engage with and own the design process, but also that this engagement and ownership translates into proactive leadership and concerted effort to implement the changes PJSI offers. Inherently this requires flexibility in planning enabling the PJSI to be responsive, and in doing so, maintain its relevance to all PICs.

3.4.2 Change Management

Consistent with adopting a justice-centred approach that will deliver measurable improvements to the quality of society and human wellbeing, PJSI will place its focus on making a difference both at the human and organisational levels. To do this, PJSI will differentiate two key concepts in its approach, relating to capability and capacity. 'Capability' describes the *actual* and demonstrable ability to do something - which, at least in the Pacific region which is characterised by the scarcity of human capital, more of a human-centred concept; 'capacity' describes is a *potential* or size to do something - which is more readily an organisational concept. Experience in the region emphasises the need for PJSI to focus distinctively on both building dimensions, rather than investing excessively on organisational capacity which, in day-to-day practice, rests on the existence of key individual(s) whose presence and motivation may be the key ingredient to developmental success. Hence incentives as a change management device will need to be tailored both organisationally and personally (see **Section 3.4.3**, below).

PJSI will integrate a broader range of change management modalities that will extend earlier methodologies through mentoring, exchanges, linkages, placements; inter and intra-regional networking, knowledge-building and exchange; and networking as both regional and local

mechanisms for knowledge generation/transfer; and remote support and delivery using ICT (see **Section 3.3.5** below).

While the needs assessment confirms the importance of **competence** - and **training** as a major change management strategy for building competence - to stakeholders, it is a non-exclusive - strategy for PJSI. Training will deliver significant improvements in building competence that will lead to improvements in justice. Importantly, however, training will not be a *not* a development end-goal in itself. It is a process that is instrumental to delivering both substantive and procedural outcomes that will drive or contribute with other strategies to measurable results in terms of improvements to human wellbeing (however defined).

At the functional level, the specific purpose of training in PJSI is to promote the professionalisation of the courts by developing judicial competence at all levels - that is, proficiency in administering and delivering justice. **Professionalisation** describes the process of a body of people engaging in a particular occupation that acquire and possess a number of special attributes that include a high degree of systematic knowledge based on education, apprenticeship, and examinations; strong community orientation and loyalty; self-regulation; and a system of rewards defined and administered by the community of workers. Professionalisation rests on the notion of competence, which in turn describes proficiency in the knowledge, skills and attitudes (KSA) required to perform a set of tasks to a designated standard. Significantly it extends to the quality of services delivered. Ultimately it encompasses standards of best practice in work practices.

The notions of professionalisation and competence are heavily relied on by donors of official development assistance as mechanisms for attaining development goals: for example, to promote or restore the rule of law in fragile states; to promote investment confidence in developing economies; to spread and strengthen human rights values in transitional jurisdictions; to promote access and equality before the law in poor and uneven societies; and to improve substantive justice outcomes for victims of crime. Enhancements in KSA will be systematically measured in terms of *Kirkpatrick's* levels 1 and 2.

Importantly, training will serve a range of other more strategic purposes for PJSI that will be measurable in terms of monitoring and evaluating success. Notably, at the *outcome-level*, these will include systematically building organisational potential to perform more effectively - being an *organisational performance* mechanism and measured in terms of substantive and procedural-related KPIs; and, even more importantly, at the *results-level*, these will include consequentially building *public trust and confidence* among court users, and the broader community, in terms of its competence and commitment to deliver justice *and* actual delivery of justice - being a *social accountability* mechanism and measure. Enhancements in organisation performance and public trust will be systematically measured in terms of *Kirkpatrick's* levels 3 and 4.

The overarching rationale for all change management strategies is to *localise capacity and responsibility* for ongoing development; *devolve* responsibility to local actors and recast our role as catalyst of change; and to *promote self-sufficiency, autonomy and sustainability*.

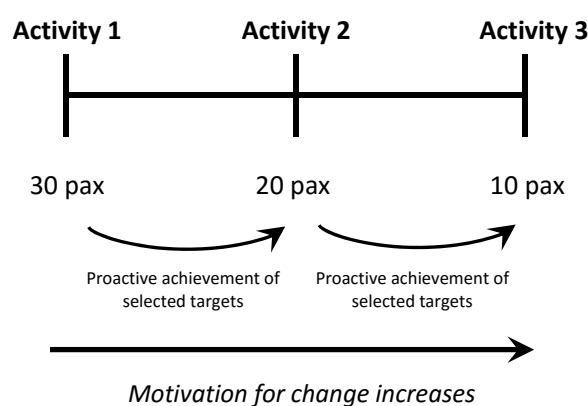
3.4.3 Incentives and Conditionality

Change strategies will extend to a variety of other organisational capacity building, structural, policy, governance and behavioural change approaches across the political economy spectrum. Significantly, these will include more active use of *incentives* (to motivate or reward) and *conditionality* (to require) change. For example, using proven judicial incentive mechanisms from other regions to grant '*Chief Justices' Awards for Best Practice*' and '*Best Improvement*' will reward not only the strongest but also the most energised for improvements, using peer-based competition, recognition and esteem-raising.

This will ensure that ensure that the smaller courts, which may have the most acute needs, are actively encouraged and included.

Similarly the attractiveness of the *Responsive Fund* as a local granting mechanism will be strengthened by increasing the size (value) and range (to include qualifying equipment) of benefits that will be tied to conditionality requiring some qualifying behaviour to be undertaken either before, during or after the granting of the benefit. This may include, for example, a prerequisite that project management is devolved to PICs and any learning/change is taken to all people across the court hierarchy and cross-sectoral collaboration is undertaken where relevant. Similarly, this may include competitive pre-selection of participants for capacity building based on applications; submission of written pieces (eg demonstrating existing KSA/need training will fill and their strategy to achieve it); commitment to contributing to developing training program/courseware, feasible/practical strategy to disseminate learning to their own routine/role *and* across their peer-group). Structuring these incentives/conditionality may be targeted to particular groups, for example:

- Senior judicial officers: a structured mentoring scheme as a potential way to develop a legacy within their organisation.
- IT administrators: a new server (or something similar) for their court.
- Data-collection related activities: presentation of achievements at a regional/other conference, and/or a targeted secondment.
- Those proactive in training: one-on-one or small group mentoring/curriculum development support with a content expert.
- Learning activities: longitudinal incentives could comprise a sequence of activities, each of which builds on the previous and requires something to be achieved in between, for example, certification as a member of the Regional Training Team undergoing Training-of-Trainers training on the condition that s/he provides training in between. An added element might be to include the concept of competition. This would be a process whereby we start with a larger group of participants in the first workshop; these are reduced in number in subsequent activities.



- A final incentive might be that the individual that has most successfully achieved their target is supported to participate in a relevant conference or fellowship/secondment to another court in the region in recognition of what they have achieved.

The introduction and use of incentives will need some research by surveying stakeholders on which incentives will work, piloting and monitored. We are concerned to approach the use of incentives cautiously, to avoid introducing perverse or non-sustainable incentives such as money in the form of rewards or pay-rises that cannot be paid by partners. That said, if evaluated as being successful, they could be extended in later years of the Initiative.

3.4.4 ICT, Remote Delivery and Interaction

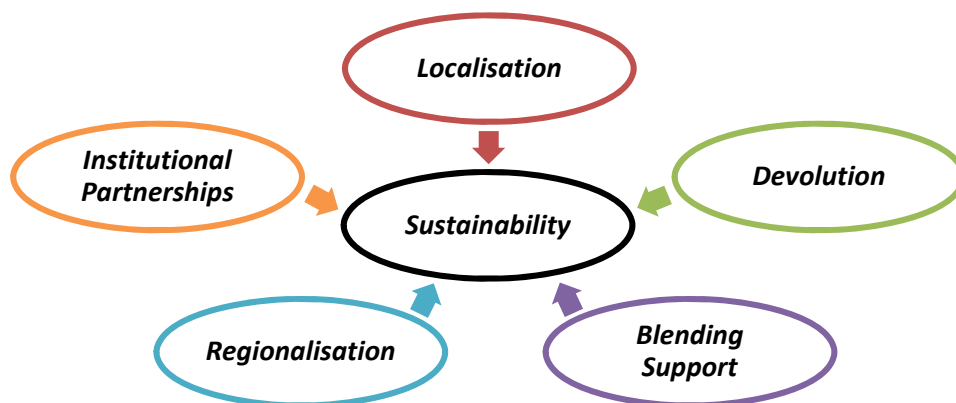
PJSI will restructure its modalities to deliver support effectively across the region, which is characterised by physical smallness, geographical dispersion, cultural diversity, capacity limitations and institutional fragility. To do so, PJSI will invest more actively in structuring modalities for delivering support locally in a manner that offsets the barriers of distance in both convenience to stakeholders and resource allocation to services rather than logistics. At the close of the PJDP, stakeholders endorsed the exploration and piloting of remote delivery modalities that will be developed piloted and evaluated during this phase.

The development of remote delivery modalities involves addressing a range of technical challenges. There can be little doubt that IT offers the promise to overcome many of the costs of remoteness that characterise the region, as measured in stakeholder convenience, opportunity cost to the courts and logistical cost to MFAT. But, equally more important, PJSI will need to traverse the challenge of ensuring it adequately preserves and balances the needs for face-to-face delivery across the region. It is important to emphasise that IT is a solution but not *the* solution. Technology will not automatically improve court performance and thereby promote a fairer society; for technology to contribute to that outcome, it depends on a range of pre-conditions, for example, the availability of reliable data and the existence of sound work practices - neither of which can be assumed at this stage. The history of judicial development around the world is littered with highly wasteful IT projects that have installed costly IT systems that have failed to add any measurable value to court users. Hence, this will involve PJSI closely monitoring the piloting of IT adaptation in order to evaluate its merits in terms of both effectiveness and much as efficiency. This experience indicates that caution should be exercised in developing remote modalities in order to preserve what judicial educators describe as the '*social power*' of peer-based interaction. Judicial educators are increasingly recognising the distinctive merits of participatory learning, collaborative problem-solving and peer-based exchange of experience as being fundamental preconditions for reflective learning and improved comprehension. PJSI is now poised to explore the frontiers of IT innovation in piloting what is termed 'blended learning' which integrates a variety of combinations of face-to-face (that is, through conventional conferences and/or workshops) with remote delivery in judicial leadership and training activities that will increasingly 'blend' educationally effective techniques to promote the incubation and sharing of knowledge, skills and attitudes (KSA).

In educational terms, this will involve 'blending' modalities for experience-sharing to build *knowledge*; demonstration and feedback to develop *skills*; and dialogue and debate between peers to formulate norms and refine *attitudes and values*. This innovation may involve a suite of new delivery technologies, modalities and terminologies, including 'webinars', 'webcasts', and 'podcasts' that can be available either in 'real time' or at the learner's convenience.

3.4.5 Sustainability

Throughout its approach to implementation, PJSI will aim to build sustainability with individual partner courts through exit and transition planning as outlined below:



A range of strategic approaches will be adopted to promote sustainability, including:

a) Localisation - PJSI will continue to build local capacity of partner courts to locally manage ongoing development activities by continuing to increase and strengthen the cadre of local and regional trainers and building technical competence to implement/deliver on existing tools/toolkits.

b) Devolution - the FCA will reposition its role from being the key change agent to a *catalyst* of change by providing new incentives for partner courts to resume responsibility, (re)-positioning those responsibilities with local actors.

c) Regionalisation - PJSI will maximise the ‘smart’ application of regional resources, like the toolkits, to innovate and evolve improved approaches to supporting judicial development to PICs by capturing and sharing local experience for the benefit of the region.

d) Blended support modalities - as discussed in **Section 3.4.4** above.

e) Institutional partnerships - PJSI will continue to build organisational relationships between partner courts and New Zealand and Australian courts. An engagement strategy for these partnerships will be developed in concert with the JLC during the inception period, which may include the facilitation of mentoring opportunities with A/NZ courts, for refinement and subsequent approval by the region’s Chief Justices at their first meeting.

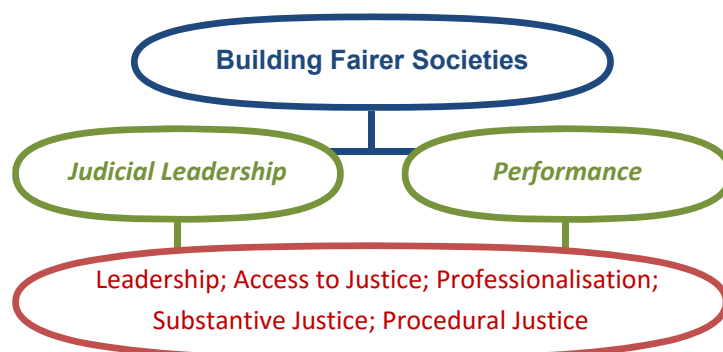
3.5 PJSI Structure

As articulated in **Section 3.1**:

The proposed goal for PJSI is:

Contributing to this goal are the defined long-term outcomes:

Structuring activities under these outcomes are the identified thematic need areas:



3.5.1 Indicative Implementation Strategies and Activities

Qualification: in the time and opportunity available, MFAT has agreed that the FCA provide its proposed indicative approach to activity selection and design in this report.

PJSI will integrate a mixture of existing and new activities to address the needs identified in Part A of this assessment in a thematically and strategically effective manner. Initially, and subject to stakeholders' direction and feedback at the Stakeholders' Workshop at Auckland in February, it is proposed that these activities will include, for example:

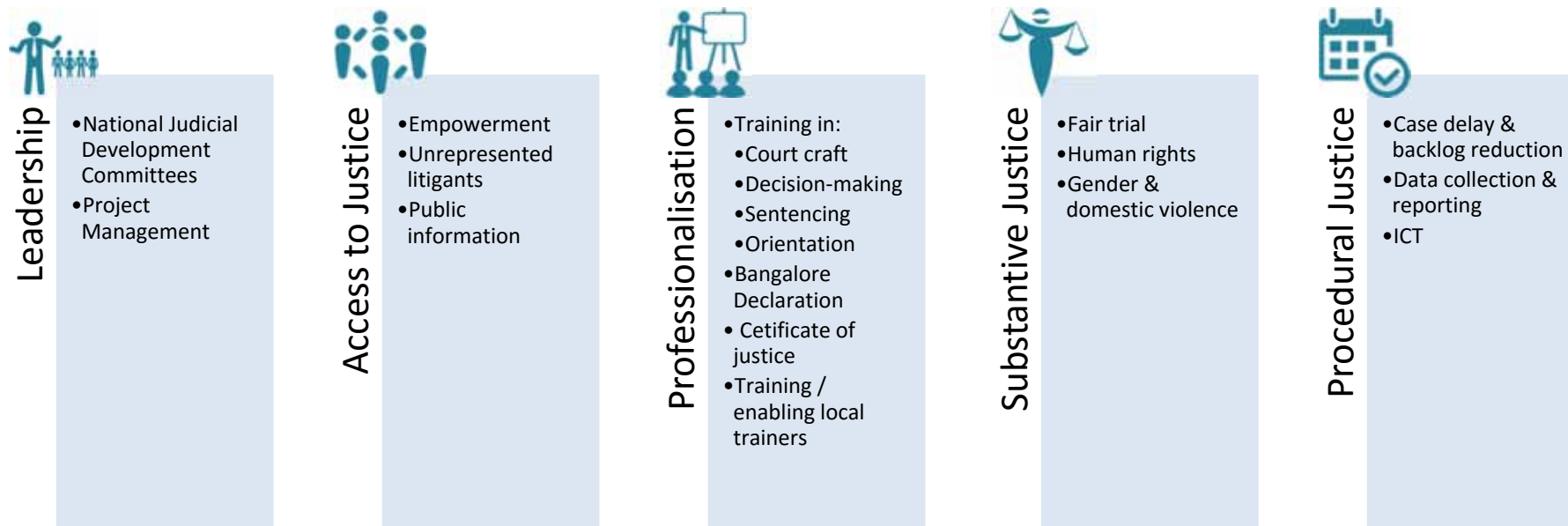
- Extending selectively the implementation of existing Toolkits in specific partner courts.
- Expanding the Responsive Fund mechanism in both size and range (to also include equipment: library and books; transcription, laptops, recorders) to address local needs not otherwise met by the PJSI.
- Selective use of technical advisory support both in-country and remotely.
- Networking of know-how, resources and piloting of tools between PICs.
- Building institutional capacity for judicial development in-region, initially through PNGs Papua New Guinea's *Centre for Judicial Excellence*.
- Introducing career-pathways to professionalise the judiciary across the region, initially through a 'Certificate of Justice'.
- Localising judicial development through Training-of-Trainers, National/Regional Training Teams, and National Judicial Development Committees - suite of planning, programming of project management cycle.
- Focusing on promoting substantive justice.
- Focusing on pro-poor, community focused - demand driven, results-measured.
- Promoting access to justice through community outreach and empowerment, unrepresented litigants, public information.
- Training judicial, court and lay actors on KSA: legal knowledge, judicial skills, professional attitudes in core/'perennials' needs: orientation, due process and fair trial, human rights, gender, family/sexual violence; court craft, decision-making, sentencing, ethics - notably around values of *Bangalore Declaration*: independence, impartiality, integrity, propriety, equality, competence/diligence.
- Building capacity in judicial management and administration, including delay reduction, ICT, databases, remote delivery.
- Supporting annual reporting on Cook Island Indicators and IFCE, with gender disaggregated data.
- Focusing on court actors: prosecutors and bar; and lay actors - magistrates, commissioners, JPs.
- Restructuring incentives and conditionality: Responsive Fund; issuing *best practice* and *best improvement awards*.
- 'Clustering' objectives, activities, outcomes to different PICs.
- Targeting family and sexual (or gender-based) violence.

Noting the pandemic levels of FSV across the region, PJSI is explicitly addressing the thematic-level need for courts to become more accessible and responsive in terms of the delivery of improved substantive justice outcomes for victims. PJSI will support the courts to assert and exercise a more proactive and comprehensive leadership role to reduce the levels of gender-based violence across the region. PJSI will elaborate an integrated change management strategy with lay and community-based actors integrating changing prevailing social/customary norms, supporting legal empowerment, and access to justice that builds on - but is not confined to - training and cross-sectoral collaboration extending to:

- a. Stewarding judicial leaders to apply the rule of law and substantive human rights norms to protect those vulnerable to gender-based violence.

- b. Ensuring judicial officers separate morality, custom and law - only applying the latter, consistently, efficiently, competently and committed to the protection of victims of gender-based violence.
- c. Reaching out to victims of gender-based violence, ascertaining their needs and ensuring courts are responsive to them.
- d. Educating PIC communities about both the criminality of gender-based violence and their right to protection and remedy from it.
- e. Empowering partner courts to collect data on gender-based violence cases.

Based on this project structure, the indicative activities discussed above may fall within each of the thematic need areas as follows:



3.6 Results Framework

PJSI will deliver measurable improvements in the substantive and procedural quality of justice across the region; and thereby build public trust and respect in the courts. This will be achieved through progress monitoring and periodic evaluation according to the indicative Results Framework below. The FCA proposes a simple framework aligned with the *theory of change* to provide a clear line of sight from activities, inputs, outputs, outcomes/targets to results and impacts.

It is also proposed that the results framework be refined following the commencement of implementation. The purpose of which is to: enable stakeholders to contribute to clarifying the nature, scope and trajectory of the PJSI; ensuring that the indicators and targets are appropriately, but not unrealistically attainable; and ensure that inputs/outputs/outcomes are measurable and appropriately timed. It will also enable stakeholders to consider if and how there is an appropriate link between PJSIs interventions and the Paris Agreement on climate change and if so, how that might be included and indicated in the Results Framework.

This iterative approach to developing the results framework also enables the FCA to discuss and include MFAT's list of global indicators, to the extent they are fit for purpose and relevant. This approach is intended to assist MFAT to undertake cross-Initiative assessments.

3.6.1 Proposed Outcomes

PJSI will deliver measurable improvements in leadership and court performance relating to improvements in the substantive and procedural quality of justice across the region; and thereby build public trust and respect in the courts. More specifically:

Indicative **long-term outcomes** will be that:

- 1.0 Judicial leaders are capable of leading and managing change locally; and
- 2.0 Court services are accessible, responsive, fair and efficient.

Indicative **medium-term outcomes** will be:

- 1.1 Increased capacity to lead and manage judicial/court development locally
- 1.2 Increased accessibility, responsiveness, fairness and efficiency of court services.

Indicative **short-term outcomes** will be:

- 1.1.1 Improved capacity of *judicial leadership* to assess needs, plan, own and lead judicial development locally.
- 2.1.1 Marginalised and vulnerable groups better able to *access justice* in and through courts.
- 2.1.2 Partner courts operate with a higher level of *professionalism*.
- 2.1.3 Partner courts exhibit more responsive and just behaviour and treatment that is fair and reasonable (*substantive justice*).
- 2.1.4 Cases are disposed of more efficiently (*procedural justice*).

3.6.2 Progress Monitoring

PJSIs progress will be continually monitored and data gathered to assess: whether it is doing what it set out to do in terms of; defined outputs, quality, timeliness, cost-effectiveness, appropriateness to the prevailing needs and circumstances in each PIC; the achievement (or otherwise) of short-term outcomes; and progress towards the medium-term outcomes. Progress will be reported periodically to MFAT and other stakeholders as appropriate. Data to inform progress monitoring will be drawn from:

1. Available quantitative baseline data related to judicial leadership and court performance, including that gathered against the Cook Island Indicators;
2. Available qualitative data drawn from partner courts internal (judicial/court officers) and external (court actors/users) assessments including gender-disaggregated data about the number of people training/involved in each activity;
3. The MSCs own records; and
4. Advisory reports which will also include activity assessments based on Kirkpatrick's model levels 1 and 2¹⁶ which focus on the *reaction* and satisfaction of trainees and the *learning* gain in terms of increased capability (see also **Section 3.6.3**, immediately below).

3.6.3 Evaluation

Building on the monitoring of progress, internal PJSI evaluations will be undertaken by the Management Services Contractor both mid-way through implementation⁴⁷ and at the end. Evaluation is a normative exercise, and in the context of the PJSI it will measure improvements to justice based on accepted norms that are rights-centred and measurable through the exercise of rights as framed in domestic law (inclusive of transposed international law) and delivered by customary or state actors.

In addition to drawing on and analysing data from all the aforementioned sources for progress monitoring, the evaluations will also include assessments of:

1. *Behaviour* - improved performance; and
2. *Results* - impact/effects on partner court communities.⁴⁸

Changes in behaviour and results are the higher levels of evaluation as articulated by Kirkpatrick's four levels of training evaluation. The Kirkpatrick Model is considered by judicial educators to be as relevant and useful today as it was over 50 years ago, when it was conceived. Changes in behaviour will consider the extent to which trainees apply what they have learned during training when they are back at 'work'. Changes in results will consider the extent to which targeted results occur as a result of the training activity and subsequent reinforcement.

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⁴⁷ *Note:* this internal mid-term evaluation is distinct from proposed *independent evaluation* that would be commissioned by MFAT in year 3 of PJSI.

