**Pacific Judicial Strengthening Initiative**

**Fourth Six-Monthly Progress Report**

***July - December 2019***

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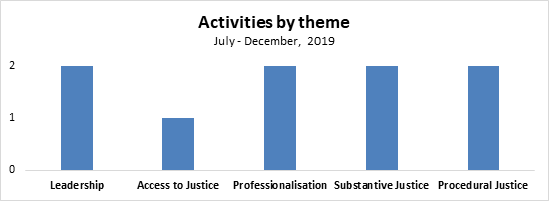
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Abbreviations

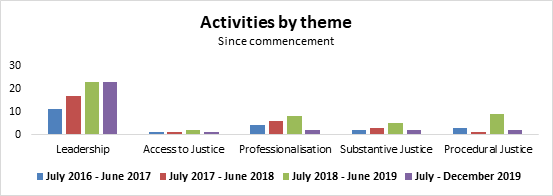
|  |  |  |
| --- | --- | --- |
| A2J | - | Access to Justice |
| CJE | - | Centre for Judicial Excellence |
| CJLF | - | Chief Justices’ Leadership Forum |
| CoJ | - | Certificate of Justice |
| DoJ | - | Diploma of Justice |
| FCA | - | Federal Court of Australia |
| FFC | - | Faamasino Fesoasoani Court |
| FSM | - | Federated States of Micronesia |
| GFV | - | Gender & Family Violence |
| ICT | - | Information Communications and Technology |
| IEC | - | Initiative Executive Committee |
| LIF | - | Leadership Incentive Fund |
| MEF | - | Monitoring and Evaluation Framework |
| MFAT | - | New Zealand Ministry of Foreign Affairs and Trade |
| MLSC | - | Micronesian Legal Services Corporation |
| NGO | - | Non-government Organisation |
| PICs | - | Pacific Island Countries |
| PJDP | - | Pacific Judicial Development Programme |
| PJSI | - | Pacific Judicial Strengthening Initiative |
| PNG | - | Papua New Guinea |
| RMI | - | Republic of the Marshall Islands |
| SDGs | - | Sustainable Development Goals |
| UN | - | United Nations |
| USP | - | University of the South Pacific |

This Six-Monthly Progress Report is submitted in satisfaction of Milestone 10 of the contract, as varied on 5 June 2019, between the New Zealand Ministry of Foreign Affairs and Trade (MFAT), and the Federal Court of Australia (FCA) for the management and delivery of the Pacific Judicial Strengthening Initiative (PJSI).

Executive Summary

This Six-Monthly Progress Report provides a summary of PJSIs activities and outputs between July and December, 2019. During the reporting period, nine[[1]](#footnote-1) activities were delivered on time and within budget and 21 locally-led activities were approved.[[2]](#footnote-2)

Since its commencement, PJSI has delivered 71 activities[[3]](#footnote-3) to nearly 3,000[[4]](#footnote-4) people (30% female), with an additional 55 locally-led activities approved/delivered.[[5]](#footnote-5)



*Since the last workshop, I don’t just warn perpetrators anymore. I treat it as a crime, and I’ve reflected that in sentencing. I put them on probation with correctional services. For cases that have significant injuries, those matters I refer to the Supreme Court. It doesn’t end in my court.*

*Female Magistrate, Gender and Family Violence Workshop*

Summary of Progress

Below is a summary of progress made against each Project. A detailed summary of progress is located in *Annex B*, and the current *Monitoring and Evaluation Framework* is located in *Annex C*.



|  |  |
| --- | --- |
|  | The region’s Chief Justices are in the process of determining a number of priority changes that they wish to accomplish by the end of PJSI’s term. These are articulated under the specific projects below and included in national improvement plans. Twelve Chief Justices have developed such plans, and/or objectives against PJSIs goal of three (see ***Annex C***).  On 30 August, 2019 the seventh Initiative Executive Committee (IEC) Meeting convened remotely. Three Chief Justices representing Melanesia, Polynesia and Micronesia, in addition to representatives from the region’s Lay Judicial Officers, Court Officers and MFAT, attended. Attendees were briefed about and discussed PJSI’s progress, the publication of its online materials, re-engagement with the Supreme Court of Fiji, and proposed additional activities.  Preparations are underway for the fifth Chief Justices’ Leadership Forum (CJLF) and eighth Initiative Executive Committee (IEC) Meeting. Both activities will take place in Honiara, Solomon Islands from 23-26 March, 2020. |
|  |  |
|  | Following direction of the region’s Chief Justices and approval by MFAT to re-engage with the Fijian Judiciary, a senior judicial officer attended the fourth CJLF in Palau (April, 2019). In July, PJSIs Technical Director and Team Leader visited the Acting Chief Justice of Fiji to further discuss collaboration. His Honour expressed interest in the areas of judicial education, court management (including efficiency), and performance data. Further discussion will take place at the upcoming CJLF in Honiara (March 2020).  Planning is underway for a joint Project Management and Gender & Family Violence (GFV) workshop in the Federated States of Micronesia from 10-14 February, 2020. The visit will further assist the Judiciary to lead, manage and deliver GFV and enabling rights/access to justice related activities. |
|  |  |
|  | 22 Leadership Incentive Fund (LIF) applications (9 large and 13 small) have been approved since the start of PJSI Phase II. The cost of funding these projects totals AU$266,000.[[6]](#footnote-6) 10 activities have been delivered in the reporting period:   * client services and judicial protocol training for court staff in PNG * an annual reporting workshop for Niue court staff * additional attendees at the court data management workshop from FSM (x 1 additional attendee) and PNG (x 5 additional attendees) * review of progress against Vanuatu’s strategic plan and development of the next iteration, and subscription to Lexis Advance for the Tonga judiciary.   See ***Annex F*** for further details about the status, objectives and outcomes of LIF projects. |
|  |  |
|  | At the start of PJSI Phase II, four Pacific Island Countries (PICs) - Kiribati, FSM, Cook Islands and Vanuatu - acknowledged the importance of and had developed plans to improve access to justice. Community outreach strategies had been developed and implemented. Two PICs - Kiribati and Vanuatu - are continuing to collaborate with PJSI to implement priority changes of increased public outreach and awareness (Kiribati), and the inclusion of access to justice as a strategic priority in 2020 (Vanuatu).[[7]](#footnote-7)  A follow-up visit to Kiribati took place from 1-12 December, 2019, comprising of consultations with 120 community members in South and North Tarawa, and Maiana, and a follow-up workshop with 41 court personnel. Participants perceived there to have been improvements in court performance over recent years, and the court’s endeavours implementing its earlier A2J Plan 2015+ are encouraging. A visit to Vanuatu is planned for later in the phase with a focus on the development, publication and distribution in local language of a number of *Court Guidance’s for Unrepresented Litigants*. A follow-up visit to the Cook Islands has been tentatively reallocated to the Republic of the Marshall Islands (RMI) for later in Phase II. |
|  |  |
|  |  |
|  | This project is in its research phase. Preliminary findings indicate that despite the critical roles of legal aid in protecting and securing citizens’ rights across the Pacific, there is a lack of data and literature about the wide range of legal aid systems/models in operation. Major global studies on legal aid systems do not cover any Pacific countries.  Most states’ legal aid services do not meet the known demand. While legal aid for victims of family violence is now provided in some states, often by non-government organisation (NGO) providers, capacity remains limited. Further, the Family Protection Laws, which have now been enacted in most PICs, do not include a right to legal assistance. Even where legal aid is available, salaries and employment conditions do not compete with salaries paid by government and the private sector, thereby thwarting attraction of the best candidates. The full situational analysis and recommendations will be presented at the CJLF in March 2020. |
|  |  |