⁴⁸ Kirkpatrick DL and Kirkpatrick JD, 2009, *Evaluating Training Programs*, Berrett-Koehler Publishers; www.bkconnection.com. *Note:* The FCA will refine Kirkpatrick's model enabling it to be applied with equal relevance to non-training activities.

Indicative Monitoring and Evaluation Framework

Note: and updated Results Framework is found in Appendix F of this Activity Design Document

4.0 Consistency with Other Programs and Policy

4.1 New Zealand Aid Programme

The New Zealand Aid Programme (NZAP) is the New Zealand Government's international aid and development program managed by the Ministry of Foreign Affairs and Trade (MFAT). Its mission is to support sustainable development in developing countries in order to reduce poverty and contribute to a more secure, equitable and prosperous world through: effective, innovative aid; sustainable economic development; working in partnership; reducing disaster risk; safe and secure communities and human development. The PJSI:

- Is consistent with and will contribute to New Zealand's interests in the Pacific, including New Zealand's membership of and support for the Pacific Islands Forum.
- Aligns with MFAT's articulated NZAP Strategic Plan investment priorities, particularly its focus area of *Law and Justice* through which it is aimed to: strengthen law and justice systems in the Pacific; improve community safety by strengthening policing, corrections, and border management, and preventing violence against women; strengthen democratic and national integrity systems; and improve access to justice by strengthening court systems and legal representation.
- Is consistent with NZAP's commitments to the *Busan Partnership*, the *Accra Agenda for Action*, the *United Nation's Security Council*, the *new United Nations Sustainable Development Goals* and *OECD* and its *Development Assistance Committee*, the *Forum (Cairns) Compact* and *Global Partnership for Effective Development Cooperation*, and the *Paris Declaration on Aid Effectiveness*.
- Will include specific reference in the Design Document to how gender equality, women's empowerment, human rights, and to a lesser extent conflict prevention, issues will be addressed and monitored within the Activity.

It is proposed that PJSI collaborate with all relevant MFAT-funded programs to ensure complementarity and maximise synergies in order to extend collective benefit to partner courts and their communities.

Program / Initiative

MFAT's: Judicial Pacific Participation Fund
MFAT's: Pacific Prevention of Domestic Violence Programme
MFAT's: Pacific Partnership for Policing
MFAT's support to: Pacific Islands Chiefs of Police
MFAT's: Legislative Drafting Assistance
MFAT's support to: Pacific Association of Supreme Audit Institutions (PASAI) activities
MFAT's and Australia's DFAT support to: Pacific Island Ombudsman agencies
MFAT's support to: Pacific Island Parliamentary Strengthening initiatives
New Zealand Crown Law Office support to Pacific Law Officers / Litigation Skills Training Programme
MFAT's: bilateral initiatives in: Solomon Islands; Papua New Guinea; Samoa Tonga; and Vanuatu
MFAT's: bilateral support to the Nauruan judiciary (if re-mobilised)

PJSI will build on the achievements of predecessor initiatives, particularly the PJDP also funded by MFAT, moving closer towards self-directed and sustained development in many PICs. Without sustained intervention, the gains made during the PJDP will reduce over time. The PJSI will leverage New Zealand's comparative advantage by:

- Utilising the skills and expertise of the NZ Judiciary, NZ Ministry of Justice, NZ Institute for Judicial Studies and the NZ Law Commission.
- Building on the existing good working and peer-to-peer relationships between NZ and Pacific Judiciaries (for example supply of books and other judicial support material which often occurs informally).
- Working collaboratively with and utilising the skills and expertise of other agencies and programs as outlined above.

4.2 Other Programs

The evaluation of PJDP showed that it is unique among regional law and justice programs within the Pacific, and that it complemented other regional and bilateral initiatives. The proposed PJSI will be the only source of specifically judiciary-focused support in a number of jurisdictions. It is not however, the only intervention working in support of Pacific courts and/or justice sectors. This assessment has considered and will leverage support from the following key institutions/projects:

Program / Institution
Australia's Department of Foreign Affairs and Trade (DFAT): Law & Justice Partnership, PNG
Australia's DFAT: Policing and Justice Sector Support Program, Vanuatu
Australia's DFAT: RAMSI Law & Justice Program, Solomon Islands
Australia's DFAT: Pacific Women Shaping Pacific Development
Pacific Legal Information Institute (PacLII)
Regional Rights Resources Team
European Union / United Nations Development Programme: Fijian judicial support project (when mobilised)
Australian Disputes Centre: Regional Outreach
EU: National Study on Violence Against Children in Tonga

4.3 Policy Integration

Integrating gender equality and women's empowerment: sustainable development is only possible if women and men are equally involved. Recognising that gender equality and women's rights are Western values; traditional/prevaling local culture cannot be used as an excuse to avoid transforming the inequalities and power relations that affect women, their families and the society they live in.

Defining gender equality and women's needs varies across PIC cultures and our gender analysis is sensitive to this. PIC cultures are dynamic, adapting to internal and external pressures, including women articulating their needs and rights. Cultural beliefs and practices are however almost consistently across the region, barriers to equality in accessing courts and justice across the Pacific.

Building on international and constitutional agreements, laws and human rights - such as the UN Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), international agreements support the elimination of discrimination by gender. We have integrated gender within the PJSI by:

6. Including gender analysis is in the context/problem analysis.
7. Designing activities to promote and ensure equitable participation and inclusion of women, both in terms of specific substantive treatment of gender issues and more generally across all interventions.
8. Designing activities to address and ultimately reduce violence against women and better treatment of gender violence by PIC courts.
9. Developing strategies and policies in close collaboration with court counterparts to ensure fair and equitable access to and treatment by PIC courts.
10. Building capacity across the region to collect and report on gender-disaggregated court performance and gender violence data.
11. Conducting an assessment of potential benefits, opportunities and risks for gender equality and women's empowerment.
12. Including the need to track gender outcomes in the results framework.
13. Leveraging other related projects to maximise gender-related outcomes for PJSI.
14. Utilising the best, contemporary expertise on all gender-related/inclusive activities.

Integrating Human Rights: is a necessary first step to improving human rights outcomes for those seeking justice from PIC courts. The realisation of human rights is fundamental to achieving sustainable development as they contribute to social and political stability and wellbeing. Improving human rights is both an aim and means of development. The key human rights concept is that all human beings are equal in dignity and rights. Furthermore, more equal societies tend to sustain promote and sustain economic growth.

Inequality of opportunity premised on discrimination along rights and responsibilities enshrined in law which are not upheld, undermines social wellbeing and economic development. Assisting citizens to understand and claim their rights is a powerful tool to promote individual, commercial, institutional and government accountability. Accountability for human rights is formalised in the United Nations (UN) system and in a body of treaty and national laws. Integration of human rights within the PJSI comprises:

1. Accountability through identification of rights-holders (citizens) and duty-bearers (judicial/court officers).
2. Rights-holders vulnerable to social, economic and cultural exclusion and discrimination (including youth) will receive specific focus in terms of continuing to improve their knowledge of their rights, how to physically and procedurally access courts and its attendant processes.
3. In parallel, activities are designed to ensure that duty-bearers ensure equality before the law.

Integrating Environmental and Social Impacts: According to our assessment of Environmental and Social Impacts Guideline, Updated December 2015; Appendix A: Activity Classification Framework for Environmental and Social Impacts⁴⁹ - the PJSI would be classed as a 'Category C' activity. However, in light of the recent Paris Agreement on Climate Change and the deleterious climactic conditions across the Pacific, the FCA is committed to assisting partner courts to protect their environments. How this might be done to maximise benefit for PICs will be the subject of discussion with MFAT and key stakeholders.

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⁴⁹ Accessed 28 January, 2016;
https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiyhYvt_c3KAhWhHaYKHWi1DmkQFgghMAA&url=https%3A%2F%2Fwww.mfat.govt.nz%2Fassets%2F_securedfiles%2FAid-Prog-docs%2FTools-and-guides%2FEnvironment-Guideline.pdf&usq=AFQjCNHs6VIIYdqyHusYEQ_NMjYAX0h4oQ

5.0 Management and Governance Arrangements/Structure

5.1 Governance Arrangements - Relationship with New Zealand Judiciary

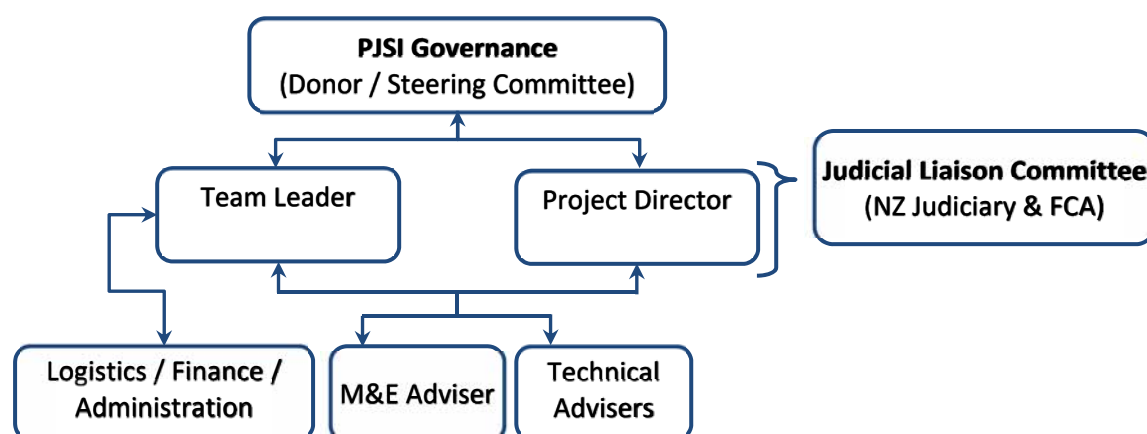
In concert with Chief Justice Elias, the FCA has established a judicial Liaison Committee (JLC) comprising a judicial and non-judicial representative each from the Federal Court and the New Zealand judiciary. The purpose of the JLC is to ensure a partnership between the Federal Court and the New Zealand judiciary that enables appropriate levels of involvement in the PJSI by both judiciaries. Giving effect to the JLC and overarching partnership; there will be regular liaison/briefings by a PJSI representative to the JLC along with quarterly virtual conferencing between JLC, or attendance at regional PJSI events; & attendance of JLC at PJSI leadership meetings. In terms of participation in the implementation of the PJSI activities, the JLC were represented at the PJSI Design Consultation Workshop 23-24 February 2016, held in Auckland, a ledger of New Zealand and Australian judicial and non-judicial officers interested in providing expertise to PJSI activities is being created; and terms of reference for all PJSI activities requiring expert input will be shared with the JLC and distributed to all New Zealand and Australian courts.

5.2 Management - Relationship with Partners and Donors

When the Final ADD has been approved, the FCA will contact the donors and/or managers of all relevant projects and institutions working in support of courts with respect to the thematic substance the PJSI will focus on. The FCA will share the parameters of the design, discuss areas of complementarity between activities and assess the extent to which collaboration might be useful, practical and cost-effective in progressing towards PJSIs outcomes. A plan of engagement will then be devised and followed to maximise PJSIs utility and opportunity to leverage funds and inputs from other projects and institutions for the benefit of partner courts.

5.3 Initiative management

The PJSI team, as structured in the graphic below will collaborate closely under the technical direction of the PJSI Technical Director, and the managerial leadership of the Team Leader. The core PJSI team of advisers, logistics and administrative support officers, will continue to operate its proven processes for: maintaining ongoing *external engagement* and interaction; ensuring effective *internal communication*, coordination and efficiency; production of *quality technical outcomes*; developing *results-focussed* initiatives; and efficient and effective *administration and coordination* of implementation activities.



Additionally, a Judicial Liaison Committee has been established. Led by Chief Justices Elias and Allsop delegated operational/management responsibilities have been devolved to Justices Winklemann (NZ) and Mansfield (FCA). The Committee will play a key role in:

- Enabling the PJSI Team to engage effectively with both the New Zealand and Australian judiciaries including identifying appropriate judicial/court expertise for specific expert roles and identifying courts willing and able to twin with Pacific courts; and
- Providing strategic and technical guidance, support and advice to the implementation team and region's leadership, remotely and by attending regional leadership meetings.

In securing the best contemporary expertise to support PJSI activities, the Federal Court will utilise a mixture of pre-selected technical advisers (from the list included in its tender) along with other experts recruited through transparent recruitment campaigns. Preference will be given to experts from within the Pacific, Australia and New Zealand. The expertise of judicial and no-judicial personnel will be secured by appropriate written agreements and the delivery of their inputs will be directed by the PJSI Technical Director and overseen by the Team Leader.

5.4 Critical Risks and Management Strategies

We consider that the risks identified in the ACN remain current. We will continuously monitor and review risks during the implementation of the PJSI. At present, we identify the following top four risks most likely to occur with the most significant impact on the PJSI:⁵⁰

Risk	Impact	Mitigation Strategy
Devolution of technical and managerial responsibility may not align with counterparts' expectations.	Responsibility for continuing development cannot be transferred consistently to all PICs within the next 5 years.	Support to PICs will be tailored according to what each requires to achieve measurable improvements (see Section 3.0).
Within the short timeframes proscribed for the needs assessment, PICs cannot provide meaningful input.	The ADD will not comprehensively reflect all PICs priority needs, PICs will not be engaged or committed to its delivery.	Reconsideration of needs and refinement as an ongoing, iterative, process based on close engagement over the course of PJSI with partner courts.
Insufficient capacity / resources, commitment and engagement in PICs to assume responsibility for their own development.	Dependency on donor and external technical/managerial support will continue.	Continuous focus on relationship building and support maximising engagement, capacity and commitment to sustain momentum.
Diversity of needs identified in the needs assessment resulting in PJSI resources being stretched too thinly.	PJSI activities would lack the strategic focus of a regional initiative with limited change resulting at the partner court-level.	The PJSI design will develop an actionable approach that prioritises needs within the strategic framework develop by the ACN. This will ensure that the initiative addresses needs that fall within priority thematic areas so that appropriate resourcing of activities is achieved.

⁵⁰ See **Appendix One** for a comprehensive risk assessment.

6.0 Conclusion

This indicative design concept remains a work-in-progress that will be settled with direction and feedback of stakeholders at the Stakeholders' Workshop at Auckland in February 2016.

Appendixes

Appendix One - PJSI Risk Matrix

Risk	Likelihood	Impact	Mitigation Strategy
Devolution of technical and managerial responsibility may not align with stakeholder expectations, due to the legacy of donor-dependency	Likely	Responsibility for continuing development cannot be transferred to actors within the next 5 years consistently to all PICs	Provide partner court capacity-centred support, tailoring assistance to align with existing court capacity. Introduce systems/processes in the ADD, and throughout implementation, that create new incentives to resume and (re)-position those responsibilities with local actors
Within the short timeframes proscribed for the needs assessment, PICs cannot provide meaningful and comprehensive input	Likely	The ADD will not be comprehensively reflective of all PICs priority needs; PICs will not be engaged or committed to its delivery	Reconsideration of needs assessment and ADD delivery timeframes; and utilise the final PJDP Chief Justices' Leadership Workshop, if appropriate for leadership, direction, and guidance to the PJSI needs assessment
Insufficient capacity/resources, commitment and engagement of local actors to assume responsibility for their own development	Highly Likely	Devolution and localisation of development cannot occur, thereby sustaining dependency on donor and external technical/managerial support	Continuous focus on relationship building and provision of support maximising engagement, capacity and commitment to sustain developmental momentum post-PJSI
The core problem to be addressed, as defined in the ACN, is not supported by consultation with stakeholders	Unlikely	Potential re-scope of the PJSI	A comprehensive and participatory needs assessment is required to identify the current priorities requiring support within the region
The ADD is inadequate to meet existing and emerging judicial/court development needs of the region	Unlikely	Partner courts needs are not clearly identified/articulated, limiting the ability to meet activity outcomes	Ongoing strategy for engagement will provide continuous leadership, direction and feedback, allowing for refinement during the implementation stage, as required
Inaccessibility and non-responsiveness of partner courts	Likely	Sustainability of outcomes will be limited	Build on established relationships with partner courts to engage and seek commitment; support flexibility in order to work through any barriers to accessibility
Inability to generate effective sustainability post-PJSI	Likely	Ongoing donor-dependency within the region	Apply the key themes underpinning our philosophy to maximise sustainability, enabling an effective exit and transition strategy
Minimal hiatus between PJDP and PJSI	Unlikely	Loss of engagement and capacity with partner courts	Ensure that timeframes specified within the Request for Proposal are met.
Resources spread too thinly across to many outputs.	Unlikely	Meaningful results across all projects are jeopardised.	24-month rolling planning process will review PJSIs results to ensure an adequately tight scope/breadth is maintained.

Appendix Two - Extracts from Needs Assessment Surveys

Summary of responses to:

- a) PJDP support should to continue / extend
- b) PJDP support should be discontinued
- c) New PJSI initiatives

PJDP support to continue / extend

- Benchbook revisions and new editions, land, civil etc.; Development of toolkits where required; and work attachments to other courts.
- Training of all types.
- Work Attachment at NZ Courts and attendance at judicial conferences to continue and extend the work attachment to other Pacific Island Courts.

Continue with the PJDP performance indicators.

- Capacity development for Pacific Judiciary should continue in terms of training and consistent review of procedures and standards practices; and Resources should be made available where possible to assist outer island development and access to justice.
- I think most of the earlier PJDP support should be continued by PJSI
- In-country visits by technical advisors (etc.); Regional Seminar/workshop/meeting; Responsive fund support for local projects; and in-country workshop/seminar/meeting and so forth.
- More frequent workshops/seminars meetings
- Responsive fund support and enabling rights training/workshops
- To continue holding workshops on issues like deterrence/decreasing domestic violence/training on the application of legislation in domestic violence and other related family law

Expert visits, placements, workshops, and attendance to overseas relevant meetings

Family Violence component

The Annual reporting initiative the reporting requirements encourage judiciaries to monitor their work and reflect on practice; The Cook Island Criteria (which are excellent) might be reviewed, refined and/or extended in the light of experience; The court registry development work - clearing backlogs - avoiding delay - effective record keeping and progress checking; It may be necessary to continue to offer regional training events - orientation training for example - some jurisdictions are too small to make such training viable; Leadership workshops provide an important opportunity to meet and discuss roles; Activities which emphasise the unique nature of the judiciary as an independent body and to fortify its role in the operation of democracy.

- Domestic Violence and Youth Justice; Mediation
- Responsive Fund Support for Local Projects, Regional Seminars, workshops, meetings, and In-country visits by technical advisors.

Don't know any

- Biannual Trend Reports; Decision Making and Writing Workshops; TOT on various subjects, including change leadership and team training; Judicial Orientation and Refresher Workshops for lay judges; and Family Violence and Juvenile Justice Workshops.
- Capacity building; Technical assistance; Funding; Equipment.
- Continue to extend training for both the judges and court staff.
- Continue training on legal writing, legal research etc...
- Designing, delivery, evaluating training programs and court trend report.
- Mediation training; Interpreter training; Technical support; and Rapid Response Fund.
- Regional seminar/workshop/meeting.
- Responsive fund support; in-country training, and regional conferences and trainings.

PJDP support to continue / extend

- Responsive Fund; Trend Report; Court Annual Reporting - review current case management systems or create one that all can use (just like the chart creators that were created) so that courts can easily keep track of data, retrieve data, etc. - and so that data entered into the chart creators are accurate. The chart creator is an excellent tool!!! But if your data/numbers aren't accurate - that's another problem. Also, personally, I think that for courts to be able to report on the 15 indicators, everyone - at all levels - must be aware of these indicators and how their day-to-day work contributes to it/to the court's ability to report on them. If everyone is on the same page, maintaining the data and reporting on the indicators will be much easier.
- The 2014 RMI Judiciary's Annual Report mentions PJDP and the assistance from the Federal Court of Australia funded by New Zealand; the RMI Judiciary in May of 2014 conducted a frank IFCE self-assessment, determined how the RMI Judiciary could improve, developed a detailed 27 page court improvement plan, and is in the process of implementing and monitoring the plan. A PJDP consultant came to Majuro and conducted a three-week workshop on time goals and delay reduction measures. During the course of the workshop, the consultant worked with judges, staff, attorneys, and police to develop time goals and delay reduction measures for various types of cases for the High Court, the Traditional Rights Court, and the District Court, as well as a checklist of timeliness indicators. In addition to the time goals, the consultant also helped develop delay reduction measures appropriate for the courts.
- TOT and PJDP Information Technology Online Forum
- Training and workshops for judges, attorneys, trial assistants and court officers
- ...More frequent trainings for Magistrates either within or outside of Solomon Islands should be continued or prioritised.
- Development training for judicial officers and staff.
- Regional Workshop with participant bringing their experience and approach on various issues; otherwise the PJSI should continue with additional programmes.
- Responsive Fund support - local project; Regional seminar/workshop/meeting.
- Technical Advice and Training for all staff of the courts.
- Orientation workshop for judges/law commissioners & acting law commissioners; Train-the-trainers workshops; and court trend reporting (data information).
- Regional seminars/workshop/ meetings; Specific/Targeted trainings/workshops for country needs.
- Strengthened governance, leadership and management; Enhanced access to justice; enhanced professional competence; enhanced process and systems; technical assistance - capacity building; toolkits and pilot projects.
- Citizens live in fairer societies with better access to justice; continuing improvements in court performance; regional seminar/workshop/meeting; in-country visit by technical advisor.
- Regional seminar/workshop/meetings.
- The earlier workshop on orientation and decision making this year was good. Another workshop addressing one or two specific topics will be helpful.
- The orientation and decision making this year was good, and another workshop addressing one or more specific topics will be helpful to the court.
- The regional law judicial orientation workshop was an excellent. I would like this program to continue and be extended to our chief clerks and senior court officials.
- Workshop, seminar and conference.
- All of the support listed above should continue.
- Build on Domestic Violence MoU with respect to the responsibilities of the courts and encourage the judiciary to take a more effective lead for the sector in this area (Magistrate's Court may be handling these matters worse than SPD and PSO currently); (JJ MOU is something that SRBJ will build on in support of one of the sector wide strategies which supports improved juvenile justice)
- Responsive fund support
- Support for the Pacific Judicial Conference

PJDP support to be discontinued

Train the trainers we need to utilise those that have been trained under PJDP
None - but reduce regional activities and enhance in-country activities
I think it is important to keep the focus on the judiciary and things judiciaries can do without compromising independence or appearing to do so.
<ul style="list-style-type: none"> • Most are completed successfully e.g. annual reports, toolkits, judicial code of conduct • None, all the support that PJDP have been doing has been very helpful to our courts.
Don't know any
The idea of regional appellate support
I believe that any support made by PJDP should never be discontinued
Case management toolkit work (indicators and committees etc.) - bilateral program working in the "systems" side of this - PJSI may be better placed to improve judicial management of cases through the court; Regional seminars.

New PJSI initiatives

<ul style="list-style-type: none"> • Disability inclusion in access to justice. • Establishment of a formal mentoring system. Non judicial officers could be paired with judicial officers from their country (if possible) otherwise from the region. Focus on the role of the Regional Training Team and have them actively facilitate training in their region and provide support to others. Try and use technology to link RTT members. • Training of judges on rights of people with disabilities to access justice, and to achieve their substantive human rights, as set out in the UN CRPD (particularly for justice actors in countries which have ratified the CRPD and thus have binding legal obligations under it - e.g. Australia, NZ, Cook Islands, PNG, Vanuatu). This should include workshops on identifying potential barriers, how to reduce barriers to accessing justice and practical action plans for future improvement (with assignment of responsibility, timeframes and milestones). Training and awareness raising around the increased vulnerability (or targeting) of women and girls with disability to domestic and family violence and abuse, barriers faced by them in accessing justice, and workshops on practical options to address this within the particular legal contexts. • Case management systems tie in well with the Court Annual Reporting project; and complaint handling mechanisms available to the public is very important. • Access to justice initiatives; Professional development of the judiciary; Toolkits - very successful - regularly used; Devolution of roles to local actors. Actions need to be taken by local people not PJSI; Maintain action research methodology; Responsive fund allowed countries to seek assistance for local needs. Something similar would be good as it overcomes the issue of trying to address national interests in a regional program.
Identify regional resources that are qualified and competent to assist jurisdictions within the region; new legislation orientations
<ul style="list-style-type: none"> • Depends on the most needed trainings programs the country asks for • Creating website for judicial officers only for a place of sharing etc. core issues; Regional fund raising in order to meet our needs etc. funding our projects and so forth • Provide manpower and other resources to train magistrates on newly enforced legislations; To expand and elaborate more on the concept of "independence" of the Judiciary in Pacific courts; To conduct annual assessment of Judicial systems and make recommendations for ongoing improvements; To compile court judgements at country level and assess the efficiency and conduct of court magistrates and judges and make recommendations accordingly. • Should get feedback from regional court in individual pacific country about their needs to improve the standard of delivering justice. • System practical support e.g. on the ground expert setting up. Court registry system and training Court Registry staff to run and manage a Court Registry. • Training and workshop

Court visits
Process Mapping of Court processes, such as Protection Orders
IT for remote courts and training in that respect
Regional connectivity via the web - a judicial network - materials - training materials etc. (NB Tuvalu is working on linking the outer islands via the net); It might be appropriate to establish links between Island Judiciaries and those of related nations. I wonder if, for example, local judges could be given access to websites set up for NZ or AUS judges; It may be helpful to initiate formal discussions on the role of the Chief Justice.
<ul style="list-style-type: none"> • Finish what we have started like providing more services online • Initiate training on the Court Marshals or Court securities and Court Libraries.
<ul style="list-style-type: none"> • Training programs for staff to build capacity & improve systems/processes in the following areas: Finance and Storing/Archiving Records & Files & Digital Recordings; Other trainings: Management / Leadership and Mediation. • Increase the number of in-country and overseas training for the RMI Judicial and court officers based on their limited jurisdictions and related area of responsibilities. The more we train the more we gain. • More IT support • More legal training for the court's staff and legal practice.
<ul style="list-style-type: none"> • Training for new Judges. I am sure the Federal Court of Australia would know the kind of training needed for new judges. • Improve service delivery for registries • In the past, overseas Assisting Program for Solomon Islands never afforded the locals a chance to give their feedback on various aspects of their assistance. They only give surveys questions prior to commencement of the program and that's all. May I suggest to PJSI if it can introduce more frequent dialogue and communication with the judicial officers and Court users whether the assistance provided by PJSI is achievable or how should it be better provided and utilised by the beneficiaries. It is important to note that at the end of the day, a successful outcome of any overseas assistance is measured by the type of feedback received and how it is objectively seen to be relevant, beneficial and sustainable to the beneficiaries. • More organised training to be formally given. The opportunity to all government officers. • Provide scholarships to judicial officers and court officers in the court to improve certain knowledge and skill in specific areas of their roles; documentation of procedures and processes; focus more on registry services (improve all areas) • Provide specialised training on ADR as it assists a lot in the long term for the island countries • Training of judicial officers and staff
Monetary assistance to PIC's for major projects. In Tokelau's case a proper and equipped Courthouse; On Island Support to assist with specific needs in promoting justice for Judicial and Court Officials but also Court Users; Assistance to review our Laws.
<ul style="list-style-type: none"> • Advice and practice to interpreters as a major push within the court • In-country training should be xxx • The area of family and domestic violence should have more focus from the PJSI. Since the family protection act was enforced in 2013, complaints were charging their spouses and boyfriends with abuses. Please could the PJSI conduct some training in this area.
<ul style="list-style-type: none"> • ICT for judicial officers; Professionalisation of court administrators; Communications / education strategies to inform general public of the roles & functions of the judiciary • Increase responsive fund amount • Targeted technical support for the Magistrate's Court that focusses on improved outcomes for targeted beneficiaries (e.g. women, children, youth)

Appendix Three - Extract of Expert Survey Responses

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Unsatisfied	Challenge of interacting with traditional / customary justice systems; educating members of the public regarding access to justice; In some PICs the timeliness of judicial decision making; Many PICs have predominantly lay persons sitting on courts and this means they need appropriate education and training	In many regions customary justice systems are very important and many court users are not familiar with court based processes but they are with customary justice system approaches. They trust these procedures; Members of the public need to be exposed to information on access to justice. This needs to come from a broad range of sources. There is a need for more interaction between the courts and other government agencies; The cause of delay in decision making may be due to lack of training. However, it may be due to lack of management of judicial workloads; The fact that lay persons are presiding as judicial officers means they lack inherent knowledge of the law. This can be remedied by education and training.	Courts and other arms of government and NGO's need to work more closely together.	Training, education and support (mentoring) of lay judicial officers.	Court processes - management of cases etc.	Ongoing professional development for judicial staff	Access to justice
Very Satisfied	Quality of some court support staff; Quality of some advocates	Inadequate post-graduation training before practice, and before appointment to responsible positions in the court staff	Post graduate training				
	I feel this question, the previous one and the next are more relevant for the National Coordinators and judges from each country.		Courts to provide gender disaggregated data in their Annual	Information and reporting systems in the court (and across the justice	Lack of a disability inclusion plan and training for	Clear guidelines for courts and Ministries of Finance and	Lack of public information materials on court processes

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
			Reports, particularly in relation to protection order, domestic violence and family law cases that stand as a proxy for the high levels of violence against women and children acknowledged in Pacific countries. Only the courts are able to provide gender disaggregated data in relation to the outcome of cases that come to the courts. Together with data from the police on the number of matters brought to their attention this is critical information for national government officials, policy makers, and church and village leaders to have as they formulate ways to address these	sector) that clearly identify children as parties, victims, witnesses, alleged perpetrators in cases coming before the courts and provide the necessary protections under the law and international conventions to these children.	judges, magistrates and court staff on how to consider people with a disability and their access to justice needs. Only 25% of the PJDP jurisdictions stated that they had a disability inclusion action plan.	Justice to consider in order to allocate sufficient budget for judges and magistrates to circuit to remote areas and to waive fees in civil cases where there is financial hardship (this is particularly an issue in family law matters). The formal justice system will continue to be inaccessible for people outside district capitals where courts are generally located until such time as sufficient budget is allocated to allow for regular circuit	in cases that are heard the most such as domestic violence, protection orders, and family law matters. Palau's booklets entitled: Family Protection Act: Domestic Abuse Information Handbook and Domestic Abuse Restraining Orders and Protective Orders Information are a guide to how this can be done simply by the court.

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
			issues of violence. Both Samoa and Vanuatu have more information on violence and family law cases but do not present it to the public. This limits the ability of domestic stakeholders to address these issues.			courts that are announced ahead of time. Similarly, on average a quarter of the population in 11 of the 14 PJDP countries has an income that falls below the basic needs poverty line in their country. Currently, in the majority PJDP courts it is not clear how a client can apply to have a court fee waived.	
Quite Satisfied	Expense of accessing the legal system is a major barrier for many people, including the risk of having to pay costs for the other side in the event of losing a court case. People with disability are not comfortable and don't feel welcome in the court room. In many cases, judges have had no or little interaction with people with disability, and are not able to make them feel at ease in a court room, this also impacts on the administration of justice 4 People with a disability are often	Justice system and legal fees in Australia are very high. Lack of access to legal aid or specialist disability legal services Legal processes that are not explained in court, barriers to methods of communicating, discriminatory evidence rules (e.g. around capacity, or acceptable ways of communicating evidence, aggressive cross examination which can confuse some people with intellectual disability) can be	Training of judges and justice actors around the rights of people with disability to access justice, common barriers and how to overcome them. (possibly in conjunction with national human rights institutions)	National/regional Monitoring and evaluation justice indicators on accessibility - e.g. accessibility of court rooms, jury boxes, services etc. for appropriate accountability and transparency.	Collection of disability disaggregated data, so that we know and are able to correctly report who is/not accessing justice by disability status	Training for lawyers and judges on access to justice for people with disability - (including violence against women and girls with disability cases) issues and good practice.	Reform of discriminatory laws around access to justice for people with disability (i.e. so that laws comply with UN Convention on the Rights of Persons with Disabilities)

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	discouraged or barred from jury duty, due to prejudicial ideas about capacity of people with disability e.g. by sheriffs, inaccessible court rooms (e.g. for wheelchairs) or the perceived cost of providing reasonable adjustments, or outdated rules around barring Auslan interpreters from the jury room due to lack of understanding of the role of interpreters/codes of ethics and concerns about the 'thirteenth juror'.	major barriers to people with disability bringing both civil and criminal cases. Lack of training of judicial officers on both disability sensitisation (i.e. interacting with people with disability in appropriate ways) and on substantive laws about disability and anti-discrimination law Outdated and inflexible evidence laws. Note that these can increase vulnerability to assault and abuse if perpetrators feel that a case will never successfully be brought against them.					
Quite Satisfied	Large backlog in cases; outdated, conflicting and poorly drafted legislation; JP's with limited / variable ability to interpret and apply law; court officials with limited skill set; shortage of highly skilled judiciary; dependence on NZ judges; police prosecution has limited / variable skill set; crown law has low capacity.	Ministry of Justice, Police, CL have limited resourcing. Civil Society has limited 'justice' focus. Labour shortages and low pay are persistent. Justice system lacks digitisation and laws are not readily available or easily understood.	Address backlog	Train JPs / court officials / Police prosecution / CSOs/lawyers/public	Modernise systems - ICT	Modernise legislation - e.g. PCO expansion	
Very Satisfied	One of the major challenges confronting the delivery of Justice is filling up vacant positions in the Justice sectors. Not all the positions in most of the Government Law offices are filled due to lack of Funding. This contributes to delay of cases and also investigations of cases.	One of the major causes is lack of funding to fill all important positions in Courts and also all government offices dealing with cases.	Proper trainings for Court officials, government offices dealing with general public.	Accessing the courts and also legal assistance for civil cases.			
Quite Satisfied	Prosecution needs to be reviewed so that they are fully qualified to stand on	Staff are so relaxed and do not comply with customer service	Any court officer should be qualified	Scrutiny should be very strict and any	Local Magistrates	Discretionary powers of court	Cases in the Kiribati court

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	<p>behalf of the state.</p> <p>Attitudes of court officers needs to be scrutinised seriously including police prosecutors in regard to qualifications and ethics.</p> <p>Judgements and follow up stages on the part of the court require prompt and stringent guidelines.</p> <p>Local Magistrate minimum selection criteria and qualification and on the job training should carefully be designed for the quality of the work aspired. Court documents are very expensive and are not good for Kiribati low and no income members of the community.</p>	<p>principles. They will advise you to come back another day but nothing happens upon return.</p> <p>The Court staff feel that the public should always listen to any officer of the court and should not argue or criticise any action.</p> <p>Lawyers are over committed in their representation of so many clients. This results in cases not handled professionally and trial deferment is most common.</p> <p>Most cases now take longer to dispose of and more costly to clients.</p>	and well trained for this office.	officer not up to standard should be removed.	should also be screened and interviewed for conduct and background police and imprisonment plus community trust.	magistrates and judges should be reviewed.	now take one year and more for trial.
Quite Satisfied	<p>The increased number of domestic violence cases and charges has been significant in the last five years as new legislation for Family Protection has been implemented. Court staff, and the Judiciary, has varied levels of understanding and expertise in these new provisions. Family Violence Court established in Samoa and Tonga, and considered in Cook Islands, which is a very positive forward step by the Courts and Judiciary. The links between Police Safety Orders, and subsequent Court Protection Orders is not well understood by most parties. The management - particularly the service on both parties and monitoring, and responding to breaches of Protection Orders is a new role for Police. Levels of service vary based on knowledge and</p>	<p>Changes in legislative provisions (Family Protection Act and similar) have created new provisions. Training has not always been timely or effective, and often not to a similar standard for all parties (Police, Courts, Judiciary, agencies)</p> <p>High workloads and lack of capacity by Public Prosecutors / AG's has meant that cases are not heard by the Court in a realistic or effective time.</p> <p>Many lay Magistrates, JP's are not familiar with the new legislative requirements and their powers, or judicial responsibilities.</p>	Standardised training packages, and delivery of training to Courts and Judicial Officers in domestic violence case management.	Continued focus on Family and Domestic Violence case management.			

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	skills. Levels of understanding by Courts staff and the Judiciary on the management of these Protection Orders is variable. Investigative Case files which are completed after an initial arrest, and submitted to Public Prosecutors, are often delayed because of very high workloads in Public Prosecutors offices. These are again delayed in the Court process. In some cases statutory time limits for laying a charge have been exceeded, denying the opportunity for the charge to be pursued. The delays obstruct the opportunity for victims to access Justice Services to address their needs.						
Quite Unsatisfied	Lack of resources and ongoing training (also combined ones with prosecutors); Lack of understanding of more complex crimes, such as corruption (e.g. money-laundering, extortion); Independence / judicial integrity	Budget allocation; Training provided (also from Law Schools, namely University of the South Pacific, and on-the-job); Insufficient focus on integrity / ethics / gender	Simple case management systems	Judicial Integrity mapping / Address of recommendations	Training on complex crimes, such as corruption	Attachments for peer-to-peer (Pacific-to-Pacific) learning	N/A
Quite Satisfied	Establishing a strong and all inclusive judicial community within which judges can discuss issues such as conduct and ethics. (Such a community can develop a shared understanding of the judicial role and to support individual judges thereby strengthening integrity); The provision of adequate and continued training for judges and court staff; The provision of appropriate up-to-date information and support materials (bench books etc.); Independence - in	Geographic isolation as regards both whole judiciaries and individual judges; Some Pacific jurisdictions have VERY small judiciaries; Limited resources - financial, material and particularly human skills / experience; The small and isolated nature of many communities; Unrealistic expectations in members of the public arising from	I am sorry I cannot answer in respect of any specific jurisdiction				

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	the light of the extended family and community ties - The perception of family bias; Resolving conflicts between the law and culture / custom - e.g. gifting, family and land matters; Managing public expectation by educating / informing the public transparency / accountability.	misconceptions regarding the judicial role; Some small jurisdictions do not have their own resident full time Chief Justice.					
Very Satisfied	Costs of transportation within PNG for litigants in the Court in Port Moresby; Costs of legal advice for litigants; Increasing standards of excellence in legal education; Delivery of ongoing professional education for lawyers	Transport: the mountain terrains which means access to the Supreme Court in Port Moresby is by plane only. Costs: Average incomes are such that legal advice may be unaffordable. Legal education: I am not in a position to comment, other than to query standards of teaching and assessment and independent review	Legal aid	Ongoing professional education	Enhancing university legal education	Supporting the judiciary with training programmes and education	N/A
Quite Satisfied	Major challenge is the lack of Marshallese High Court and Supreme Court judges. Currently, the Chief Justice is an American Citizen that speaks Marshallese, but the rest are expatriates from U.S.A.	Not only few qualified Marshallese lawyers, but the qualified ones have found better paying jobs outside the Marshall Islands.	Lack of Funding to hire more high court judges to hear cases in Ebeye and Kwajalein	Lack of qualified staff			

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Unsatisfied	There is a long waiting time for ones case to be heard in court, especially in the Lands Court and there are many complaints from the public who feel the decisions made therein are not well-informed ones. Moreover, there is a strong need to build the capacity of the magistrates as well as the court clerks. This need came out strongly in the National Magistrates' workshop, this week.	These challenges are brought about by the lack of financial and human resources within the Tuvalu Office of the Judiciary. There is also the lack of capacity and capability for the magistrates to deliver quality services, especially in the Island Courts and the Lands Courts where lay persons are appointed into these prestigious positions. For many of these magistrates English is their second language and most of them have had only very basic formal education. All our laws are written in English and have not been translated into our mother tongue.	Lack of administrative and clerical support to outer islands courts	Delay in the disposal of cases	Case management	Transparency and accountability	Independence
Very Satisfied	In Vanuatu, we are still awaiting the building of a new court house/complex; Lack of capacity (and possibly independence) among the magistracy; More needed to use ICT solutions for delivery of justice services, e.g. using broadband services to conduct PIs or take evidence - has been used once that I know of in Cook Islands but needs to become more integrated and commonplace starting with those countries that have good ICT infrastructure; Judiciary needs to be providing leadership in justice sectors around critical infrastructure such as PacLII - ensure that judgments are provided in a timely manner and lobby	Lack of resources in budgets as allocated by national governments; Technical assistance pays insufficient attention to structural/institutional/administrative matters; There are no votes in justice so it is hard to cultivate political support for these issues. Plus, quite rightly, judges are wary of being too closely aligned with political actors but depend on them to provide money for services.	Equip judges, magistrates, court staff with necessary equipment and skills to make full use of ICT solutions that will make access to justice more widespread, efficient, cost effective & visible	Strengthen 'back office' skills including budgeting, planning, human rights, etc. to increase efficiency & cost-effectiveness	Assist the judiciary to set up a small claims tribunal or mediator service, to service the private sector - this will give greater certainty of contracts, etc. and be more affordable for SMEs in Vanuatu - and this is	Work with Chief Justices and judges to develop appropriate succession planning for their jurisdictions	Improved court reporting - recording of cases in real time to assist with speedier delivery of judgments

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	for Pacific government to provide funding support; More work done by Law Societies, Law Councils etc. to ensure greater professionalism of legal professionals, including admission criteria, CLE, policing of ethics and professional standards, renewal of practising certificates.				something that will probably be useful/important in other Pacific island countries		
Quite Unsatisfied	Lack of resources; Lack of capacity; Threat and attempted political interference.	Low revenue base; poor enforcement & revenue collection; poor financial management; Small population with relatively low education levels and access to technical skills development; Thin understanding of and demand for clear separation of powers and effective governance particularly at the top but throughout the public sector.	Strong legal technical skills are lacking at all levels but have the greatest impact at the Magistrates' Court level which currently handles 80% of criminal matters in Vanuatu, particularly in the areas of gender based violence, sexual assault, family violence, juvenile justice; evidence; handling of vulnerable witnesses; expedition.	Effective management of the cases through the courts both in terms of internal practice management and court craft in the Magistrate's Court and the Supreme Court (monitoring and managing Judicial lists; disposal rates, reserved judgments; adjournment rates; unreasonable delay etc.)	Administrative and financial management of court circuits (Magistrate's Court & Supreme Court level)	Significant challenge for the judiciary is working with a de facto unregulated legal profession.	N/A
Quite Satisfied	Extensive delays in court hearings, from setting initial hearing dates through to finalising cases. These delays contribute to frustration on the part of all parties, together with justice not being served at all in many cases. This means	A reliance on time consuming and resource intensive summons process to get offenders before the court; Large volumes of low level cases being placed before the court that could otherwise be	A directive to Police, supported by legislation as required, to empower Police to bail an offender to	An official mandate provided to Police to resolve low level offences, such as idle and disorderly or drunk in a public	Development of a reliable mechanism to ensure all parties are aware of	Introduction of a disputes tribunal or similar body to deal with low level civil cases	

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	offenders are not being held to account and remain a risk to victims and the community. Further, victims and the general public lack trust and confidence in the Police and Justice sectors due to the delays in reaching or complete absence of outcomes.	dealt with by alternative resolutions; Parties failing to appear for court hearings contributing to unnecessary adjournments, including legal counsel; Extensive numbers of civil cases consuming court time, including high numbers of employment dispute cases	appear in court on a specific date, with appropriate bail conditions, rather than release for later summons. Additional legislative change to create an offence to breach Police bail conditions, with a power of arrest and retention in custody until the next available court sitting.	place equivalent offences, to be dealt with by alternative resolution outside of the court process where circumstances make an alternative resolution appropriate to consider; e.g. NZ Police operates a pre-charge warning process for low level offences that could be applied.	hearing dates, and clear directives from the court regarding the consequences of failing to appear by any party - with legislative support as required.	so that they are not tying up valuable court time.	