|  | Following peer review,[[8]](#footnote-8) refinement, and successful piloting of the [Mentoring Toolkit](https://www.fedcourt.gov.au/__data/assets/pdf_file/0006/58389/Online-Version-Judicial-Mentoring-Toolkit.pdf), it has now been finalised and published on the PJSI website. Three expressions of interest were received from FSM, RMI, and Vanuatu for the pilot. Two of these new judicial appointments were delayed, resulting in the pilot being undertaken in Vanuatu. The Chief Justice of Vanuatu confirmed that newly appointed Supreme Court Justice Trief[[9]](#footnote-9) would be suited and available to participate in the mentor programme. Justice Gustaaf Andree Wiltens - a highly experienced New Zealand Judge sitting as a full-time Supreme Court Judge in Vanuatu assumed the role of mentor. The pilot ran for 5 months. Justice Wiltens reported that as a result of the pilot, the new judge better understood her judicial role and responsibilities, and her rights related to the terms, conditions and administrative requirements related to her appointment. |
|  |  |
|  | This project aims to review the regulatory and wider justice-system roles of lawyers’ professional associations (law societies/bar associations) across the region. While in its research phase, preliminary findings indicate that bar associations and law societies are a neglected part of the justice system, despite their importance as the ‘incubator’ for producing each nation’s judges, magistrates, prosecutors, and lawyers.  Despite being led by motivated individuals, bar associations and law societies are typically poorly resourced. Most have only annual fees as their source of support. All are heavily reliant on volunteers and often do not have resources to fulfil their statutory roles (including disciplining lawyers). They also struggle to provide crucial services to members, such as regular programs of continuing professional development. Most lack any administrative support and must rely on members of the executive providing meeting space and secretariat functions at their private expense. While several law societies/bar associations have reached out to donors for support, little has been forthcoming, even within large bilateral justice programs. The full situational analysis report with recommendations will be presented at the CJLF in March, 2020. |
|  | In November, a 1.5 hour Court Data Management Webinarwas presented to PICs. The Webinar was a remote follow up to the recent regional Court Data Management Workshop (in October 2019) to refresh key concepts and support counterparts to review progress and address challenges implementing their *Data Management Plans*. It was designed and facilitated by PJSIs Accountability, Efficiency, ICT and Webinar Advisors, with support from the PJSI Team Leader.  Following a request by the IEC Representative for Lay Judicial Officers, a second regional webinar is being developed for rollout in February. The webinar will focus on understanding the needs and challenges currently faced by Lay Judicial Officers in the region. Discussion will focus on experiences and challenges, as well as potential assistance required to build their skills. |
|  |  |
|  | For the 2020 cohort, PJSI has approved LIF-support to fund 40 DoJ and 27 CoJ students. In addition to these 67 PJSI-supported students, it is anticipated that up to another 30 students may receive funding through alternative sources. Final enrolment figures for 2020 will be reported on once finalised by USP.  The Pathway Project has continued collaborating with PNGs Centre for Judicial Excellence (CJE). An assessment in November notes that in addition to a new training facility with capacity for 50 trainees, its capacity has been substantially built over the past three years, notably in the recruitment of an expanded team (3 to 17 officers) and an increase in productivity from 5 to 25+ activities annually. While activities have to date been predominantly directed at senior judges, the CJE intends to extend its offering to a broader spectrum of domestic stakeholders. |
|  | At the start of PJSI Phase II, three PICs - Solomon Islands, Tonga and Kiribati - understood the human rights norms applicable to court practices, were demonstrably enthusiastic and had begun implementing changes aligned with Action Plans developed during Phase I. Two PICs have reported progress and the Human Rights Adviser agrees that their plans, actions, outputs and progress are sufficient to achieve their goals.[[10]](#footnote-10)  Workshops for Magistrates and High Court judges in the Solomon Islands in September/October, sought to enable participants to apply international and constitutional rights/standards. The visit also facilitated the Chief Justice determine the priority changes he wishes to institute in the coming 12 and 24 months. These comprise; developing and implementing Human Rights Rules, and reducing the number of people on remand, and the duration of remand.  A follow-up visit scheduled for Tonga in April 2020 identifies the priority changes to be accomplished by the Tongan Judiciary include progress made towards initiation of a legal aid service for criminal defendants, implementation of a court action plan for people with disabilities, and establishing and maintaining a court referral list.  Kiribati’s priority changes include developing sentencing guidelines and checklists for bench books that provides guidance in cases involving family or sexual violence, juvenile offenders and people with disabilities. |
|  |  |