Appendix Four - Extract of Internal Survey Responses

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Satisfied	Structured and continuous training not only of new Justices of the Peace but also for sitting judicial officers too; Insufficient resources including budget therefore reliance on external funding to mount training programs; Unexpected court schedules that may override planned training sessions for all JPs e.g. Hearing of the 2014 General Election petitions etc. Our JP Team developed a 1 hour training sessions on recommended topics such as bail, trials, decision writing. Each of the National Trainers chooses a topic. These training sessions were to have been conducted during our monthly meetings. One thing led to another and these training sessions are to be completed.	There is no budget allocation from the Ministry of Justice's annual budget for JP related activities except for their sitting allowances; JP is a part time role in our jurisdiction and with the exception of a few JPs they have other paid jobs and cannot always guarantee their full participation in all planned JP activities. However, that is not to say that those JPs are not dedicated to their roles and they work hard to meet their obligations as judicial officers	Structured and continuous training programs for all judicial officers	Work Attachment in other courts including other Pacific Island Courts			
Quite Satisfied	Generally overall level of training across the board for judicial and court officers, and Police; The volume of work being faced in some areas of justice delivery; support areas such as psychiatric evaluation and follow up assessment of some who come through the system is lacking;	In the area of training it is probably training and funding. Assistance with developing an "in-country" training syllabus would help JPs; Funding in general; In area of psychiatric evaluations, a small community just does not have some of this specialist knowledge	Training - Courses and in-country training	Support Services e.g. stenographer	As above other support services to support offenders such as psych evaluation and ongoing evaluation	More police officers properly trained in court work	
Quite Satisfied	With our court operating at two levels with qualified and lay judicial officers there is general satisfaction in the criminal and civil jurisdictions - the major issues is the land jurisdiction	Advocacy: a lack of qualified personnel and a lack of funding for legal aid or public defenders; land court: a lack of appropriately trained personnel and inferior recording equipment	Updating and correction of land titles records and registers	Current ages of existing judicial officers is a concern - new JPs registered			

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	where titles records are not current and to some not accurate. Also Advocacy.						
Quite Satisfied	The lack of effective training programme(s), its implementation and limited resources for all new Justices are more of the major challenges	There are trained Trainers among the Senior Justices but their availabilities to provide regular training have been limited due to other personal commitments, and resources are limited.	Effective and regular training programmes for new Justices	Training resources	Attachment training with other courts		
Very Satisfied	Setting up a proper, efficient and effective Court Registry; Proper data collecting system is very much needed in the Judiciary in Kiribati - a need for IT expert's assistance	Present Court Registry set up is ineffective; Lack of Court Registry Staff training; Lack of IT experts on the ground	Setting up a proper Court Registry	Training of Court Registry staff	Set up IT systems that properly collect data	Mentoring programme for judicial affairs	Responsive fund to enable further training of officers to enhance their judicial skills
Quite Satisfied	The remoteness of islands & unqualified judicial officers	Group of Kiribati Islands scattered across the equator, the distance between the main capitals to the North Line group is approx. 2,500km. Transportation or cost of transportation is expensive indeed, estimate cost \$100,000.00 for a team to conduct workshops (etc.); All of the judicial officers / magistrates on outer islands are lay magistrates	Funding	Regional seminar / workshop	In-country visit by technical advisor	In country workshop / seminar especially to lay magistrates on outer islands	Unqualified judicial trainers to the trained on teaching skills professionally
Very Satisfied	Lack of qualified / not well trained magistrates in remote islands	Lack of trainings	To upgrade the lay magistrates skills and knowledge in their work	Make them attend more workshops (regional / in country)	Regular visits to address their needs	Update them with new information and technologies related to their work	Make them confident / qualified in all aspects of their work
Very Satisfied	Domestic violence cases against children and women. Most cases ended up withdrawn by victims for various reasons such as apology, victim fears her husband, father, brother will end up in jail losing the support	Customary parties / traditional summons. Religious beliefs which sometimes led complainant to abandon their cases or complaint because their head of religion advised them to do so (church influence)	Magistrate training on decision making, law of evidence and	Workshop on newly enacted laws regarding their application and usages	Establish-ment of family court	Establish-ment of juvenile court	Court buildings to accommodate the needs of the disabled

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
			other related laws				
Quite Satisfied	The major challenges confronting the delivery of justice in our PICs is that our islands are separated from each other	Insufficient fund both regional and local	Training for judicial officers	Establish of family court	Workshops for court officers	Building court houses to accommod-ate people during court sitting	
Quite Unsatisfied	Shortage of legal practitioners or pleaders - retards the proceedings due to absence and non-availability of lawyers; out-dated processes which are required to be complied with and often difficult to be understood by parties and public alike	Lack of education of the needs of litigants and defendants to be properly represented by legally qualified people to argue their cases / causes	Training including placements	In-house workshops	Revision of court rules / procedures	Management Training	Update of facilities
Quite Satisfied	Access to Justice; Small population on island & large pollution off Island	Population Drift; Low uptake of IT	IT - to allow remote access	Preserving the Land Record			
Quite Satisfied	How to use technology to improve quality and availability of our services to all court users and for judges to issue timely decisions	As to IT - know-how is the cause. For example, we want to have our judgements available online. We are working on it.	Technology	Time Standard Workshop			
Quite Satisfied	The challenge we are faced with in our courts are the distances between our two courts, we have lots of space in our new building but we cannot really use our new court because its far from where most of the people live. We need to find ways to utilise the new building that we have. We need to use our building so we could have more space for our files or keep all our courts in Koror.	We built a new capitol building that in the big island of Palau, but most of the people are living forty five minutes away from it and transportation to the capitol is a challenge. We have a very nice court house in the capitol, but hardly used yet we still have to maintain and it is costing the court a lot of money to maintain.	Staff training which includes customer service, process and procedures etc.	Improvement of our court libraries	Work with our web-site	Archiving our files and securing our hard copies	Building capacity with our employees working with our courts in specific areas, like the family violence and mediation.
Quite Unsatisfied	Technology - Palau Judiciary is always playing catch-up the pace of technology changes. We are unable to provide some service that		Improvement on Technology and staff	Management of staff			

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	requires the use of adequate technology.						
Very Satisfied	Staff need to be trained to the level of court users expectation (registry training); Staff not selected on merits of qualification and applications; Salary gap between AR and registry staff is very big in difference	Not enough training for Registry staff; selection of unqualified officers and relatives; huge salary difference between AR and registry staff	Immediate training of Registry and court room staff	Managers stop hiring unqualified relatives and personals	Improve salary gap for registry staff up to two levels below AR's level	Create initiative for officers to go on training outside of the organisation	Provisions of accommodation be considered apart from rental allowance
Quite Unsatisfied	Competency and availability of counsel to economically disadvantaged litigants. Financially disadvantaged litigants have difficulty obtaining competent counsel which impacts access to courts and delivery of justice. Bar is generally reluctant to accept court appointments due to limited compensation.	Lack of sufficient funding to adequately compensate counsel appointed to represent indigent litigants	Education of lay judges in procedure, evidence, decision making and opinion writing	Professionalism education for bar			
Very Satisfied	Relatively low salaries for High Court justices; Not enough judges and staff who can and will focus on leadership and planning (i.e., too much reliance upon only two people (names removed) for leadership and direction); Insufficient IT expertise; Internalising lessons from trainings (e.g. decision making and writing, backlog reduction, change leadership, team building, etc.); Training of trainers; Community Court judges scattered on outer-islands making communication and training more difficult; and Turn-over in personnel.	US budgetary support for the Marshall Islands is concentrated on education and health. There are no guaranteed allocations for enforcement agencies, such as the courts, the attorney-general (i.e. prosecutor), the police, and the auditor general. It's hard to get additional funding for the courts, e.g. inflation adjustment for High Court salaries; The RMI Judiciary is very small: one permanent part-time Supreme Court chief justice; two High Court justices; three Traditional Rights Court judges; three District Court judges; 23-26 Community Court judges; 7 clerks; one maintenance worker; and three bailiffs, seconded from the police; A lack of qualified IT experts and trainers on-island, or even within 2,000 miles.	Update website, including recognition by web crawlers. Train staff to maintain the website.	Financial management training, including training on Quick Books and Excel.	Decision making and writing	Domestic Violence training for trial judges.	T-O-T on various subjects, including change leadership and team training.

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Very Satisfied	Often times the lack of lawyers on island to represent people results in delays of cases. This is true in land cases where parties involved are elderly ones that can't afford lawyers, and there is limited public legal services.	Continuance of cases is a major cause of this challenge because the limited lawyers in our Public legal services.	Refresher training for lay judges	In country capacity for our staffs and bailiffs	Training on time management		
Quite Satisfied	The court looks with strong disfavour on motion or request to continue court events. The court especially disfavour continuance of matter scheduled for trial.	Lawyers or the party agree on continuance the case will probably settle if a continuance is granted there is a substitution of counsel or party prime witness or party counsel is off island	Backlog cases	New case becoming delayed	Improve the quality of the pre-trial process	Continuance policy	Differentiate cases
Quite Satisfied	One of the major challenges is no prosecutor and public defender are available on site and it is been going on for more than five years now since 2007 or 2008. The AG's and PD Offices are usually come to Ebeye for court hearing every quarter or four times a year. It is a long period of time for the people of Ebeye to access to counsel when it is needed. If something happens today police need to wait for the Attorney General Office in Majuro to file the case in court.	The cause is always funding and nobody is really pushing it or worry about it.	In-country training for our community court judges on Domestic Violence.	A guideline for self-represented litigants on how to present their cases in court.			
Quite Satisfied	This survey pertains to the District Court which is a limited jurisdiction court. The type of cases that come before the District Court are misdemeanour, small claims, regular civil cases which the amount claimed or the property value does not exceed \$10,000. Vast majority of cases are unrepresented by counsel. One major challenge is that the judge cannot rely on the prose litigants to know the procedural steps, to raise	Inadequate legal aid assistance, and also for lack of written manual or guide to present an overview of the court rules and procedures.	The needs are to compile small claims and prose or self-represented litigants manuals / guides and to assist in establishing a				

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	objections, to ask relevant questions of witnesses, and to protect their due process rights.		court-based self-help program.				
Very Satisfied	At the district court level, I notice an increasing number of cases especially criminal cases (local police and national police cases handled by respective prosecuting trial assistants. There is only one defending trial assistant. There is a need for more defending trial assistants	Insufficient / shortage number of trial assistants	Regional / local refresher training / workshops for judges, attorneys / trial assistants and court staff				
Very Satisfied	Not enough judges and staff. Also a staff attorney is needed to help judges out with researches and reviewing decisions.	Budget constraint.	IT expertise	Excel Advanced skills	Budget training	Adobe Acrobat training	FTR Touch training
Very Satisfied	Timeframe of how the case is settle, dispose and dismiss.	Availability of the following persons: The Judges - sometime they're off-island to attend training and continuing education (CE); Delays in filing criminal information and needed document in order for the judge to schedule the case; Serving Officers - Unexpected problem come out like no available vehicle to be used in serving notices. Clerk itself can cause delays due the sickness.	Proper Coordination of each branches (Judges, Prosecutor, Clerks) in - order to meet the goal of delivering the justice to the public. "justice delayed is justice denied"	Proper documenta- tion and filings.	Discipline and work etiquette	Dedication and public service.	Information and communica- tion (Radio Program, Public awareness, and Publication)
Very Satisfied	Staffing; pay; workshops; FTR recorder	If one is sick or goes on vacation or if 2 are out we will be short staff; with the amount of work or multi-tasking I think we should get paid more; we have only 1 person who knows how to work the FTR if there's a problem	Interpreta- tion training	FTR recorder	Workshops		

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Satisfied	Not enough attorneys to help people with their cases - only a handful of active attorneys who reside on Majuro (Capital City); Legal Aid Fund which helps pay for attorney fees not enough; Difficulty hiring qualified/retaining expat judges for the High Court (also qualified Marshallese do not show interest in the High Court justice posts); No High Court Justice, Public Defender, and Attorney General representatives on Ebeye, Kwajalein (Atoll with 2nd largest population) - High Court & PD/AG Office reps travel from Majuro to conduct court matters every other month or once every quarter; Communication with & organising training programs for Community Court lay judges is very difficult; Lack of enforcement of court judgments / decisions by the Ministry of Justice officials, police; Lack of IT Expertise	Only a handful of active attorneys who reside on Majuro (Capital City). Others have been admitted but reside off island or work specifically for an office/organisation; Legal Aid Fund part of Judiciary's appropriation monies. We can increase request but decision final decision is by the Budget Consultation Committee, Cabinet, and Budget Appropriation Committee to increase or not. Also, lately the Micronesian Legal Services Corporation has been declining to represent people and referring them to us for legal aid; High Court salary / package probably not attractive enough and there's also the issue of relocating here. Also, hard to get additional funding; Not enough money to have these posts set up on Ebeye, Kwajalein Atoll. US budgetary support for the RMI is concentrated on health and education; Community Court judges are scattered on outer-islands. Some atolls / islands still have no cell phone system and only way of communicating to us is by CB radio through an operator at our National Communication Authority. Also, it's very difficult to get all Community Court judges together on Majuro because they either have to get here by boat field trips (the RMI Shipping Corporation has a schedule and the process itself is time consuming because islands are too far apart and they make stops at other islands) and our Airline has two / three small planes and schedule is unreliable; Probably not enough resources	Financial management training for staff - Quickbooks and Excel	Domestic Violence training for Community Court judges	Website training for staff and how to maintain a website		

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
		for the Ministry of Justice to carry out enforcement - monitoring defendant's on probation, supervising defendants sentenced to perform community service hours, ensuring fines, restitutions are paid on time, etc.; Lack of qualified IT experts on island					
Quite Satisfied	Resources in a time of declining revenues; Service delivery to remote locations; recruitment of qualified personnel	RMI is largely dependent upon revenues from foreign donors, esp. the US. These revenues are declining; The RMI has a relatively small population spread out over 750,000 square miles of ocean; Salaries, particularly for High Court justices are not competitive, and in light of #1, it is difficult to increase them	Continuing education for judges	Continuing education of staff	Technical support	Court technical infrastructure	Support for judicial independence
Quite Satisfied	We need more attorneys, counsels or para legal etc...	Need more students to attend law school and can come back to practice law here in RMI	More funding				
Quite Satisfied	Lack of resources in particular Human Resources to preside in cases and go out to province on circuit	Probably the condition of services is not attractive enough at the high bench	Improve condition of judicial officers	Training of Judicial and court staff	Separate budget	Introduce ADR system to assist in civil cases	
Quite Satisfied	Very limited funds allocated to the courts e.g. local courts in the province can't sit regularly to dispose cases in a timely manner. Terms and condition of judicial officers not attractive, thus only few employed, that has an impact on delivery of services	Culture and systems adopted by the people	Funding	Technical Advice	Regional workshops for all levels	Capacity Building	
Quite Satisfied	Backlog of cases; case files difficult to ascertain; storage; to many adjournment of cases as parties self-represented / appear in person; not enough awareness to court users; lack of funds	Shortage of judges / judicial officers; lack of staff / not enough; office space and storage facilities	Refresher training on judgement writing and sentencing	Provide infrastructure for court especially for storage	Exchange program	Development/ documented process and procedure	Review of policies

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Satisfied	Shortage of judges for the high court especially; resourcing and capacity building	Not attractive terms and conditions for judges; training and lack of it; lack of resourcing from the government - judiciary should have its own budget	Training for judicial officers	Infrastructure development	Exchange program	Judgement writing	Assessment of evidence
Quite Unsatisfied	Courts especially the local courts are not able to sit regularly to hear cases; no paper case management systems in place to better manage cases through the courts; lack of manpower (clerks) to administer and manage cases in a number of courts; new clerks and justices lack the relevant knowledge and skills to administer, manage cases and to decision making and judgement writing.	Lack of sufficient budgets (money) to cater for all court circuits; no expertise support to develop proper case management systems relevant to each court; lack the funding (money) for training programs; no major court infrastructures available at district levels; unreliable logistic support for the courts to perform internal court circuits this absence of court processes and procedures being documented.	Responsive Funds for training programs	Develop cases management systems with trainings	Development of database systems for recording of cases updating and reporting	Provide short term advisors in terms of planning and to assist in courts pilot program that will be identified	
Quite Satisfied	Lack of availability of funds in time major challenge); understaffed (minor).	Focus on sourcing funds from the ministry of finance; needs good planning establishment.	More training to build staff capacity	Mentoring program is important	Judgement Writing	Sentencing policy	Familiarity with the law
Quite Satisfied	The shortage number of judges causes a big blow to the scheduling of matters especially the civil case to be heard. In some cases especially to criminal cases together with another that is on the run. Delivery of judgements sometimes causes from having less judges.	Already mentioned due to limited number of judges and hearing matters with few judges, means judgements are sometimes a little overdue. The focus for new judges is on the local lawyers that the response is port. Also there are too many unnecessary adjournments.	Trainings to the court officers	Officers of courts should be recognised and promoted to better levels	Staff training in the xx for xx xx courses at university	Housing schemes for officers better up to date standard of living	
Quite Satisfied	I will only speak from the Magistracy's point of view during my period. The major challenges I observed we faced in the delivery of justice service to the people of Solomon Islands are as follows: lack of adequate trainings specifically designed for judicial officers, lack of providing the Magistracy with update common law legal text books and legal materials, not enough court	In terms of lack of adequate trainings specifically designed for judicial officers, I believed that its causes lies in the following areas: lack of support from our national government in terms of funding to organise in country trainings to be conducted by either a local or overseas trainers for all Magistrates in Solomon Islands, the failure of our Heads of Agency to make initiative by way of invitation to	Provide frequent in and out of country practical and relevant trainings for Magistrates on equal	Provide update common law legal text books for Magistrates both in and out of Honiara.	If it is possible, build more Court Rooms especially in Honiara.	Provide technical overseas advisor to assist reform the current law to do away with classification of Magistrate	Secure financial assistance from foreign government to help in the purchase of office facilities, furniture, computers and

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
	rooms especially for the Central Magistrate Court in Honiara, continued back log of cases due to classification of Magistrates, and lack of adequate funding from our national Government for upgrading the Magistrates Courts and Office facilities both in and out of Honiara and lack of adequate funding from our national Government for frequent Court circuits to other provinces that at present still without any Magistrate but depend entirely on Court circuits.	overseas potential trainers to come to Solomon Islands or, because of no frequent training opportunities provided by the former PJDP, the failure of who is responsible for training programs for us Magistrates here in Honiara simply withholding those invitations either to him / herself or simply allocating the trainings to the same people over and over again. I am of the view that frequent and relevant practical trainings to Magistrates is crucial in terms of our professional development and for overall developing of competent crops of Magistrates who will effectively contribute to the development of our local jurisprudence. The cause of the lack of providing the Magistracy with update common law legal text books and legal materials also lies with either the failure of our government or overseas government to accept any request for funding of those materials or, the failure of the person who in charge in our ministry for submitting of requests for any possible funding for those needed materials. Despite we do have a library at the High Court; some of those books are either outdated or no longer available because those books are not only borrowed by the Judges and Magistrates but also by the entire legal practitioners of Solomon Islands. Further, those books are only on borrowed- basis and won't be	opportunity basis.			because this will continue to contribute to backlog of cases.	transcription services for all Magistrates Court in Solomon Islands

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
		<p>taken by Magistrates during court circuits outside of Honiara.</p> <p>7.0 The issue of not enough court buildings especially for the Central Magistrates Court in Honiara is an ongoing problem.</p> <p>In my view, it is the responsibility of our own government and should not be shouldered by any foreign government unless it is agreed and accepted by a foreign government to assist us in building any new Court buildings for Magistrates. At present we only have 3 Court rooms available for 7 Magistrates currently in Honiara. The fourth one is currently constructed but as reliably informed, its allocated fund is far below its estimated costs to have it fully constructed. With the limited number of Court rooms, it really contributed to delay the disposal of the cases in a reasonable and timely manner as expected both by the public and the Magistrates. This often resulted in denial of justice to a lot of matters because justice delay is justice denied. This issue of limited court room is not a new issue but has been here for ages. Sadly it is a direct reflection of our government turning a blind eye to the judiciary sector. Perhaps if there a need for any foreign government to step in then that assistance would be very much appreciated and valued by the entire people of Solomon Islands.</p>					

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
		<p>In terms of the continued back log of cases due to classification of Magistrates, the main cause of this lies in the lack of will or failure of our Heads of Agency to come together and agree to amend our current Magistrates Court Act so that it will do away with the classification of Magistrates. At present, we have Principal Magistrates at the top, First Class Magistrates and Second Class Magistrates at the bottom in terms of seniority and exercising of powers in the Magistrates Court. That is how we classify us at present despite the requirement now is to have a minimum of law degree. This contributes to delay disposal of cases and back log of cases. I believe that this will be easily ironed out should there be a technical assistance by way of providing an overseas Advisor to advise our government for future consultations in preparation for amending the current Magistrates Court Act. If this eventuates, it will be a paradigm shift within the Judiciary allowing all Magistrates having the same equal power to deal with all cases at the Magistrates other than having to adjourn a case before a Principal Magistrate who has the jurisdiction to dispose that matter. The main cause for the lack of adequate funding from our own Government for adequate resourcing of the Magistracy in terms of upgrading the Office facilities both in and out of Honiara and also lack of adequate funding from our Government</p>					

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
		for frequent Court circuits to other provinces lies in the limited budgetary allocation provided to our ministry by the National Government. I am of the view that if there is an agreement by any donor then some of those matters for example the furniture, computers, transcription services etc... Can be provided by a foreign government while the national Government will continue to meet the frequent traveling expenses of each Magistrate during the Magistrates court circuits to provinces that are still without any resident Magistrate. By frequent Court circuits to remote locations in Solomon Islands, justice is served not only to the capital but to the rural people who unfortunately do not access the service of the Courts for a while.					
Very Unsatisfied	No knowledge and understanding of the law; lack of leadership; unfairness in the justice system; lack of resources	Commissioner's ability and knowledge in understanding in the delivery of justice; commissioner's lack of leadership in the courtroom; the resources available are minimal and just not capable enough to cater for the needs of the courts; the court room is dense and leaking and quite unsuitable to be a Court Room. We need a well-equipped and suitable court room for Tokelau	Court house	Challenge / change the process for appointing commissioner	Ongoing PJDP Training in the region in order to enhance and encourage judicial / court officers to deliver justice. To compare / share with PIC their systems in order to adopt the best system	Specific judicial trainings for the needs of the Tokelau judicial / court officers and users to better enhance and improve the delivery of justice and understanding justice in Tokelau	

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Satisfied	Public often takes a while to come forward and report matters to the police; police sometimes only reacts when a complaint is filed. They should take immediate acting; without waiting. They should not wait for a week or more; Delay in case getting to court; long absence of judiciary/court officers when off island either on meetings, training or on personal matters; Acting law com also have other National commitments and travels overseas regularly = delay of boat; Planned and unplanned village activities; under staff	Very small community where everyone knows everyone; conflict of interest; lack of supervisory leadership and management within the police; in sufficient capability amongst investigation officers; judiciary/court officer involvement in other village roles	Staff capacity building, personal development/ work performance - computer skills	Recording system	Recruitment of a court support officer	Court room	How to deal / give assistance to Juvenile offenders especially those that are at risk and repeat offenders
Quite Satisfied	Lack of skills in promoting awareness training to the people; No motivation; Non trained deputy law commissioners (acting law com); Lack of understanding and knowledge to deliver justice	Lack of ongoing training; acting law commissioner should be included in workshops; refresher/re-visit previous trainings	More training and ongoing in terms of conducting judiciary matters	All workshop should also include acting law commissioner in order to understand the law, deliver and make better decisions	Conduct national get together to remind and refresh on previous trainings e.g. data management	Training to enable court staff on how to deliver better understanding to our people	
Quite Satisfied	The major challenge confronting the delivery of justice could be biased or one-sided; long adjournments of proceedings	Because of family relations or friends, this bond always gets in the way; lack of knowledge and professionalism as well as being care free	We need to encourage procedural fairness and equal application of the law to all the people without discrimination	Need to strengthen and promote legal awareness to all the people	Support the enforcement of remedies	Need more practices on court officers roles in court	