|  | At the start of this phase, three PICs - Vanuatu, FSM and Samoa - had Action Plans with goals related to prevention, victim-centred access, safety and fairness, perpetrator accountability, and sectoral collaboration. All three PICs have identified a specific priority change they wish to achieve and are taking actions to achieve it.[[11]](#footnote-11)  A follow up visit to Vanuatu took place in November to review progress and further support the Magistracy to implement its 2019 Domestic Violence Action Plan, developed during the 2018 visit. The visit supported Magistrates to progress the four key outcome areas of their Plan: awareness/prevention, collaboration, victim-centred approaches, and perpetrator accountability. Guidelines for Magistrates and staff dealing with domestic violence cases were drafted, the Magistrates brochure on Domestic Violence and Protection Orders was refined, and a pilot Court User Forum for Domestic Violence Cases was attended by 29 people.[[12]](#footnote-12)  Planning is underway for a joint Project Management and Gender & Family Violence (GFV) workshop in the Federated States of Micronesia between 10-14 February, 2020.[[13]](#footnote-13) A follow up visit to assess progress in Samoa towards their priority change is scheduled for mid-2020. Their objective is to address the challenges associated with cases being mediated at a community level and women accessing police and the courts. |
|  |  |
|  | At the start of this phase, four PICs – Palau, PNG, Tokelau and Nauru - had identified a priority change and have plans to achieve it. Nine PICs have case disposal time-standards, four have moved beyond manual/excel case tracking and four PICs have electronic case management systems. All PIC’s understand the importance of efficiency indicators and court performance reporting, and five have introduced or improved their periodic court performance reporting practices during the reporting period. Capacity to periodically review efficiency is emerging in Vanuatu, Palau, RMI, Nauru, Tokelau and PNG, with the latter having established an Efficiency Task Force Team to improve efficiency and reduce outstanding reserve decisions.  PJSI hosted its largest regional workshop in Port Vila, Vanuatu from 14-18 October, 2019. Focusing on Court Data Management, the workshop built on the first workshop delivered in PNG, 11 months prior. It enabled participants to better plan, manage and analyse cases and court data; develop strategies to better report on courts’ activities and performance; understand their needs to progress towards using case tracking and case management systems to collect accurate data and produce quality reports; develop and present *Court Data Management Plans;* and to integrate data and reporting needs into current court organisational development activities.    A five-day visit to Nauru in October 2019 analysed the 2018 ICT baseline and quality of existing, Excel-stored data; implemented a Case Tracker; trained staff to use the Dashboard and to produce Quarterly Reports; and advised the Court about website development. As a result, the judiciary now have the ability to record, track and manage their caseload efficiently and effectively, and present this information visually and statistically. |
|  |  |
|  | The [2018 Court Trend Report](https://www.fedcourt.gov.au/pjsi/reports) has been finalised, published, printed and circulated at the regional Court Data Management Workshop in Port Vila, Vanuatu. It demonstrates significant improvements over the past seven years including: sustained increase in transparency of annual reporting; smaller PICs maintaining their commitment to annual reporting; more in-depth analysis and increased presentation of trend data; some PICs presenting sex, age and disability disaggregated data; and PICs are committing to court user surveys.  As approved at the seventh IEC Meeting, an Adviser was recruited in December to consider global indicator sets in terms of feasible short/long term enhancements to data collection to: better inform court management decision-makers on how to progress positive change that is most important, relevant, meaningful or challenging for them; explore how a regionally homogeneous set of indicators can remain relevant and meaningful to a disparate collection of countries; and explore the mechanism that may be developed to ensure continued relevance of the suite of indicators over time. A draft strategy paper with recommendations will be presented at the fifth CJLF in March 2020. |
|  | This Project is in its research phase. It considers how PIC courts might contribute to the achievement of the United Nations (UN) Sustainable Development Goals (SDG) and targets. Cross referencing the 244 SDG targets against the courts’ and PJSIs remit, along with an assessment of the data collected through PJSIs activities, initial findings suggest that: PIC Courts are already undertaking related activities and collecting relevant data that may be repurposed for reporting against relevant SDGs; and there are additional activities PIC Courts could undertake and additional data they might collect to bolster their contribution to relevant SDGs. Any extensions in data collection and activities must however be measured by pragmatism and what realistically can be achieved. The full assessment and recommendations will be presented at the CJLF in March 2020. |