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Satisfied	Separation of power isn't a reality; judiciary full control of its resources e.g. personnel, courtrooms; magistrates in residence of their jurisdictions; retention of legal graduates in country; encouragement of legal graduates to practice law as barristers; recruitment of qualified personnel - magistrates, prosecutors etc..	Judiciary is still under the ministry of justice financial control. The personnel of the judiciary are under the administration control of the department of justice; magistrates rotate to outer islands jurisdiction on circuit. Almost 90% of accused in criminal cases are not represented in court	Upgrade the skills of judicial officers, magistrates, prosecutors, clerks and lawyers	Upgrade the facilities and the operating knowledge of the judicial personnel	In country radio program on court procedures and unrepresented litigants	One day workshop in each jurisdiction for interested lawyers and others	Supply training videos as movies for officers
Quite Satisfied	I believe the challenge is the ability of delivery justice. Of course being bias is a challenge that interferes with Justice	I believe one cause is the distraction given by friends and relatives since Tonga are bound to such family relations and the thought of Christian emotions may distract justice	The need for interpreting practices	Judicial support through lawyers	Electronic equipment - transcribing	Improve relations with lawyers	Court Standards while proceeding a case
Quite Satisfied	Lack of facilities; lack of human resources; separation of power not a reality; judiciary full control of its resources	Financial requirement	Short staff	Need more court resources	Judicial independence is lacking	Need to upgrade case management tools in supreme court and magistrates court	
Quite Satisfied	Lack of facilities, including need for more court rooms; lack of human resources = need for skilled welfare and probation support people	Financial , lack of planning and coordination of programs	Overall needs assessment survey of all aspects of work	A focussed plan - taking specific problems and addressing	More court rooms - together with more clerks, prosecutors etc. No employment contact, low remuneration compared to the supreme court	Judicial independence is lacking no employment contact, low remuneration compared to the supreme court	Need a court case management system in place for magistrates court

Perception of satisfaction, trust and respect of Courts	Describe the major challenge(s)	Cause(s) of these Challenges	g. 1 - Major Need	h. 2 - Major Need	i. 3 - Major Need	j. 4 - Major Need	k. 5 - Major Need
Quite Satisfied	Lack of resources - hand writing the evidence and then typing judgement	No recording machine; a laptop should have to avoid writing and typing judgement	Recording machine	Laptop	Workshop	Technical advisor	
Quite Satisfied	Lack of man power; lack of resources, particularly in remote areas; delay in judgement	Shortage of judicial officers; budget limitations; lack of training for lay judges	Quality of service deliver	Case management	Access to justice		
Quite Satisfied	Delay of cases; Geographical locations of the islands; Not enough Judicial Officer & support staff; research counsel / associates, translators, clerks; Delivery of information provision and support to Judges to enable their decision making	The main cause for these challenges is primarily constraints we have on our budget - The Government does not allocate enough funds for The Judiciary to carry out its work. Remoteness of The islands - costly in terms of transport	Upgrade Judicial Library; paper based resources & electronic Library				

Appendix Five - Extract of User Survey Responses

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Quite Satisfied	8.0 Few years ago the FSM Supreme Court adopted a strategic plan, work is in process and a lot of goals are close to being achieved. The Supreme Court is getting close to unveil its case management system. (Database). Time standard policy has been adopted by the Court.	My opinion, Courts are doing great given the very limited resource and man power available. As far as staff, applaud the staff (multi-tasking) one person wears many different hats. Court helping the College in the Trial counsellor program.	Courts here are not taking security seriously. There are no emergency policies, security Policies, COOP (continuity of operation policy) etc. Mentality is that this is an island and its peaceful so low risk. Marshals and bailiffs are not properly trained and equipped.	More training for both employees and practitioners. Training of trainers, maybe limited to staff and members of the Bar. Right now most of the local PJDP Certified trainers are Judges. Some are very loaded thereby limiting the ability to really Concentrate on planning and doing trainings
Quite Unsatisfied	There is no means between the courts and its users to discuss issues to improve the judicial system. We have so many issues with the courts that a platform is needed to discuss these issues. I am sure the courts also have complaints about lawyers. So if we have a way to meet and discuss these issues, the administration of the courts will really improve and vice versa, the performance of lawyers can also improve.	I think their decisions are mostly fair.	The worst and most frustrating of the courts is their file management. They lose case files left and right which really bad. The end result, people cannot resolve their cases and cannot exercise their rights/benefits. Backlog of cases is another issue with the court. Judges need to be consistent.	We need a platform to discuss how we can improve both the courts and lawyers performance.
Quite Unsatisfied	Procedures are taking a long time particularly in land matters. Court procedures concerning adjournment is very stressful in a way that if I have complaints, it would take a long time to be dealt with	Make good decisions in regards of matters	Procedures take a long time	Find new procedure to improve and make things faster
Quite Unsatisfied	Magistrates are not qualified, some are bias in making decisions and they are short tempered	The Courts work is based on Justice and the Court works with the law	Customer service - the Court is slow in helping people due to a lack of services. Courts procedure takes a long time.	People need to be informed earlier of what the Court needs for their case; Improved Customer Service
Quite Satisfied	Because the Court provides or settles matters that need to be solved esp. in land disputes or criminal matters	9.0 N/A	Procedures take a long time; Customer Service is lacking	Find new ways to improve Court procedure; Reach out to people in our community who

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
				do not understand the Court procedure
Very Satisfied	10.0 The Magistrate is right in making their decisions	The Courts do well in a way of putting women's needs as the Courts priority especially when assaulted	No comments	Customer service needs to be improved
Quite Satisfied	Fear of losing their matters in the Court	11.0 To find convicted people to be punished helps make peace within the Community	Procedure takes a long time; Very expensive in regard of Court fees	Court matters should be finished on time or date; Matters should not be adjourned by the Court; Customer service should be improved, particularly at the counter
Quite Unsatisfied	12.0 Court never starts on time; Adjourning cases for their own convenience without informing litigants well before time; Imposing high court fees thus preventing grassroots people from getting justice	N/A	Delivering judgments on time; Enforcing judgments; Deciding on issue of costs	A conference between counsels and officials of the court to resolve and address the problems
Quite Unsatisfied	Court fees are high; Listed of cases disorganised; Procedure in filing cases is ridiculous	N/A	Do not stick with their diaries; Do not provide good reasons for adjournment	Magistrates need to be effective in their Court sittings to be on time; Court clerks must file cases more effectively to let counsels argue their cases in Court but not whilst filing their cases. Invite guest speakers from Counsels to explain their views and to share their best practice
Quite Unsatisfied	(1) Fees have jumped 150% - rather than making justice accessible, they are making it costly. It would only serve those who can afford. Now the Magistrate fees are higher	Nothing	a) Adjourning cases because of being sick b) Adjourning cases because of	a) Health monitoring over Magistrates - e.g. Every 6 months a Magistrate should be able to provide a health

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
	<p>than the High Court. People need justice and this means a less costly justice. As part of the government if the issue is cost, the Judiciary can always seek government assistance. (2) Retaining summons for a week - this is supposed to be a 1 or 2 days job. There is no need for a week. It only delays justice. Sometimes documents submitted as part of the summons were lost. Claimants have to resubmit their documents again but at their own costs! (3) Checklists when filing a claim - some checklist are unreasonable in the circumstances. For a simple registration for security purposes (loans) it is a prerequisite that there should be a boundary done to the concerned land/plot! In particular some of the Single Magistrates have come to accept that checklists are part of the elements of a claim. If you want to register for security purposes, you cannot do so until the land has been determined. In particular in a case of an eviction, you cannot succeed until you satisfy one of the checklists that a boundary has to have been fixed! While it is true to some cases, it does not apply to a case where the defendants do not dispute that they were living on the land/plot the subject of the eviction! These checklists must be revisited and readapted. In particular the Single Magistrates must be aware that the checklists are not elements of a claim. (4) Lateness to hearings/mentions - there are times that counsels have to wait for more than 30 minutes before a Single Magistrate arrives. As a result counsels who have other cases on the</p>		sudden conferences/trainings/workshops	<p>certificate b) Suggestion-box. If not, an online discussion website c) Fee reduced (to all cases) d) 3 day returnable time for summons rather than a week e) Get a Judiciary Year Calendar - this is to avoid any unnecessary clashes between court dates and court trainings/workshops. Leave out the months for training/workshop purposes so courts can diarise those events in their individual diaries. These events must be communicated to lawyers and if possible to the public in the form of notices stuck to the windows of court clerk offices etc.</p>

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
	<p>same date would miss their next case in another court! Counsels have fixed their cases by giving some time apart to avoid any clashes however this practice of being late does not help. (5) Allowing clients to speak up even when they have a Counsel appearing for them. This is quite frustrating and annoying when the Single Magistrate prefer to converse to clients rather than with Counsels appearing for them. As a result people from the other side (opposition) would stand up as they want to be heard too! If they are not allowed, they would scold their counsel for what happens! A counsel looks really ridiculous and stupid. This must be avoided at any costs. Unless litigants are unrepresented then the Court should only converse with appearing counsels. It is also time consuming and dangerous in that litigants could lose confidence and trust in that Magistrate. Magistrates are not litigants and they should avoid becoming one. It is very costly too. (6) Giving advice to the pubic - this is becoming prevalent and in one case, a Magistrate gave an advice in open Court! This is not the duty/responsibility of the Court. There are lawyers who are not only qualified in law but are in practice too. Sometimes clients argued with their counsel because counsel would not follow what the Magistrate has advised! (7) Qualified Magistrates (lawyers becoming Magistrates) - sometimes they forget that they sit as Magistrates and not lawyers! They treated lawyers appearing as their adversary, hence</p>			

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
	<p>they are often rude - in one case a Counsel approached this Magistrate for one application. Instead of hearing out the application formally, the Magistrate treated their out of court conversation (which I was told was more than an exchange) as part of the application and proceeded to make a ruling on such. Magistrates are there to hear cases in formal court and in accordance with applicable procedures. They cannot deviate from such procedures and cannot hear applications in places other than the court (if not a boundary determination). They should treat their fellow lawyers/counsels with respect. Although this can be appealed against, cost (which is an unnecessary cost) would be at the expense of the litigants! (8) Procedures are often neglected when it is not convenient to Magistrates. Procedures are part of a working and smooth justice. They are there as guiding principles; to assist a Magistrate in getting from point A to point Z. If they do not then they stand the risk of an appeal. However it is not an appeal that should count. It is the very first thing that the Magistrate did. Appealing is nothing but another cost burden to a litigant who should have been successful but for the negligence of the Magistrate in failing to follow mere procedures. (9) Leave the amount of costs sought to the counsels. The courts always have the discretion to lower the cost. It must not dictate the cost. (10)Failing to appear at boundary sites because there is no transport available. There is an increase in the transport</p>			

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
	of the judiciary however we still find that this problem of non-appearance by Magistrate still exists. Although not prevalent now, it still exist and while it still exist it is still a cost to litigants. (11) In the past, quite a number of cases have to be adjourned or deferred to the next available dates because the court is having a surprise workshop or conference. The Magistrates when told of this said they knew nothing until a day ago. It was a direction from the Chief Registrar. I believed this happens because there is no Judiciary Year Calendar. This Calendar should show all events that the courts should be mindful of. If this can be done, there would be no more surprises - e.g. turning up only to find that the case was adjourned because all the Magistrates are in one week training!			
Quite Unsatisfied	Could not get minutes from High Court Archives; Missing documents filed with High Court Registry; Late translation of magistrates court minutes	Efficiency of service of summons	Misleading information obtained from court officers/staffs. For instance summons served for our case however it turns out that it should not be heard on the presented date but later in the same month	More training for court judicial staff/officers to improve court's capacity. Specifically interpreters need training on interpretation skills as their role in court is seriously crucial in determining the outcome of the case.
Quite Satisfied	Because I am to be blamed since I do not act on my case to speed it up	Can recover our money owed by others; receiving monetary compensation for damages related with defamation	Hearing of cases is slow and took a long time to dispose of cases due to procedures that has to be adhered to	Staff to be well equipped with tools and skills required for the job; staff to attend trainings and to be awarded scholarships for furthering their studies

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Quite Satisfied	My case has been pending for quite a while (2 years now) and yet has not appeared nor announced of when to stand.	Because of no earlier experience I cannot describe the whereabouts of court has done well	Still a question to me	Quality lawyer and presiders
Quite Satisfied	It depends on the Magistrate's decision. Sometimes, we were not satisfied with another decision when it was appealed to High Court. We do not trust lawyers so it's better to appear in Court unrepresented	Customer service of court clerks is excellent	Service of summon is a very short notice time e.g. only a day before proceedings; checklist is a hindrance in lodging our claim; court officers sometimes served their relatives first	Checklist should not be prevented us in accessing justice
13.0 Quite Unsatisfied	Delay in proceedings in criminal, civil and land; cost to be paid to court in originating proceeding is quite high, too much for disadvantaged clients who have merits on their case; behaviour of court staff to accommodate requests from lawyers is very unprofessional and inappropriate	Determining or hearing cases on time and promptly; magistrates become aware of the procedure in court; changes in procedure discussed by judges and lawyers was good, lawyers need such meetings as their concerns and ideas can be heard	Magistrates both single and lay magistrates sometimes play up with the procedure, some are not well versed with the procedure; also they are not aware of the applicable and existing laws in Kiribati	More training for single magistrates and lay magistrates on procedure and the law to be applied
Very Unsatisfied	New system - xx xx e.g court fees; Urgent service of summons - this is a case at which a service was made a day before the hearing	Courts efficiency - whenever a party filed to appear his/her case is xx xx; limited adjournments	In some point a single magistrate may ask a party to get a lawyer to the sent date. However, when that date comes our lawyer cannot come as he/she is very busy but the court disregarded that and proceeded to hearing the case	System is good however the officers/staffs do not execute it quite efficiently and sufficient. Like issuing a summon without putting in the court number and sometimes a date
Quite Unsatisfied	Customer service - good; handle urgent needs of the public in a professional manner	Efficient service of summons by the officer responsible. He always served the document three days prior to hearing is due which gives ample time to prepare our case without lawyer	Fixing dates for cases without knowledge of the other party. This commonly xx by lawyers and when they do this an urgent service will be done one day before hearing is due. It forces the other party to appear even though he/she is not ready	Stop avoiding customer at the counter. We often see court clerks sitting at their table even though we are staring at them from the counter

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
14.0 Very Unsatisfied	Expensive - lawyers' fees - could not proceed on the sent fixed date as the court has a boundary determination on that date. So we came for nothing as the court went for a boundary determination, leaving our case unattended	Courts indulgence - xx whenever each party has any difficulty by measure of using an adjournment	Clash of cases with boundary determination. Usually, single magistrates prioritise boundary determinations over other cases. As for boundary determinations irrespectively, in some cases single magistrates could not attend this boundary determination due to a lack of transportation	More transports for boundary determination
Quite Satisfied	Litigants do not know what to do in a court despite being represented since sometimes they were disrespectful to the court and disregard the assistance of their counsel	Staff of the judiciary are now more professional in their conduct in carrying out their jobs	In the past people feared the court, now they are more friendly to the public in their conduct; reach out more to the public	Some magistrates are not punctual, when the magistrates come on time they struck out cases but when they are late they just simply apologise; sometimes magistrates told off litigants when they are in the wrong; magistrates sometimes use offensive and swear words
Quite Satisfied	Sometimes during court proceedings, awaiting single magistrates lateness to court	Be on time to avoid any complaints from other parties	Time and are late	To increase no. of court proceeding rooms to accommodate and cases in a more efficient way; to provide good customer service to their clerks of at all times; to avoid any biases during judgment
Very Unsatisfied	Court clerks and magistrates always send us from time to time and mentioned to come back again at another time - thus increasing our expense. Adjournment of cases with unnecessary reasons such as being late, and needing other docs	Most of the magistrates are very polite	To me some magistrates do not conform with the law; bias	Magistrates should concentrate on their duty alone in which they were sworn for and do nothing else
Very Satisfied	1. Timely and fair with the highly experienced and more than qualified Judges.	We have Alternate Dispute Resolution (ADR) and Mediation	Cannot think of any since my three (3) years before the courts.	All Counsel must be penalised for deliberately prolonging a

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
	<p>2. The very rare mistakes on rulings are always verified by other judges through appeals.</p> <p>3. The only system that holds/keeps the country from total disaster and nightmare from corruption.</p>	in place now; Advises, directs and gives time to the next approach to save everyone's time; Consider clients in person to save them from the legal bills and advise for a legal rep as needed.		case in one way or another to eat up everyone's time; We need more Judges in the country; To have Police personnel throughout the country under the management of the PNG Judiciary alone for court purposes in order to avoid any corrupt influences from everyone.
Quite Satisfied	The RMI Courts is in need of funding to expand its staff to include additional High Court Justices.	The RMI Courts has a very strong administrative staff. Further training and additional hiring of court staff will be an added benefit to court users.		RMI Government and Judiciary needs to hire additional High Court justices having experience and qualification, ideally barred in the United States.
Very Satisfied	The court staff is extremely diligent and helpful. The judges are extremely knowledgeable and fair.	Administrative tasks, rule enforcement, and time management.	Enter decisions in my favour.	More criminal prosecutions.
Very Satisfied	The RMI is highly regarded and recognised as "setting a high standard" in the Pacific region. In addition, our judges and court staffs hold the reputation of the judiciary very professional and impartial. Therefore, these are the reasons why I have ticked the box above "very satisfied" with my overall satisfaction, trust and respect with the courts.	In my experience as a litigator / prosecutor, I would describe the courts being impartial and fair in cases that I've handled in my four years of practicing law. Moreover, the court staffs are very helpful and courteous whenever I filed court documents (e.g. motions, notices, etc.). All in all, the RMI court system in my personal opinion is respectable and professional.	There is no criticism from my side.	None at all, all is perfect.

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Very Satisfied	Great staff, very responsive, very professional and very cooperative	Respond to attorney's requests in a timely and professional manner; very efficient in work product		We are lucky we have a very high quality of judicial service in the Marshall Islands
Quite Satisfied	I work mainly on cases involving offshore corporations with corporate or maritime issues. For my cases generally, decisions of the High Court have been handed down in a timely manner. However, I can foresee a problem in that there is only one judge in the High Court right now, the Chief Justice, to handle the entire caseload and other judicial responsibilities. This is too much for one judge to handle. If the Chief Justice cannot work on a case due to travel, sick time, or conflict/recusal, then there is no judge to work on cases. Also, ideally judges need to confer with law clerks and sometimes other judges in making decisions and administering the courts. Further, if one judge has more experience in one area of law than another, then the cases can be allocated appropriately.		I understand that some of my colleagues have been involved with cases that have lingered on and on for years (even decades) because there was no judge to handle the cases. All judges were recused and no temporary judges available. Witnesses were dying; papers were getting dusty... this is not justice.	More judges (i.e., more than one) and competent judicial law clerks preferably trained in the US to assist the judges with research and writing. I say trained in the US because many of the procedure rules and statutes mirror US law.
Quite Satisfied	Court staff are courteous, responsive to our queries. Except for a very few instances, notices, action on matters requested are very timely. The judges are knowledgeable, fair and impartial.	The judges are knowledgeable on the law and procedures. They are seen to be fair and impartial and continue to strive to improve court services and accessibility to the courts. The courts strive for transparency and accountability their work and also make an effort to make available and accessible to the public the laws, regulations and procedure and court decisions.	The courts have made tremendous strides to improve all aspects of their services to the public. However, if there is one area which the courts may be challenged, it is in the area of recruitment of judges - but this area is more an issue of adequate compensation than lack of effort.	As mentioned above, increasing the remunerations for judges will serve to enable the judiciary to maintain a qualified bench. Also, continuing legal education is to some degree addressed through court funded workshops and training to a limited number of the legal community. More continuing affordable legal education available to the wider legal

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
				community would certainly improve the quality of justice in the Marshall Islands.
Very Satisfied	The courts are doing extremely well in bringing the cases before them to a resolution as expeditiously as possible and do not let cases sit idle	I am very satisfied with the treatment I get i.e. attendances service by the clerks and I have no reason to distrust the staff/clerks/bailiffs and judges. I respect them highly and I feel I am also respected by the staff	15.0 Our court of custom i.e. the traditional rights courts is very lenient in granting continuances when requested by an attorney for reasons that I am sometimes thinking are not good reasons for granting continuances	I think the quality of justice in RMI is not an issue. The courts have done very well in affording or at least seeing to it that justice is done
Quite Unsatisfied	The High Court and the Supreme Court are unable to provide all the people of the Marshall Islands with the equal and full access to the courts and to representation in those courts. The courts spend a lot of time and resources on the quality of the legal product but have not been able to provide the full access that this newly developing should have for its people.	Both the High Court and the Supreme Court do a good job of providing an effective judicial presence and treat all the people who appear before the court with dignity and respect. Both courts care about the rights of the people of the Marshall Islands.	The High Court does not make it clear that it is not only an independent branch of the RMI government and that the executive branch and the legislative branch do not have a special place in the courts. The courts appear to be unwilling to challenge the RMI government to protect the court's funding and the judges being retained. However, the Chief Justice of the High Court does make clear the separate and independent nature of the courts.	More resources, money, training, additional court personnel. The process of replacing Judges of the High Court is too slow and too limited due to the lack of funding to secure Judges from outside the Marshall Islands.
Quite Satisfied	RMI is a very corrupt country, but the judicial system, at least at the High Court and Supreme Court levels are as straight arrow as can be	Move cases along - usually	Allow too many continuances - especially for off-island attorneys. Also are way too lenient on forcing debtors to pay up. Still think criminal cases are taking too long but part of that is fault of AG and PD	Raise salaries of Chief Justice and associate justices

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Very Satisfied	The court especially the High Court is doing perfectly well	The High Court cases are moving as scheduled	16.0 Nothing experienced that the court especially the High Court do not do well	That the High Court maintains its standard of efficiency
Very Satisfied	Court judges and staff are helpful and courteous; they provide access to public court documents in an extremely timely manner; they maintain excellent digital data base of cases so researching cases and documents is easy; they support media access to court proceedings.	Judges maintain momentum for case resolution so that they have a relatively small number of cases pending for long periods of time. Court staff maintain high standards in handling of digital data, so that it is easily accessible to media and others. The Chief Justice has focused on “capacity building” training opportunities for judges and staff at all level of the judiciary, and this shows in their ability to deliver high quality service. Staff understand their roles and responsibilities, and this shows in the level of service provided to customers (my own experience and observation of their service to other customers while I am at the courthouse). The High Court has streamlined the process for women/men suffering spousal abuse to file complaints, which may be one factor that has led to a significant increase in the number of women seeking court assistance for protection orders.	There are no problem areas that jump out to me, other than issues over which the courts have no control, such as needing to amend the law to increase salaries of judges so that they are in line with standards in the region to make it easier to recruit new judges when positions are vacant.	17.0 The court is doing its part to move criminal cases forward expeditiously. However, few criminal cases are being prosecuted in contrast to past years. Strengthening both political support for prosecutions and Attorney General/police capacity to bring criminal cases forward is needed to improve criminal justice in the Marshall Islands.

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Quite Satisfied	Have a good case management system (Dockets); Have updated online websites with updated laws; Have the ability to serve the legal community even with one or two judges available; Have updated case reports and annual reports	Case management and ability to update websites, court reports and annual reports of the Court.	May be more accessible if the court offers on-line access to the full electronic docket for cases filed in the Court for both public and the lawyers.	Capacity -building and continuous support to the Court
Quite Satisfied	Services have improved but there is still room for improvement on service delivery including customer service. Could be better.	The Courts have done well with checking documentation that are filed and received by the Court Registry and advising Counsels where there are missing documents to be addressed before they are passed onto the Judges. The Court has also been able to place matters on the mentions list quite quickly and referral of matters to mediation has saved a lot of time for the Court, parties and counsels as the majority of these matters are settled at mediation. The introduction of Mediation and Judicial Settlement Conference has greatly assisted in clearing and reducing the Courts' civil list. Parties are happy that their matters get settled quickly and cheaply.	The Courts are still taking their time to deliver decisions in a timely manner. I would say a decision delivered within 3 months of being heard is timely but beyond 10 months is taking too long. There are still some outstanding decisions.	Perhaps consider introducing a down time for judges to work on writing their decisions where they are roster off the list to give them a week each month to focus on writing any pending and long outstanding decisions. There are some matters that requires a Judge to deliver a written decision and that may require more time than usual to prepare, research and write the decision. It would also assist Judges to have access to more quality database of legal information (e.g.: lexis nexis) to enable access to a wider global legal information that will assist them with their decision making.
Quite Satisfied	Lawyers sometimes force registry clerk to do what they wouldn't like happen xxx because the registry clerk doesn't know what to do just xx it	18.0 The courts do well by having a registry clerk for filing; but must provide training to the registry clerk	The courts do not have more organised programs to the clerks	Experienced clerks will not be moved by the lawyer or any member of the public

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Quite Satisfied	Trainings should also be made for us to know and for understanding on what how to file a claim (civil matters), when filed how is a decision finally reached	The courts are reasonably xxx to hear matters of court xx - xx give decisions; judges are capable to xxx giving there expectation of duties though there are times they wouldn't xx a judgement	The courts sometimes allow too many adjournments	Quality experience can come only through xx workshops
Quite Satisfied	The clerks sometimes do not understand well their roles - they do not do proper filing	Clerks should receive more training workshops, particularly to understand civil rules	The courts sometimes over stresses itself by accepting hearings of expat applicants that fitted well to xx inter-parties	More trainings for court clerks and officers in judgement
Quite Satisfied	Clerks should attend workshops - to equip them in knowing what is expected of them	The courts open to the general public at their xxx to the xxx of the xxx courts are remotely xxx for hear matters that are raised between parties	The court sometimes do allow more of exparte hearing than allowing matter party hearing in xxx to both parties	There should be allocated to hear civil urgent applicants only
Quite Satisfied	Judges should be xx services oxxx by the chief justice for the judges once xx twice in xx before sittings	The judges are very formal when sitting at the bench; the courts give decisions according to law; the judges xx be seen xx hearing matters of which judges xxx	The courts sometimes xx judgements; the courts allow too much adjournments	Judges need more training
Quite Satisfied	Lawyers hand in late submissions which the court often accepts		Courts should not accept late submissions	
Quite Satisfied	The judges are sometimes too lenient to the lawyers when requests are made for adjournments	The courts sit on time;	The courts sometimes overlook the addressing code of the lawyers; the lawyers sometimes give poor excuses when absent for court	More legal education to be made in public for people to know the justice system
Quite Satisfied	Words used by lawyers are sometimes too technical that interpreters sometimes don't know the proper term	The courts always guide the language used by lawyers to put into simple terms and when the questions are too complicated for the witness	Some courts just allow the interpreter to go on trying to put the language better xxx	Proper training for courts interpreters

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Quite Satisfied	Matters not quickly disposed; lawyers providing terrible excuses for not being in court and the matters get adjourned	The courts do well by discharging decisions to matters of disputes that come before them; parties are satisfied by the decisions when they are advised of their rights to appeal	Too many adjournments and most cases are too long to be given judgements	Employ more judges and adjournments xx only be granted on the xx merits
Quite Satisfied	The inconsistencies of penalty given to offenders, particularly for the same or similar offenses; The law commissioner and everyone involved with the Court can only perform to the best of their knowledge in respect of the training they've been exposed to.	Clear and precise instruction spelled out by the Law Commissioner when sentencing an offender.	It doesn't follow strict guidelines or policies on time for Court hearings. For example, the Law Commissioner is a member of the Council of Elders who rules the village and they have meetings ever so often during the week. Every Tuesday was allocated for Court hearings but if the Council of Elders or Taupulega have a meeting on a Tuesday we cannot specify a time on the summon form for an offender to appear in Court. We have to wait until the meeting is finished, and I see it as very unfair and inconvenient for the offender as well as everyone involved in Court proceedings.	Ongoing trainings for all participants in Court proceedings, especially the Judicial Officers (Law Commissioner) and Court Officials
Quite Satisfied	Court proceeding to be done confidently; need proper court house; culture not to be involved in the commissioners decision making/sentencing; need qualified lawyers for any serious crime in the future	Well prepared on summons letters and their prosecution; trusted equally and fairly	Commissioner should stand for his own; no more members of the Tanpulega on decision making (sentencing)	Need more workshops so public can understand; advise every member of the public
Quite Satisfied	Tokelau should have a court house where only court proceedings are held; fundamental rights of each defendant should be asked to each defendant to whether they were exercised	Always on time and prepare for each case; each and every defendant is treated equally and fairly; courtesy and respect is always shown; sentencing of	Takes too long in making final sentence/verdict; not making people/community aware of their rights to speak out/defend in court (need workshops)	Workshops; police being more pro-active and effective in investigating

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
		the defendant is always fair and just		
Quite Satisfied	We need a proper court house and more resources; police officers need more training of how to deal with cases	Well prepared of their files in court	Culture is involved when it comes to decision making	Workshops for the public and also the Tanpulega; Working together with other community for example the women's community, men's community and also the school
Quite Satisfied	Some judgement is fair, and some is not	He does his job fairness, honestly and respect	police concerns who's reading the summary of fact in court - here in Tokelau, law clerk read the summary of fact; is it the law clerk or the police	Better communication between the court of law and the public to gain public awareness regarding court cases therefore gaining public knowledge and the courts
Quite Unsatisfied	I am satisfied but sometimes the system doesn't seem to work in terms of closing cases, due to the fact that the offender keeps obstructing the truth	I think convicting people would be one and also working closely with police but getting to the truth is the main thing	Handle with care, in terms of witnesses sometimes the witness is questioned while the offender is present in the court	19.0 Conflict of interest and corruption needs to stop in each Island council instead of doing the wrong thing
Quite Satisfied	The reasons for quite satisfied is because I have to get more ingredient or element or evidence from the public to help me for the court case	Good liaise between court clerk and commissioner during court case	20.0 Sometimes our reporting to court are not satisfied but the commissioner helped us in our court case	No bias
Quite Unsatisfied	Sometimes it's how the law commissioner does his final punishment, like it's too personal; it's the reporting, court clerk and police are almost teaching the same summary of fact, no other evidence from the poxxx to really specify the case more openly	Well organised in terms of the setting of the court room; files well prepared; on time	Straight to the point what's being reported on; sometimes the summary of fact does not touch the point, of what really is the case; more cases for the day	Have a good court building or room; work together the law and police; police to have a way of how to read and understand each and all laws; police to be aware of their duties, of keeping peace in every where

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Very Satisfied	Setting of the court was neat and tidy, my court case was stated correctly in a respectful manner with words of support and encouragement from the Commissioner after the hearing			Maybe raising awareness to the young (primary school) about law and order and the consequences that come with breaking these
Quite Satisfied	Judgement was based on law facts and most importantly the law commissioner has strong religious beliefs	Specifically speaking on the case I attended I felt the law was explained in a proper manner and was addressed in an easy well understanding manner	Provide a court house for court procedures	awareness training for the community e.g. some people think that the normal procedure of making a complaint is to go through council of Elders members
Quite Unsatisfied	Unreasonable fines for the crimes	Good communication with police to preparing cases	Formal procedures are not practised in the court; Different Judges do not help and have different ways of prosecuting different cases	we need lawyers in the court
Quite Unsatisfied	learn and practise	Good communication to the other officers and good way to become a prosecutor for the future	Need more penalties for the person that commits an offence; police should prosecute in front of the court	Need more judges and a lawyers
Quite Satisfied	I am quite satisfied with the courts here on Atafu. Judging from a police officer's point of view the standards and values of our way of living here meets the criteria with the courts here on the island very satisfied, trusting and respectful	Due to my personal experience here so far the courts do very well with finalising cases and following up on cases unfinished cases, also with deciding on the outcomes of every cases, court is also very good with being fair	due to my experiences in courts the only thing I can think of that courts do not do well is the order of entrances just like the courts overseas (NZ) everyone's seated in courts including all criminals, witnesses, before judge walks in court	I think paying and making sure fines are payed on time is important to improve justice in our country
Quite Satisfied	Good system & practise	Good communication with the police, and to make preparing all the cases	All is good to be our court house of Tokelau	We need more lawyers in the court
Quite Satisfied	Good system, low income earner paying so much \$ for fine	Procedures carried out are accurate and efficient; good approach towards the accused	All is good in the court house of Atafu	Policies to be reconsidered and assessed i.e. re-evaluated and revised

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Quite Satisfied	Ethics of fair trial/access to fair size but daily politics and conflict of interest, police "preserve" or dominance is still prevailing in current court proceedings, members of Taupluega take turn sitting in/on each court proceedings. Summoning proceedings carried out by police a day before the hearing. There is no feeling of fair trial courts are set to carry out the punishment/rather than first decide whether or not the person is guilty or minimise any hint of conflict of interest or police/complainant biases; Court proceedings can be very brief and no complaints or "not guilty" please is not hear of especially bi-laws		Court proceedings are announced / conducted by police? Hearings and rulings/or court decisions are done on same day?	21.0 1) I generally think we need to look at complaints by those other than police officers on duty; the merits, rule out conflicts of interest in order to make sure that our court system is not used by individuals to sort out personal issues against others 2) we need to differentiate between bi-laws (local rules) that are deemed petty from serious crimes under Tokelau constitution. The fine units are almost on same par, assaults/domestic violence/violence against defenceless not the same as walking on someone's proper in Tokelau
Quite Satisfied	In relation to delivering of judgements, the course of trial and procuring of legal documents, all parties are quire efficient in their individual tasks. However such documents and/or relevant information are not always provided on the spot this resulting to unnecessary adjournments	Courts are very efficient in dealing with cases by taking steps to move things forward in hearing as many cases as possible. For example, if a trial falls out a back-up trial has been set	Punctuality. This is in reference to filing of legal documents and also preparation of trial files and arguments by counsel	Encourage communication between senior and junior counsel with regards to firm instructions before junior counsel attend courts cases

Perception of satisfaction, trust and respect of Courts	Reasons for Perception of satisfaction, trust and respect	What do the Courts DO WELL	What do the Court DO NOT do well	What can be done to improve the quality of justice in your court
Very Satisfied	My queries are answered promptly	I like to see orders issued after conference and this is currently been done really well by the court	I think there are some cases pending and decisions are yet to be delivered	The registrar to write to lawyers to inform them of pending cases and when they will be dealt with
Quite Satisfied	My primary concerns with delays in the handing claim of judgements by some judges. Delays are in some cases unreasonable waiting times for conference can be a frustration court premises for trials are less than satisfactory otherwise case management is quite good	Case management and xx trial is quite good; sanctity of judicial process. There is good respect		A new courthouse; better management of judgment writing process

Appendix B: Risk Matrix

Risk Category and Description	Potential Impact	Likelihood	Consequence	Risk Profile	Proposed Risk Management	Responsibility
Organisational Devolution of technical and managerial responsibility may not align with counterparts' expectations.	Responsibility for continuing development cannot be transferred consistently to all PICs within the next 5 years.	Likely	Moderate	Orange	Support to PICs will be tailored according to what each requires to achieve measurable improvements.	FCA
Organisational Within the short timeframes proscribed for the needs assessment, PICs cannot provide meaningful input.	The ADD will not comprehensively reflect all PICs priority needs, PICs will not be engaged or committed to its delivery.	Likely	Moderate	Orange	Reconsideration of needs and refinement as an ongoing, iterative, process based on close engagement over the course of PJSI with partner courts.	FCA
Organisational Insufficient capacity / resources, commitment and engagement in PICs to assume responsibility for their own development.	Dependency on donor and external technical/managerial support will continue.	Highly Likely	Major	Red	Continuous focus on relationship building and support maximising engagement, capacity and commitment to sustain momentum.	FCA
Organisational & Financial Diversity of needs identified in the needs assessment resulting in PJSI resources being stretched too thinly.	PJSI activities would lack the strategic focus of a regional initiative with limited change resulting at the partner court-level.	Possible	Moderate	Orange	An actionable approach that prioritises needs within PJSIs strategic framework will ensure that the Initiative addresses needs that fall within priority thematic areas so that appropriate resourcing of activities is achieved.	FCA
Organisational Embedding dependency on external donor assistance	Sustainability of outcomes post-PJSI will be limited	Possible	Moderate	Orange	Implementation under the PJSI will need to adopt a differentiated approach to change management based on localised needs. Responsibility for ongoing judicial and court development the identification of needs and the definition of priorities will need to be devolved to the region's judicial leadership via the CJLF, NJDCs, National Coordinators, and the Regional Training Team.	FCA
Organisational Lack of proactive regional/local leadership	Limited relevance of PJSI activities Difficulties in PJSI activities to gain traction in-country Sustainability of outcomes post-PJSI will be also be limited	Unlikely	Moderate	Orange		

Risk Category and Description	Potential Impact	Likelihood	Consequence	Risk Profile	Proposed Risk Management	Responsibility
Organisational The ADD is inadequate to meet existing and emerging judicial/court development needs of the region	Partner courts needs are not clearly identified/articulated, limiting the ability to meet activity outcomes	Possible	Major	Orange	Apply the key themes underpinning our philosophy to maximise sustainability, enabling an effective exit and transition strategy.	FCA
Organisational Inaccessibility and non-responsiveness of partner courts	Sustainability of outcomes will be limited	Likely	Major	Red	Build established relationships with partner courts to engage and seek commitment; support flexibility in order to work through any barriers to accessibility.	FCA
Organisational Communication difficulties across the region.	Reduced reach of NCs, local trainers and the PJSI Team to engage and meet needs	Likely	Moderate	Orange	PJSI Team will use all face-to-face engagement to discuss and agree substantive and implementation issues and will actively engage with counterparts remotely through email, and phone to minimise any communication difficulties.	FCA
Organisational Raising the professional competence the PICs and its judicial and court officers across the region is extremely ambitious given the regions' diversity - i.e. geographic spread, plurality of laws and dispute resolution systems, divergent court structures and legal systems, types/level of training required.	The ADD does not meet all expectations, and consequently confidence in the Initiative wanes and engagement diminishes.	Possible	Major	Orange	The similarities between the region's legal and judicial systems will be used as the basis for capacity development. While ensuring that the Initiative takes in to account individual needs of each PIC. The ADD will clearly communicate the regional and bilateral focus of the Initiative, in the approved Plan.	FCA

Risk Category and Description	Potential Impact	Likelihood	Consequence	Risk Profile	Proposed Risk Management	Responsibility
External Natural Disasters occurring during implementation of PJSI	Threat to health and safety of PJSI team and/or participants	Possible	Major	Orange	All participants and advisers are covered under the Federal Courts' insurance policy. A travel risk management plan has been developed to assist in the mitigation against travel risk such as natural disasters and to assist in the extraction of participants and advisers as soon as possible. Contingencies are included in the budget.	FCA
External Political and economic fragility and / or executive interference with a PJSI partner court(s) and / or PJSI activities.	Potential to undermine independence of the judiciary in affected partner courts and / or derail PJSI activities and their outcomes	Possible	Moderate	Orange	Governing body to encourage dialogue and collegial support between judiciaries / chief justices. If a PJSI activity is impacted upon, consultation with the relevant Chief Justice will assess the situation and consider what action (if any) is required. If an activity is suspend or terminated in a particular PIC, the FCA will determine how the affected activity (-ies) can be implemented with other interested partner courts. If an activity is adversely impacted upon, the FCA will inform MFAT of this situation, the likely impact on the activity (-ies), and any action that has been or will be taken to re-allocate activities to other PICs.	FCA
Financial Inflation to exchange rate, and services by providers impacting the availability of funds to implement projects / outputs.	Budget constraints may impact the implementation of activities e.g. reduce the number of participants to attend trainings.	Possible	Moderate	Orange	A buffer to absorb potential exchange rate fluctuations will be included in the budget. PJSI team will conduct rigorous searches and negotiations with service providers to ensure we obtain the best rates within MFAT allocated allowance rates.	FCA

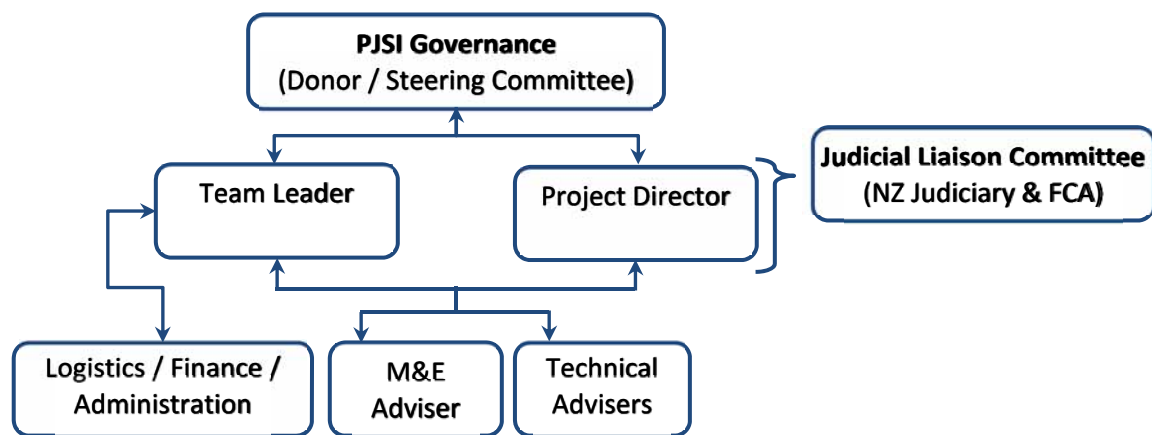
Appendix C: Detailed Outputs-Based Budget / Cost Estimates

An outputs-based budget detailing all costings has been separately provided to, and approved by, MFAT.

Appendix D: Description of Initiative Activities

See section 3.2, above for a detailed description of proposed activities

Appendix E: Programme Management and Implementation Arrangements



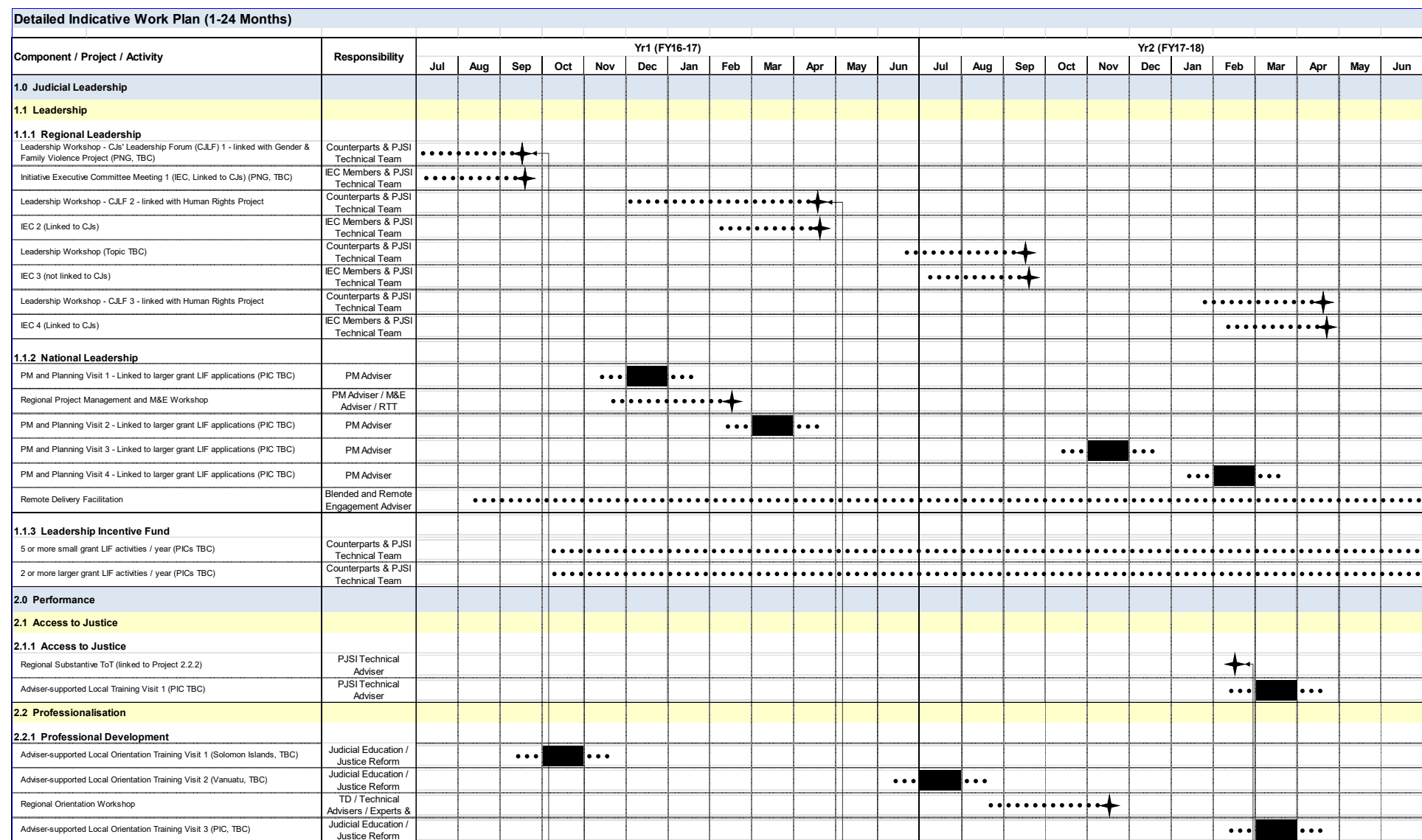
Relationship with Partners and Donors

When the Final ADD has been approved, the FCA will contact the donors and/or managers of all relevant projects and institutions working in support of courts with respect to the thematic substance the PJSI will focus on. The FCA will share the parameters of the design, discuss areas of complementarity between activities and assess the extent to which collaboration might be useful, practical and cost-effective in progressing towards PJSIs outcomes. A plan of engagement will then be devised and followed to maximise PJSIs utility and opportunity to leverage funds and inputs from other projects and institutions for the benefit of partner courts.

Initiative Management & Implementation

The PJSI team, as structured in the graphic below will collaborate closely under the technical direction of the PJSI Technical Director, and the managerial leadership of the Team Leader. The core PJSI team of advisers, logistics and administrative support officers, will continue to operate its proven processes for: maintaining ongoing *external engagement* and interaction; ensuring effective *internal communication*, coordination and efficiency; production of *quality technical outcomes*; developing *results-focussed* initiatives; and efficient and effective *administration and coordination* of implementation activities.