Conclusion

Twelve Chief Justices have developed national improvement plans and/or objectives against PJSIs goal of three, with many of these Chief Justices committing to accomplishing specific priority changes throughout Phase II. In particular: two PICs are continuing to work with PJSI to implement priority changes identified within Access to Justice; two PICs have reported significant progress towards their Human Rights priority change goals; three PICs have identified priorities changes relevant to Gender and Family Violence and plans to achieve it; and four PICs have identified an Efficiency-related priority change, with all PICs understanding the importance of efficiency and court performance reporting.

These priority changes reflect objectively identified priorities, in light of views expressed during consultations with court users, and a deeper understanding of and connection with the human and civil rights underpinning the court’s role. Academic and practice-based courses for serving officers are available through USP and PNG CJE, respectively; and the capacity of each, along with the region’s capacity to avail itself of those provisions, is growing. While all PICs continue to present the results of their priority change agenda and performance publicly through annual reports, four are on track to present information against all Cook Island Indicators.

The PJSI Team is grateful for the ongoing direction and support of the region’s leadership in directing and guiding these projects. Without this high‐level support, it would not be possible for the PJSI Team to implement the Initiative.

Annex A: Activities by Theme and Project

**Theme: Judicial Leadership**

**Project 1: Regional Leadership**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 7-9 Sep, 2016 | 1st Chief Justices’ Leadership Forum | PNG | 14 | 1 | 87.5% | NA | 91.67% |
| 10 Sep, 2016 | 1st Initiative Executive Committee Meeting | PNG | 4 | 2 | NA | NA | NA |
| 3-5 Apr, 2017 | 2nd Chief Justices’ Leadership Forum | Samoa | 13 | 2 | 90.91% | NA | 96.97% |
| 6 Apr, 2017 | 2nd Initiative Executive Committee Meeting | Samoa | 5 | 2 | NA | NA | NA |
| 5-7 Sep, 2017 | Judicial Leadership Workshop | Tonga | 14 | 6 | 85.71% | NA | 88.10% |
| 28 Sep, 2017 | 3nd Initiative Executive Committee Meeting | Remote | 5 | 2 | NA | NA | NA |
| 16-18 Apr, 2018 | 3rd Chief Justices’ Leadership Forum | Auckland | 13 | 2 | NA | NA | NA |
| 19 Apr, 2018 | 4th Initiative Executive Committee Meeting | Auckland | 6 | 3 | NA | NA | NA |
| 19-21 Sept, 2018 | Judicial Leadership Workshop #2 | Auckland | 28 | 13 | 96.30% | NA | 96.30% |
| 15-Oct, 2018 | 5th Initiative Executive Committee Meeting | Remote | 5 | 3 | NA | NA | NA |
| 1-3 Apr, 2019 | 4th Chief Justices’ Leadership Forum | Palau | 12 | 1 | NA | NA | 88.89% |
| 4-Apr, 2019 | 6th Initiative Executive Committee Meeting | Palau | 6 | 3 | NA | NA | NA |
| 30 Aug, 2019 | 7th Initiative Executive Committee Meeting | Remote | 6 | 2 | NA | NA | NA |

**Project 2: National Leadership**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 20-24 Feb, 2017 | Project Management and Evaluation Workshop | Vanuatu | 18 | 11 | 74.07% | 842% | 93.75% |
| 29 Apr-14 May, 2017 | Local Project Management and Planning Visit #1 | Tokelau | 5 | 5 | 80% | 640% | 93.33% |
| 23 Jul-3 Aug, 2018 | Local Project Management and Planning Visit Large LIF #2 | FSM | 31 | 15 | 88% | 847% | 91.03% |
| 15-19 Oct, 2018 | Local Project Management and Planning Visit Large LIF #3 | PNG | 10 | 5 | 100% | NA | 90.00% |
| 4-15 Feb, 2019 | Local Project Management and Planning Visit Large LIF #4 | Vanuatu | 7 | 5 | 91.67% | 97% | 94.44% |
| 8-9 Jul, 2019 | Assessment and Support Design Visit | Fiji | 1 | 0 | NA | NA | NA |