Gantt Chart - Work Plan PJSI Indicative 24-month Work Plan



Gantt Chart - Mobilisation Period List of Key activities and Work Plan

- Recruit / contract FCA Core Team members.
- Develop terms of reference (ToR) for technical adviser roles.
- Recruit and contract technical advisers not covered by novated contracts and/or pre-selection in the FCA's tender.⁵¹
- Coordinate with partner courts to finalise scheduling of activities for the first 9 months of implementation, and to undertake indicative planning for activities in the *13-24 month* period (as per the rolling 24-month planning horizon discussed, above).
- Develop, distribute and collect completed surveys providing all remaining baseline data.
- Continue ongoing communication with partner courts on progress made within the Mobilisation Period.
- Adapt / further develop administrative systems / processes / procedures from PJDP to align with the revised implementation approach developed for PJSI and any new MFAT requirements.
- Develop reporting templates for MFAT and technical advisers.
- Confirm operating and reporting protocols with MFAT.
- Develop streamlined LIF procedures and launch LIF application process.
- Continue liaison with Judicial Liaison Committee to maximise involvement (in particular with the identification of relevant expertise).
- Hold the first PJSI Initiative Executive Committee meeting.⁵²

• _____

⁵¹ Awaiting MFAT confirmation that the identified advisers accepted as part of the FCA's proposal will be eligible to be contracted upon mobilisation to speed-up the commencement of implementation of substantive activities under the Initiative.

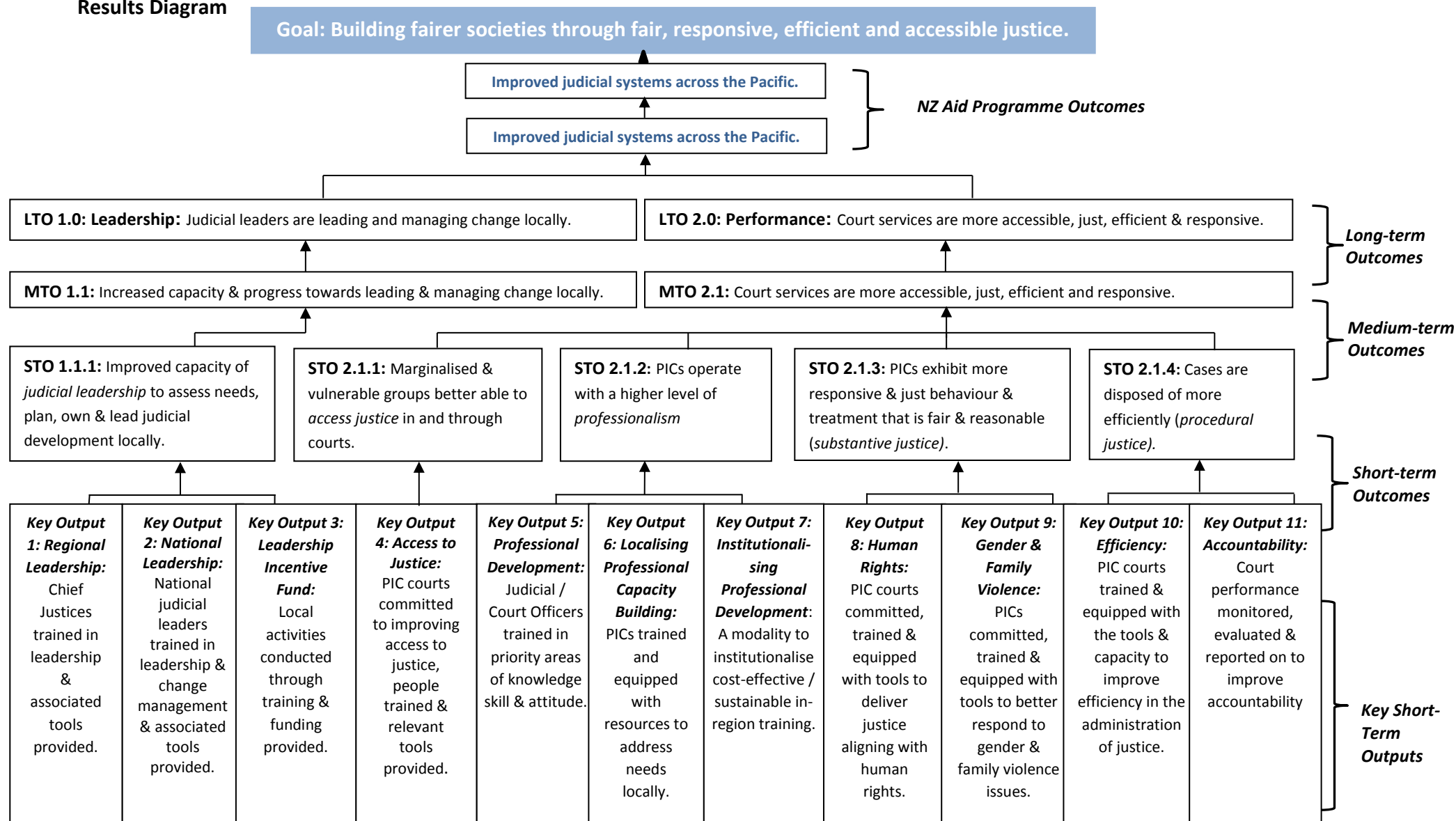
⁵² The Pacific members of the PJDP Programme Executive Committee in its final meeting resolved to recommend to the IEC that the first IEC Meeting is held shortly after commencement of the implementation stage of the PJSI, ideally within two months of mobilisation.

Mobilisation Period Work Plan - Pacific Judicial Strengthening Initiative

Task	Responsibility	Month 1				Month 2				Month 3				
		Wk1	Wk2	Wk3	Wk4	Wk5	Wk6	Wk7	Wk8	Wk9	Wk10	Wk11	Wk12	Wk13
1. Recruit / contract MSC Core Team members (as required)	FCA													
2. Develop terms of reference (ToR) for technical adviser roles	TD / Director / TL													
3. Recruit and contract additional technical advisers (as required)	TL / PJSI Team / Director													
4. Coordinate with partner courts on scheduling 3-12 months + indicative planning 13-24 months	TL / TD													
5. Develop, distribute and collect completed surveys providing all remaining baseline data	MEA / PJSI Team													
6. Adapt / further develop systems / processes / procedures	PJSI Team / TL													
7. Develop reporting templates for MFAT and technical advisers	PJSI Team / MEA													
8. Confirm operating and reporting protocols with MFAT (where required)	TL													
9. Develop streamlined LIF procedures and launch LIF application process	PJSI Team / TL													
10. Continue liaison with Judicial Liaison Committee to maximise involvement	TD / TL													
11. Continue ongoing communication with partner courts on progress made within the Mobilisation Period	TL / PJSI Team													
12. Submission of First Quarterly Progress Report	MEA / PJSI Team / TL													
13. Hold the first PJSI Initiative Executive Committee meeting	Members / TD / TL / PJSI Team													

Appendix F: Results Framework

Results Diagram



Outputs/Inputs Table

Outputs from Results Diagram	Inputs to Deliver Activities	Activities to deliver Outputs
Output 1 - Regional Leadership		
Chief Justices trained in leadership & associated tools provided.	Workshop designed to support increases in; autonomy, strategic change management capacity to develop, implement, embed and share solutions addressing (common) problems, regional networking, know-how, activity pilots, experience and tools sharing.	Up to 2 x three-day Regional Leadership Fora / year (up to 14 participants [1 per PIC] + up to 4 resource persons). At least one / year of these will be a Chief Justices' Leadership Forum.
	Workshop also considers expansion of the CII to include other elements as contained in the IFCE (linked with Accountability Output below).	Up to 2 Initiative Executive Committee (IEC) Meetings / year (up to 5 Pacific members, 2 MFAT representatives, + up to 3 resource persons). Note: 1 x IEC would be linked with the annual CJs Leadership Forum and the other would be a 'stand-alone' meeting. One of the two proposed IEC Meetings in years 4 and 5 would be conducted remotely.
	Establish link with the National Leadership Output and the Leadership Incentive Fund.	
	Establish linkages/twinning arrangements between partner courts and counterparts in New Zealand and Australia.	Follow-up remote support to all PICs.
	Remote support to develop, pilot and evaluate tools.	
Output 2 - National Leadership		
National judicial leaders trained in leadership & change management & associated tools provided.	Workshop support to increase competence to manage the project cycle (needs assessment, design - including Annual Development Plans and budgets, training/activity delivery, monitoring and evaluation) and LIF.	1 x five-day Regional Project Management and Evaluation Workshop (up to 14 participants [1 per PIC] + up to 3 resource persons).
	Project Management Toolkit implemented.	Up to 2 x two-week local Project Management and Planning visits in years 1-3 and one visit each in years 4 and 5, to PICs successful in securing larger-scale LIF.
	Monitoring & Evaluation frameworks, approaches and methods generated with PICs as part of the workshop and remote follow-up support.	5 x 3-week inputs to facilitate of remote support activities throughout the Initiative.
	Court User Perception Surveys to evaluate court performance discussed and agreed.	Remote follow-up support to participants.
Output 3 - Leadership Incentive Fund		

Outputs from Results Diagram	Inputs to Deliver Activities	Activities to deliver Outputs
Local activities conducted through training & funding provided.	Locally managed Fund operationalised comprising conditions and incentives and governing policies to enable local activities aligning with PJSIs objectives. The Fund will have 2 streams: 5 x small grants up to AUD10,000 a year and 2 x large grants up to AUD35,000 a year.	Partner court-led incentive-driven funding mechanism reliant on court's willingness and ability to engage in ongoing development activities. FCA management and administration to assess applications, review progress, reports and acquittals.
Output 4 - Access to Justice		
PIC courts committed to improving access to justice, people trained & relevant tools provided.	Remote/in-country technical assistance in designing and conducting regional leadership and/or ToT workshop to introduce and manage legal empowerment through outreach and community legal education.	Regional Substantive ToT workshop undertaken in coordination with Output 6; followed by up to 4 x 2-week visits to PICs to localise and deliver access to justice activities locally.
	Remote/in-country technical assistance to local RTT/NTT members in settling community legal education curricula.	Associated training of court officers and community members as part of the Substantive ToT.
	In-country technical assistance to local RTT/NTT members (most likely through the roll out of the Enabling Rights Toolkit) to 4 additional PICs in conducting court outreach and conducting community legal education in up to 4 PICs.	
	Develop linkages with INGOS/CBOs active in legal empowerment and community legal education.	Develop linkages to INGOS/CBOs and legal information to be refined and disseminated locally through the proposed in-PIC visits.
Output 5 - Professional Development		
Judicial / Court Officers trained in priority areas of knowledge skill & attitude.	One regional workshop, and one substantive ToT linked with Output 6.	1 x five-day Regional Workshop (up to 28 participants [2 per PIC] + up to 8 resource persons); followed by up to 4 x two-week visits to PICs to localise and deliver activities locally.
	Four remote/in-country visits providing technical assistance through technical and remote support on areas of core judicial competence including, but not limited to orientation and decision-making. ⁵³	Regional Substantive ToT workshop undertaken in coordination with Output 6. Three x 3-day Regional Training Workshops (up to 14 participants + up to 4 resource persons).
	Courseware developed and shared remotely with local trainers.	
Output 6 - Localising Professional Capacity Building		

⁵³ The highest priorities articulated through analysis of the TNA data was considered and finalised by stakeholders attending the 23/4 February Consultation Workshop to be finalised.

Outputs from Results Diagram	Inputs to Deliver Activities	Activities to deliver Outputs
PIC judicial/court officers trained to address needs locally.	Two substantive / capacity development ToT workshops designed.	Two x 5-day Substantive / Capacity Development ToT Workshops (up to 14 participants [1 per PIC] + up to 4 resource persons), coordinated with substantive inputs under other activates.
	One certification-level ToT workshop held.	One 10-day Regional Certificate-level Training-of-Trainers workshop (up to 14 participants [1 per PIC] + up to 5 resource persons).
	Remote support provided to mentor local trainers and evaluate their training programs.	5 x 3-week remote technical advice inputs to mentor and maximise devolution and resource sharing with local trainers.
	Promotion of local training supported by local court budgets or the LIF.	
Output 7 - Institutionalising Professional Development		
A modality to institutionalise cost-effective / sustainable in-region training.	a. Career Gateway: ‘Certificate of Justice’	1 x 11.5 weeks remote and in-PIC/region inputs with 3 x visits to PIC/region.
	Undertake a remote situation assessment of judicial service career development needs and opportunities, evaluate USP experience, and initiate dialogues with prospective institutional providers.	
	Prepare and present options papers to PJSI regional leadership workshop for endorsement.	
	(If/once endorsed), develop and implement institutional capacity-building and curricula development workplans.	
	In-country and remote technical advice supplied by counterpart institutions in Australia and New Zealand to provide build institutional and organisational capacity.	
	Curricula and courseware shared between training institutions, refined and settled for the Certificate of Justice.	
	Twinning arrangements/linkages are established with like entities in Australia and New Zealand to provide ongoing support and guidance to the institution.	

Outputs from Results Diagram	Inputs to Deliver Activities	Activities to deliver Outputs
	b Career Pathway In-country appraisal of and strategic planning with candidate institution - nominally the Centre for Judicial Excellence in PNG. ⁵⁵ Prepare and present options papers to PJSI regional leadership workshop for endorsement. If/once endorsed), develop and implement institutional capacity-building and curricula development workplans Curricula and courseware shared between training institutions, refined and settled for the Certificate of Justice. Twinning arrangements/linkages are established with like entities in Australia and New Zealand to provide ongoing support and guidance to the institution.	2 x 4-week remote and in-PIC/region inputs over 2 years with 1 x visit to PIC/region in each year. ⁵⁴
Output 8 - Human Rights		
PIC courts committed, trained & equipped with tools to deliver justice aligning with human rights.	Remote technical assistance in gathering international human rights law relevant to Pacific stakeholders	Regional leadership workshop undertaken in coordination with Output 1; the development of and testing of a regional resource / toolkit; and up to 4 x 2-week visits to PICs to localise and deliver human rights / toolkit activities locally.
	Remote/in-country technical assistance in designing and conducting regional leadership and/or ToT workshop on human rights	
	Remote/in-country technical assistance in consulting regional and local stakeholders on human rights issues	
	In-country technical assistance to local RTT/NTT members in facilitating stakeholders' workshop on human rights awareness raising, and piloting local code of human rights in up to 4 PICs.	
	Remote/in-country technical assistance to local RTT/NTT members in settling local code of human rights.	Associated training of court officers and actors as part of the leadership workshop.
	Develop linkages with INGOS/CBOs active in human rights to develop and disseminate resource.	Develop linkages to INGOS/CBOs and legal information to be refined and disseminated locally through the proposed in-PIC visits.

⁵⁴ It is assumed that the institution receiving support under this activity will fund ongoing development support in years 3-5.

⁵⁵ Assessment of why the CJE has not yet become fully functional despite DFAT funding to the PNG judiciary will be traversed in detail in the scoping paper.

Outputs from Results Diagram	Inputs to Deliver Activities	Activities to deliver Outputs
Output 9 - Gender & Family Violence		
PIC courts committed, trained & equipped with tools to better respond to gender & family violence issues	Secure commitment from all partner courts (at a pre-existing regional leadership workshop) to exercise a more proactive leadership role to ensuring appropriate treatment of victims of GFV.	Regional leadership workshop undertaken in coordination with Activity 1 to craft approach to region’s judicial leaders to garner commitment for proactivity in the area of GFV; the development and in-PIC testing of a regional resource / toolkit on GFV; and up to 5 x 2-week visits to PICs to localise and deliver GFV / toolkit activities locally.
	Develop a GFV Toolkit.	
	Develop courseware and conduct a regional workshop for nominated GFV representatives from all PICs.	Develop courseware / resources and provide follow-up remote mentoring to local trainers.
	Develop/disseminate tools and ensure all PICs are collecting gender-disaggregated data and working towards collection of GFV data.	
	Remote mentoring provided to local trainers enabling ongoing delivery of GFV course locally.	
	Remote tailored support provided to PIC to make further progress towards better protecting victims of GFV.	
	Develop linkages with NGOS/CBOs active in GFV to develop and disseminate information to the vulnerable/victims of GFV and potential/perpetrators of GFV about rights and responsibilities (respectively) in law and court process.	Develop linkages to INGOs/CBOs and legal information to be refined and disseminated locally through the proposed in-PIC visits.
Output 10 - Efficiency		
PIC courts equipped with the tools and capacity to improve efficiency in the administration of justice.		Up to 5 x 2-week visits to PICs to localise and deliver toolkit activities locally.
	A new toolkit developed containing a suite of other case and court management / administration tools / mechanisms identified during the regional workshop.	
	Follow up support to PICs to implement tools from the toolkit that will demonstrably improve efficiency.	Remote technical support.
	Follow up support to PICs implementing the Delay and Backlog Reduction Toolkit and/or the Time Standards Toolkit.	
Output 11 - Accountability		

Outputs from Results Diagram	Inputs to Deliver Activities	Activities to deliver Outputs
Court performance monitored, evaluated & reported on to improve accountability.	Remote support enabling ongoing collection, collation, analysis and publication of court performance data annually.	5 x 3-week remote technical advice inputs related to ongoing collection, analysis and publication of court performance data.
	Remote support provided to enable PICs to collect gender and GFV- disaggregated data (linked with GFV Output above).	5 x 3-week resource inputs from data management resource to remotely support PIC data collection, collation, analysis and reporting.
	Expansion of CII to incorporate elements included in the IFCE.	5 x 3-week resource inputs to link with and take advantage of relevant progress made by National Leadership and GFV Project technical advisors to expand CII, survey court user perceptions and collect GFV-disaggregated data respectively.
	Developing monitoring and evaluation methodologies and tools with PICs that complement the CII/IFCE, which enable robust assessment and analysis of data.	Technical monitoring and evaluation assistance including up to 10 regional / PIC visits and remote inputs to support, develop, implement, and report on progress assess outcomes.
	Court User Perception Surveys disseminated for periodic completion (linked with National Leadership Output above).	

Results Measurement Table

Aim		Indicators	Baseline (Feb 2016) ⁵⁶	Target ⁵⁷	Methodology & Data Source
Goal	Building fairer societies through more accessible, just, efficient and responsive court services.	% of public trust and confidence in partner courts ⁵⁸	73% of court users ⁵⁹ are satisfied with, trust and respect the courts. ⁶⁰	15% increase in public trust and confidence	Court user perception survey conducted by partner courts, supported by FCA.
		Improvement in rankings in World Bank's Governance Indicators (Rule of Law & Voice and Accountability)	77% of court users experienced improvements in the standard of judicial integrity and conduct.	Improvement in overall score	WGI Annual Reports.
Long-term outcome (YR5)	1: Judicial leaders are leading and managing change locally	The extent to which change is driven locally ⁶¹	On average, 63% of change is driven locally ⁶²	20-50% increase in locally driven change ⁶³	PIC & MEA assessment against defined measures.
	2: Court services are more accessible, just,	% of court users who are satisfied with courts or	To be supplied by the end of year 1	20-50% increase in court users' satisfaction	Court user perception survey conducted by

⁵⁶ Unless otherwise indicated, this and the following baseline data is drawn from the FCA's internal evaluation of the PJDP conducted in December 2015.

⁵⁷ The FCA will revisit all targets at the first regional leadership meeting to ensure all Chief Justices are aligned with them. The FCA would like to establish more ambitious targets if MFAT is able to provide an incentive for it to do so.

⁵⁸ MFAT's strategic Results Framework Indicators – Law and Justice, supplementary indicator.

⁵⁹ Court users are those who use the courts to assert/protect their legal rights. Court actors are those who perform functions within the courts such as judicial and court officers.

⁶⁰ This baseline is aggregated over all PICs. Some PICs provided a number of responses, others few. The representativeness of the data is not sufficiently strong to provide high, medium and low capacity PIC baseline.

⁶¹ Indicative measures include; existence and active operation of National Judicial Development Committees (however named), existence and active implementation of local strategic development plans (however named), number of local trainers and the extent to which they are encouraged/able to conduct training, number of local training/development activities conducted, number of locally inspired/led changes implemented, capacity to assess needs, design, implement, monitor and evaluate local activities. Success is measured by internal assessment of the following 5 OECD-DAC: 1) *Did the project address the identified need?* [relevance & effectiveness] 2) *Did it demonstrably achieve its stated objective/s and (overtime) deliver its intended result/s?* [impact] 3) *Was it delivered on time and within budget?* [efficiency] 4) *Will the outcomes and results live on over time?* [sustainability]

⁶² Refer to Table 1 in PIC self assessment for baselines indicated by PIC representatives at the Activity Design Consultation Workshop (Auckland 23-24 February, 2016)

⁶³ As above.

	Aim	Indicators	Baseline (Feb 2016) ⁵⁶	Target ⁵⁷	Methodology & Data Source
	efficient and responsive.	consider them accessible, just, efficient and responsive			partner courts in concert with FCA
		Number of people trained/supported to strengthen PIC courts ⁶⁴	2,748 participants were trained / supported by PJDP	1,139 people trained / supported, 30% of whom are women (YR5: 153, YR4: 203, YR3: 271, YR2: 276, YR1: 236)	Collated figures from all PJSI and local training / advisory activities.
Medium-term outcome (YR3-4)	1.1 Increased capacity & progress towards leading / managing change locally	Extent to which change is driven locally ⁶⁵	On average, 63% of change is driven locally ⁶⁶	15-40% increase in locally driven change ⁶⁷ (YR 3: 3-20% increase)	PIC & MEA assessment against defined measures.
	2.1 Court services are more accessible, just, efficient and responsive	The extent to which the needy ⁶⁸ understand, and are confident to exercise their rights	To be supplied by the end of year 1	15 - 30% increase in understanding/confidence (YR3: 5-15%) ⁶⁹	Court user perception survey conducted by partner courts in concert with FCA
		Extent to which officers deliver excellent service	On average, 67% of officers deliver excellent service ⁷⁰	15-40% increase in excellent service (YR3: 10-	Self assessment against action plans ⁷²

⁶⁴ MFAT's Strategic Results Framework Indicators – Law and Justice, indicator 8.1D. This data will comprise in-person days, the number of people successfully completing the training both provided by PJSI and locally by partner courts (where the latter data is available), gender-disaggregating and distinguishing the types of court actors (eg judicial and court officers). The figures will be presented as a percentage of total population. This also addresses MFAT Strategic Results Framework Indicators – supplementary indicators.

⁶⁵ Indicative measures include; the existence and active operation of National Judicial Development Committees (however named), the existence and active implementation of local strategic development plans (however named), number of local trainers and the extent to which they are encouraged/able to conduct training, the number of local training/development activities conducted, the number of locally inspired/led changes underway, implemented and embedded, capacity to assess needs, design, implement, monitor and evaluate local activities. Success is measured by internal assessment of the following 5 OECD-DAC: 1) Did the project address the identified need? [relevance] 2) Did it demonstrably achieve its stated objective/s [effectiveness] and overtime, deliver its intended result/s? [impact] 2) Was it delivered on time and within budget? [efficiency] 3) Will the outcomes and results live on over time? [sustainability].