**Project 3: Leadership Incentive Fund**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| Dec, 2016 | FSM Judicial Conference | FSM | 77 | 19 | NA | NA | 90.5% |
| 15 Feb, 2017 | Enhanced capacity building of Tokelau Judiciary | Tokelau | 19 | 6 | 88% | NA | 76% |
| 22 Feb, 2017 | Workshop on the law of evidence and criminal sentencing | Samoa | 9 | 4 | NA | NA | NA |
| 16 May, 2017 | Attendance at PJSI Regional Certificate Level Training of Trainers Workshop in Rarotonga, Cook Islands (Item Note) | RMI | 1 | 1 | NA | NA | NA |
| 16 May, 2017 | Attendance at PJSI Regional Certificate Level Training of Trainers Workshop in Rarotonga, Cook Islands (Ronna Helkena) | RMI | 1 | 1 | NA | NA | NA |
| 6 Oct, 2017 | Orientation of Island Court Justices | Vanuatu | 19 | 5 | NA | 403% | NA |
| 23 Nov, 2017 | Registry Manual (Toolkit for Court Registry Officers) | PNG | 1 | 0 | NA | NA | NA |
| 24 Oct, 2017 | Mediation Skills Training | Tonga | 6 | 3 | NA | NA | NA |
| 17 Nov, 2017 | Lay Magistrates Training Workshop at Line Islands | Kiribati | 20 | 8 | NA | NA | NA |
| 1 Nov, 2017 | Attendance at the PJSI Regional Lay Judicial Officer Orientation Course (Travis Joe) | RMI | 1 | 0 | NA | NA | NA |
| 24 Jan, 2018 | Attendance at PJSI Substantive ToT Workshop (France Apera) | Cook Islands | 1 | 1 | NA | NA | NA |
| 24 Jan, 2018 | Attendance at PJSI Substantive ToT Workshop (Hainrick Moore) | RMI | 1 | 0 | NA | NA | NA |
| 24 Jan, 2018 | Attendance at PJSI Substantive ToT Workshop (Item Note) | RMI | 1 | 1 | NA | NA | NA |
| 11 Mar, 2018 | Certificate of Justice - Semester 1 | Vanuatu | 8 | 3 | NA | NA | NA |
| 23 May, 2018 | Court Video Conferencing & Efficiency Follow-up Visit | Palau | 32 | 24 | 71.93% | 122% | 80.70% |
| 10 May, 18 | Translation of Enabling Rights & Unrepresented Litigants Toolkit into 4 FSM Languages | FSM | 119 | 54 | NA | 34.25% | NA |
| 28 Jun, 2018 | Judicial Case Management | Vanuatu | 6 | 0 | NA | NA | NA |
| 5 Jul, 2018 | Semester 2 - Certificate of Justice Course 1 | Kiribati | 18 | 9 | NA | NA | NA |
| 5 Jul, 2018 | Semester 2 - Certificate of Justice Course 2 | Kiribati | 18 | 9 | NA | NA | NA |
| 13 Jul, 2018 | Presentation at PJC & ICT Summary | Samoa |  |  | NA | NA | NA |
| 27 Sept, 2018 | Human Rights Workshop (Judges) | PNG | 36 | 7 | 65.56% | 59% | 76.67% |
| 27 Sept, 2018 | Human Rights Workshop (Magistrates) | PNG | 35 | 15 | 77.19% | 36% | 92.98% |
| 14 Sept, 2018 | Implementation of Video Conferencing in the Courts | FSM | 19 | 12 | NA | NA | NA |
| 26 Oct, 2018 | Judiciary Awareness on the Leadership Change Plan in Tonga - the Checklists | Kiribati | 1003 | NA | NA | NA | NA |
| 25 Oct, 2018 | Attendance at Regional Development Workshop (PNG) | Vanuatu | 1 | 0 | NA | NA | NA |
| 27 Nov, 2018 | Legal Research Foundation Conference | Tonga | 1 | 0 | NA | NA | NA |
| 06 Dec, 2018 | Legal Research Foundation Conference | Samoa | 1 | 0 | NA | NA | NA |
| 14 Feb, 2018 | Additional Participant to attend the PJSI Lay Judicial Officer Decision Making Workshop (Rumatiki Alapaki) | Niue | 1 | 0 | NA | NA | NA |
| 17 Jan, 2019 | Additional Participant to attend the PJSI Lay Judicial Officer Decision Making Workshop (Judge Lucky) | RMI | 1 | 0 | NA | NA | NA |
| 12 Feb, 2019 | Additional x2 Outer Island Participants to attend the PJSI Lay Judicial Officer Decision Making Workshop (Ellen Konare & Tuke Panaskai) | Solomon Islands | 2 | 1 | NA | NA | NA |
| 5 Mar, 2019 | Certificate of Justice - Semester 1 2019 | Palau | 5 | 4 | NA | NA | NA |
| 18 Apr, 2019 | Scoping Paper: Preparing to adjudicate SOV disputes | RMI | NA | NA | NA | NA | NA |
| 10 Apr, 2019 | Certificate of Justice (Semester 1) | Kiribati | 17 | 10 | NA | NA | NA |
| 12 Jun, 2019 | Implementation of Case Tracking System in Marshall Island courts | RMI | NA | NA | NA | NA | NA |
| 4 Jul, 2019 | Client Service and Judicial Protocol Training for Court Staff | PNG | 99 | 40 | NA | NA | NA |
| 12 Sep, 2019 | Annual Court Reporting Workshop | Niue | 4 | 2 | NA | NA | NA |
| 1 Oct, 2019 | Court Data Management Workshop: Sandy Albert | FSM | 1 | 1 | NA | NA | NA |
| 4 Oct, 2019 | PNG Task Force Team: attendance at the Court Data Management Workshop (Judge Dingake) | PNG | 1 | 0 | NA | NA | NA |
| 4 Oct, 2019 | PNG Task Force Team: attendance at the Court Data Management Workshop (Celinia Lualu) | PNG | 1 | 1 | NA | NA | NA |
| 4 Oct, 2019 | PNG Task Force Team: attendance at the Court Data Management Workshop (David Gonol) | PNG | 1 | 0 | NA | NA | NA |
| 4 Oct, 2019 | PNG Task Force Team: attendance at the Court Data Management Workshop (Doris Joseph) | PNG | 1 | 1 | NA | NA | NA |
| 4 Oct, 2019 | PNG Task Force Team: attendance at the Court Data Management Workshop (Theresa Hani) | PNG | 1 | 1 | NA | NA | NA |
| 7 Nov, 2019 | Computerised database and network system for Kiribati Judiciary | Kiribati | NA | NA | NA | NA | NA |
| 7 Nov, 2019 | Computerised database and network system for Kiribati Judiciary | Kiribati | NA | NA | NA | NA | NA |
| 7 Nov, 2019 | Diploma of Justice (DOJ01 & DOJ02 & LW110) | Tonga | 5 | 5 | NA | NA | NA |
| 8 Nov, 2019 | Lexis Advance Subscription | Tonga | 1 | 0 | NA | NA | NA |
| 19 Nov, 2019 | Judicial Management Improvement Plan | Vanuatu | 2 | 1 | NA | NA | NA |
| 12 Dec, 2019 | Orientation Training for Lay Judges in Ambryn and Pamma Islands | Vanuatu | 20 | TBC | NA | NA | NA |
| 12 Dec, 2019 | Certificate of Justice - 7 students in Malekula | Vanuatu | 7 | 1 | NA | NA | NA |
| 12 Dec, 2019 | Certificate of Justice: Ivan Kadannged | FSM | 1 | 0 | NA | NA | NA |
| 12 Dec, 2019 | Diploma of Justice x2 & Certificate of Justice x1 2020 | RMI | 3 | 2 | NA | NA | NA |
| 13 Dec, 2019 | Orientation Training for FFC Judges | Samoa | NA | TBC | NA | NA | NA |
| 17 Dec, 2019 | Certificate of Justice | Samoa | 3 | TBC | NA | NA | NA |
| 12 Dec, 2019 | Diploma of Justice (DOJ01 & DOJ02 & LW110) | Kiribati | 33 | TBC | NA | NA | NA |
| 18 Dec, 2019 | Certificate of Justice (Semesters 1 & 2) | Solomon Islands | 15 | TBC | NA | NA | NA |