⁶⁶ Refer to Table 1 in PIC self assessment for baselines indicated by PIC representatives at the Activity Design Consultation Workshop (Auckland 23-24 February, 2016)

⁶⁷ As above

⁶⁸ Needy are defined to include any person, or groups of persons who do not understand how, or are not confident to exercise their rights.

⁶⁹ Refer to Table 3 in PIC self assessment for baselines indicated by PIC representatives at the Activity Design Consultation Workshop (Auckland 23-24 February, 2016)

⁷⁰ See Table 2 in PIC self assessment for baselines indicated by PIC representatives at the Activity Design Consultation Workshop (Auckland 23-24 February, 2016)

Aim		Indicators	Baseline (Feb 2016) ⁵⁶	Target ⁵⁷	Methodology & Data Source
				30%) ⁷¹	
		Extent to which courts deliver fair results	On average 74% of results delivered are considered fair ⁷³	15-40% improvement in delivering fairer results (YR3: 10-30%) ⁷⁴	Court user perception survey conducted by partner courts in concert with FCA
		Number of backlogged / delayed cases in partner courts (<i>procedural justice</i>)	Delay impedes the delivery of justice at an average of 64% ⁷⁵	20%-30% decrease in case backlog and delay (YR3: 10-20%) ⁷⁶	PIC case management records
Short-term outcomes (YR1-2)	1.1.1 Improved capacity of <i>judicial leadership</i> to assess needs, plan, own and lead judicial development locally.	Extent to which change is driven locally ⁷⁷	On average, 63% of change is driven locally	5-20% increase in locally driven changes (YR1: 0-10% focus will be on building awareness / capacity)	PIC & MEA assessment against defined measures.
	2.1.1 Marginalised and vulnerable groups better able to <i>access justice</i> in and through courts.	The extent to which the needy understand, and are confident to exercise their rights.	To be supplied by the end of year 1	5 - 10% increase in understanding / confidence (YR1: 0-5% focus will be on building internal awareness /	Court User perception survey

⁷² Action plans will be developed during all training activities and used to assess incremental improvement over time.

⁷¹ As above

⁷³ Refer to Table 4 in PIC self assessment for baselines indicated by PIC representatives at the Activity Design Consultation Workshop (Auckland 23-24 February, 2016)

⁷⁴ As above

⁷⁵ Refer to Table 5 in PIC self assessment for baselines indicated by PIC representatives at the Activity Design Consultation Workshop (Auckland 23-24 February, 2016)

⁷⁶ As above

⁷⁷ Indicative measures include; the existence and active operation of National Judicial Development Committees (however named), the existence and active implementation of local strategic development plans (however named), number of local trainers and the extent to which they are encouraged/able to conduct training, the number of local training/development activities conducted, the number of locally inspired/led changes underway, implemented and embedded, capacity to assess needs, design, implement, monitor and evaluate local activities. Success is measured by internal assessment of the following 5 OECD-DAC: 1) Did the project address the identified need? [relevance] 2) Did it demonstrably achieve its stated objective/s [effectiveness] and overtime, deliver its intended result/s? [impact] 2) Was it delivered on time and within budget? [efficiency] 3) Will the outcomes and results live on over time? [sustainability].

	Aim	Indicators	Baseline (Feb 2016) ⁵⁶	Target ⁵⁷	Methodology & Data Source
				capacity)	
	2.1.2 Partner courts operate with a higher level of <i>professionalism</i>	Extent to which officers deliver excellent service	On average 67% officers deliver excellent service	5-20% increase in professionalism (YR1: 0-10% focus will be on building awareness / capacity)	Post-training satisfaction/learning surveys (completed by pax/TA) & learning application surveys completed 6 & 12 months after the training (completed by pax/CJ/Registrar or nominee).
	2.1.3 Partner courts exhibit more responsive & just behaviour & treatment that is fair & reasonable (<i>substantive justice</i>).	Extent to which courts deliver fair results	On average 74% of results delivered are considered fair	5-10% improvement in delivering fairer results (YR1: 0-5% focus will be on building internal awareness / capacity)	PIC/TA documented assessment of relevant reforms
	2.1.4 Cases are disposed of more efficiently (<i>procedural justice</i>).	Number of backlogged / delayed cases backlog in partner courts	The extent to which delay impedes the delivery of justice was an average of 64%	NA (no activities planned for the first two years)	PIC case management records
Outputs	1 Regional Leadership - Chief Justices trained in leadership & associated tools provided.	The number of: <ul style="list-style-type: none"> • people trained / supported in leadership • people satisfied with training / support • inter-courts links established 	NA	<ul style="list-style-type: none"> • 2 x regional activities in years 1-4 and 1 x regional activity in year 5 each attended by 14 pax (=14 pax) • 80% satisfaction rating • 5 inter-court links established 	FCA/TA reports

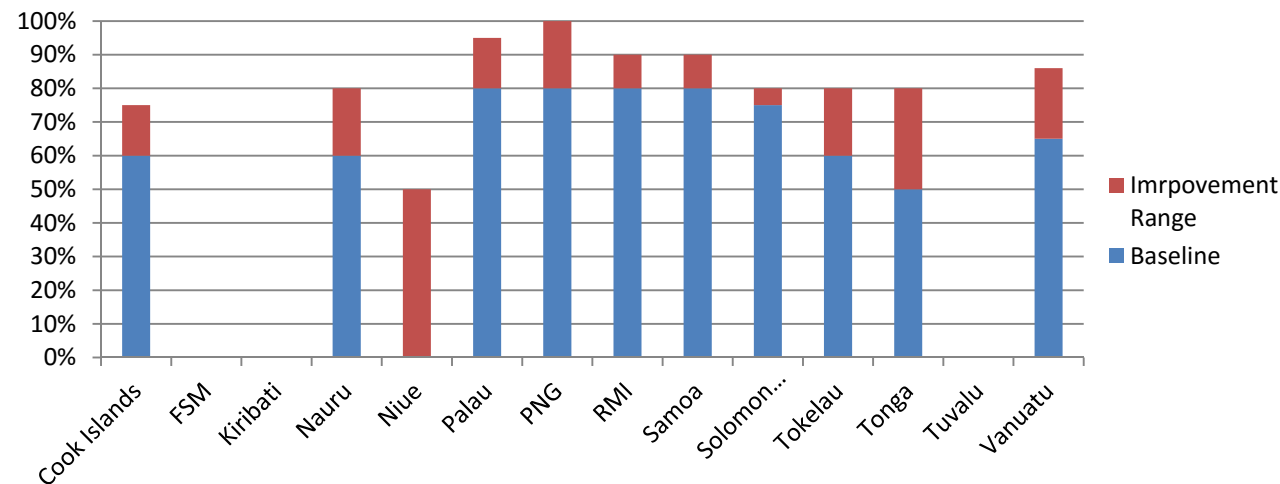
Aim	Indicators	Baseline (Feb 2016) ⁵⁶	Target ⁵⁷	Methodology & Data Source
2 - National Leadership - National judicial leaders trained in leadership & change management & associated tools provided.	The number of: <ul style="list-style-type: none"> • people trained / supported in change management • people satisfied with the training / support 	NA	<ul style="list-style-type: none"> • 1 x regional activity attended by 14 pax (= 14 pax) • 8 x local activities each training / supporting x 10 pax (=80pax) • 5 x remote activities each training / supporting x 5 pax (=5 pax) • 80% mean satisfaction rating 	FCA/TA reports & PIC reports
3 - Leadership Incentive Fund -Local activities conducted through training & funding provided.	The number of grants awarded and activities implemented	NA	<ul style="list-style-type: none"> • Equitable portion of 35 grants provided over 5 years • All activities implemented 	FCA records & PIC grant reports
4 - Access to Justice - PIC courts committed to improving access to justice, people trained & relevant tools provided.	Number of: <ul style="list-style-type: none"> • people trained / supported • people satisfied with training / support • local resources developed and used/delivered 	NA	<ul style="list-style-type: none"> • 1 x regional activity attended by 14 pax (=14 pax) • 4 x local activities each training / supporting x 10 pax (=40 pax) • 80% mean satisfaction rating 	FCA/TA reports & PIC reports
5 - Professional Development - Judicial / Court Officers trained in priority areas of knowledge skill &	Number of: <ul style="list-style-type: none"> • people trained • people satisfied with training • local resources developed 	NA	<ul style="list-style-type: none"> • 5 x regional activity attended by 14 pax (=70 pax) • 4 x local activities each training / supporting x 10 pax (=40 pax) 	FCA/TA reports

Aim	Indicators	Baseline (Feb 2016) ⁵⁶	Target ⁵⁷	Methodology & Data Source
attitude.	and used/delivered		<ul style="list-style-type: none"> 80% mean satisfaction rating 	
6 - Localising Professional Capacity Building - PIC judicial / court officers trained to address needs locally.	Number of: <ul style="list-style-type: none"> people trained / supported people satisfied with training / support local resources developed and used/delivered 	NA	<ul style="list-style-type: none"> 3 x regional activity attended by 14 pax (=42 pax) 5 x remote activities each training / supporting x 5 pax (=25 pax) 80% mean satisfaction rating 	FCA/TA reports & PIC activity reports
7 - Institutionalising Professional Development - A modality to institutionalise cost-effective / sustainable in-region training.	<ul style="list-style-type: none"> Options paper completed Inter-agency linkages established / operating 	NA	<ul style="list-style-type: none"> 2 x regional activities supporting x 10 pax (=20 pax) 80% mean satisfaction rating 	Options paper & FCA/TA reports
8 - Human Rights - PIC courts committed, trained & equipped with tools to deliver justice aligning with human rights.	Number of: <ul style="list-style-type: none"> people trained / supported people satisfied with training / support local resources developed and used/delivered NGO/CBO linkages established 	NA	<ul style="list-style-type: none"> 2 x regional activity attended by 14 pax (=28 pax) 4 x local activities each training / supporting x 10 pax (=40 pax) 80% mean satisfaction rating 	FCA/TA reports & PIC activity reports
9 - Gender & Family Violence - PIC courts committed, trained & equipped with tools to better	Number of: <ul style="list-style-type: none"> people trained / supported people satisfied with training / support 	NA	<ul style="list-style-type: none"> 2 x regional activity attended by 14 pax (=28 pax) 5 x local activities each 	FCA/TA reports & PIC activity reports

Aim	Indicators	Baseline (Feb 2016) ⁵⁶	Target ⁵⁷	Methodology & Data Source
respond to gender & family violence issues.	<ul style="list-style-type: none"> local resources developed and used/delivered NGO/CBO linkages established 		training / supporting x 10 pax (=50 pax) <ul style="list-style-type: none"> 80% mean satisfaction rating 	
10 - Efficiency - PIC courts equipped with the tools and capacity to improve efficiency in the administration of justice.	<ul style="list-style-type: none"> New toolkit developed Number of people trained to implement the toolkit Number of PIC implementing new policies, standards, systems, processes to improve administration 	NA	<ul style="list-style-type: none"> 5 x local activities each training / supporting x 10 pax (=50 pax) 80% mean satisfaction rating 	FCA/TA reports & PIC activity reports
11 - Accountability - Court performance monitored, evaluated & reported on to improve accountability.	Number of PICs: <ul style="list-style-type: none"> routinely producing annual reports developing systems / methodologies to expand data collection collecting IFCE, gender & GFV compliant disaggregated data 	NA	<ul style="list-style-type: none"> 5 x regional activity attended by 14 pax (=70 pax) 5 x local activities each training / supporting x 10 pax (=50 pax) 15 days remote, training/supporting x 5 pax (=5 pax) 80% mean satisfaction rating 	FCA/TA reports & PIC activity reports

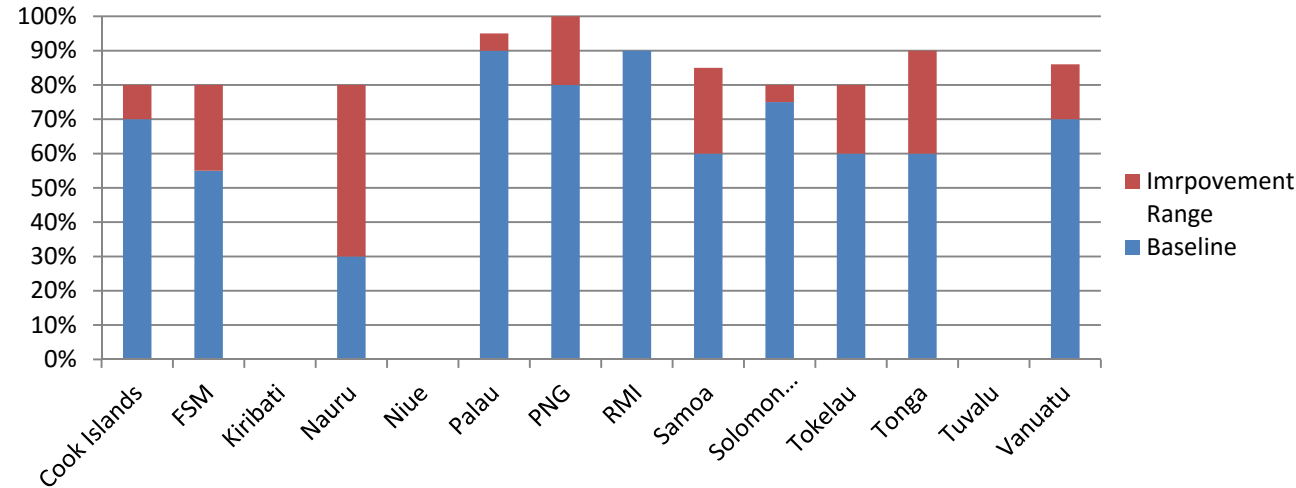
PIC Self Assessment Targets

1. Extent to which change is driven locally.



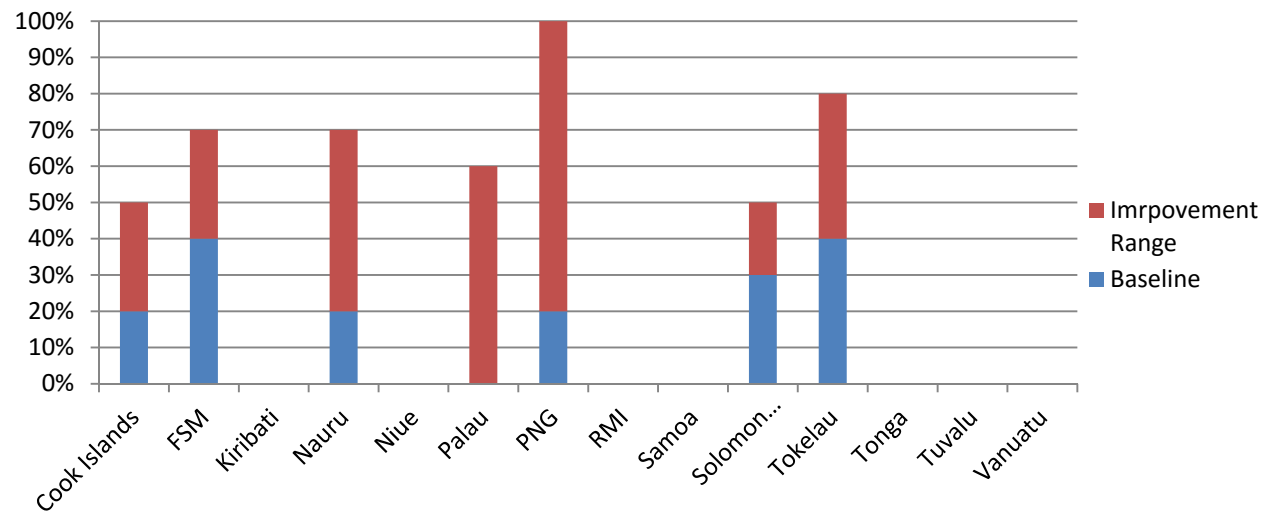
Baseline Average: 63%
Improvement Target Range: 5-50%

2. Extent to which officers deliver excellent service



Baseline Average: 67%
Improvement Target Range: 5-50%

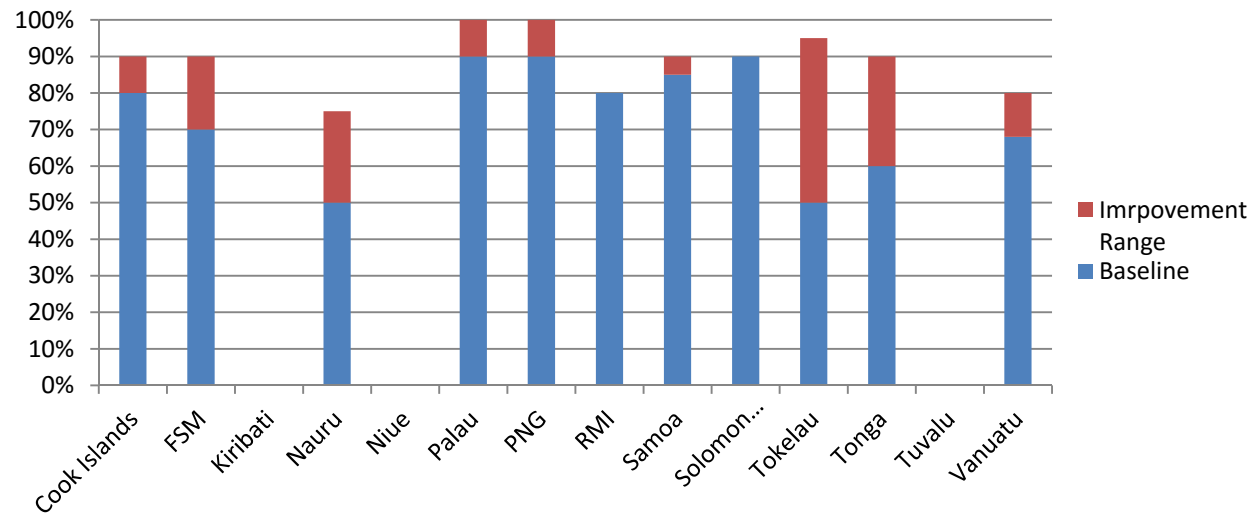
3. Extent to which the needy understand, and are confident to exercise their rights?



Baseline Average: 19%

Improvement Target Range: 20-80%

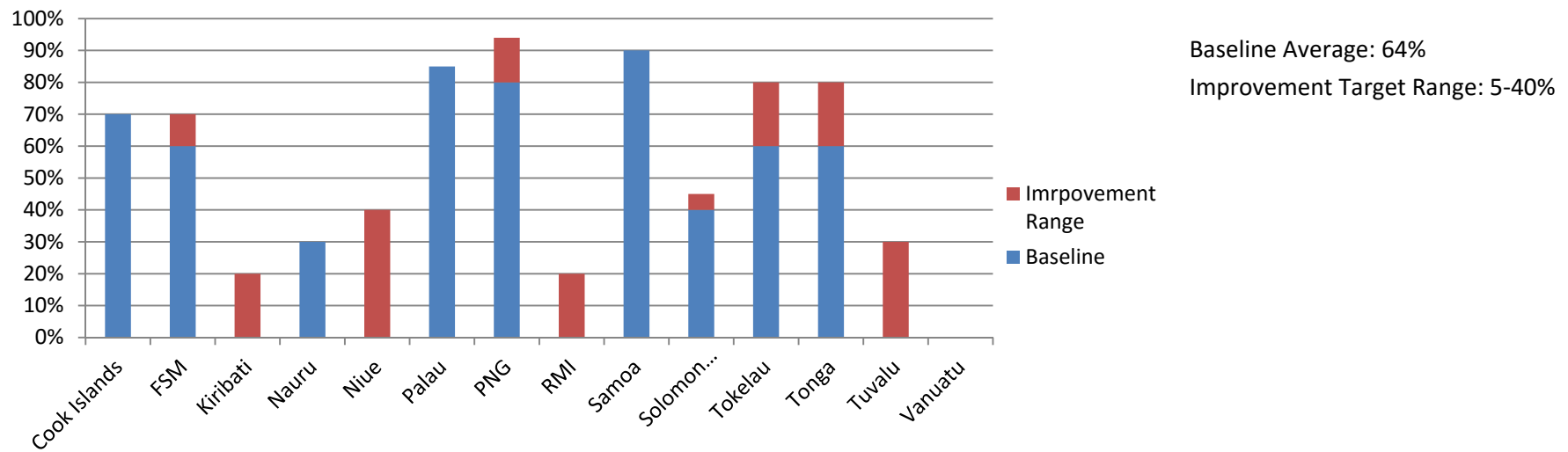
4. Extent to which courts deliver fair results



Baseline Average: 74%

Improvement Target Range: 5-45%

5. Extent to which delays impede the delivery of justice



FCA's Monitoring and Evaluation Work plan

Monitoring & Evaluation Tasks	Approach	Timeline	Roles and responsibilities	Deliverables and Reporting
Monitoring				
Number of activities conducted / people supported & trained disaggregated by gender & PIC	Participation data collected during each activity/input	Ongoing	FCA/TAs	Annual activity / participation statistics disaggregated by gender will be included in periodic reports to MFAT.
Scope, nature, cost of activities	Narrative description of each activity	Ongoing	TAs	Activity completion reports to be provided to the FCA at the completion of all activities
Progress and performance monitoring /Initiative performance reporting	Collation of statistical and narrative reports	Biennially	MEA/FCA	Biennial progress/Initiative performance report
Evaluation				
Collection of missing baseline	Survey all PICs	Inception. Will be provided to MFAT by December 2016	MEA develop surveys & analyse results PIC disseminate/collect surveys	Fully populated Results Framework provided to MFAT / PIC
Review Theory of Change (ToC), Results Framework (RF) & Results Measurement Table (RMT)	Regional / TA / FCA consultation	First regional leadership workshop following inception. Will be provided to MFAT to December 2016. It will be reviewed annually thereafter.	External M&E TA to refine ToC/RF/RMT as appropriate in concert with stakeholders/FCA	ToC / RF / RMT settled for 2016-18 and provided to MFAT / PIC
Six-monthly and Annual Reporting	Collect monitoring and performance data from TAs, FCA records and PICs	12 months following implementation & six-monthly thereafter	Team Leader to collect / collate FCA / TA reports PICs to provide annual progress reports MEA to assess all data and draft a report	Annual report provided to MFAT / IEC / PICs

Monitoring & Evaluation Tasks	Approach	Timeline	Roles and responsibilities	Deliverables and Reporting
Assess improvements in judicial leadership capabilities/ court user perceptions of partner courts	Court user perception surveys	December 2017 & annually thereafter	MEA to develop surveys & report template & analyse regional results, PIC to distribute, collect, assess, report on data	National and regional court user perception report provided to MFAT and PIC
Completion Evaluation measuring results and impact	Collate all M&E data and seek feedback from court actors about improvements	December 2020	MEA to develop approach, methodology, tools disseminated to PICs, collate, analyse and report on results PIC to distribute and collect surveys	Regional impact evaluation report