**Theme: Access to Justice**

**Project 4: Access to Justice**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 15-26 May, 2017 | Local Visit #1 | FSM | 59 | 21 | NA | 294.00% | 90.00% |
| 5-16 Mar, 2018 | Local Visit #2 | Marshall Islands | 14 | 6 | 77.87% | NA | 94.44% |
| 1-12 Oct, 2018 | Local Visit #3 | Cook Islands | 19 | 8 | NA | 384.00% | 100.00% |
| 18-29 Mar, 2019 | Local Visit #4 | Vanuatu | 31 | 21 | 71.79% | 134.00% | 94.87% |
| 2-12 Dec, 2019 | Local Access to Justice Visit #1 and Community Awareness Raising Project (Workshop) | Kiribati | 41[[14]](#footnote-14) | NA | 84.72% | 108% | 94.20% |
| Local Access to Justice Visit #1 and Community Awareness Raising Project (Consultations) | 120 | NA | NA | NA | NA |

**Theme: Professionalisation**

**Project 6: Professional Development**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 9-18 Aug, 2017 | Local Orientation Visit #1 | Marshall Islands | 26 | 7 | NA | 396% | 92.46% |
| Pre-workshop TOT (18-19 Nov) 20-24 Nov, 2017 | Regional Lay Judicial Officer Orientation Workshop | Solomon Islands | 28 | 12 | 78.21% | 96% | 92.31% |
| 9-18 May, 2018 | Local Orientation Visit #2 | Samoa | 23 | 3 | 76.67% | 90% | 96.30% |
| 20-29 June, 2018 | Local Orientation Visit #3 | Solomon Islands | 14 | 4 | 87.88% | 22% | 90.91% |
| 17-25 Jan, 2019 | Local Orientation Visit #4 | Kiribati | 36 | 18 | 78.79% | 90% | 89.52% |
| Pre-workshop TOT (18-19 Feb, 2019) 20-22 Feb, 2019 | Regional Training Workshop (Topic: *Decision-Making*) | Solomon Is. | 15 | 8 | 76.92% | 133% | 95.24% |
| 2019 | Pilot Mentoring Toolkit | Vanuatu | 2 | 0 | NA | NA | NA |

**Project 8. Localising Professional Capacity Building**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 12-23 Jun, 2017 | Regional Certificate-level Training-of-Trainers Workshop | Cook Islands | 18 | 11 | NA | 330% | 84.44% |
| 12-16 Feb, 2018 | Substantive / Capacity Development Training-of-Trainers Workshop (Topic: *A2J, GFV & HR*) | Vanuatu | 22 | 12 | 82.35% | 117% | 90.20% |
| 1 Nov, 2018 | Gender & Family Violence Webinar | Remote | 13 | 6 | 74% | 117% | 74% |
| 26-30 Nov, 2018 | Substantive / Capacity Development ToT Workshop (Topic: *Data management*) | PNG | 35 | 21 | 87.50% | 141% | 93.75% |
| 28 Nov, 2019 | Webinar #1: Court Data Management Follow-up | Remote | 31 | 19 | 58.33% | NA | 75.00% |

**Project 9: Institutionalising Professional Development**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 31 Oct-4 Nov 2016 | Career Pathway: Local Visit #1 | PNG | 5 | 1 | NA | NA | NA |
| 30 Jan-3 Feb, 2017 | Career Gateway: Local Visit #1 | Vanuatu | 3 | 1 | NA | NA | NA |
| 4-9 June, 2017 | Career Gateway: Local Visit #2 | Vanuatu | 3 | 1 | NA | NA | NA |
| 4-8 Dec, 2017 | Career Pathway: Local Visit #2 | PNG | 18 | 7 | NA | NA | NA |
| 2-6 July, 2018 | Career Gateway: Local Visit #3 | Vanuatu | 2 | 0 | NA | NA | NA |
| 4-8 Mar, 2019 | Career Pathway: Local Visit #3 | PNG | 18 | 8 | 72.22% | NA | 87.04% |
| 20-24 May, 2019 | Career Gateway: Local Visit #4 | Vanuatu | 1 | 0 | NA | NA | NA |
| 11-15 Nov, 2019 | Career Pathway Visit #1 | PNG | 11 | 3 | NA | NA | NA |

**Theme: Substantive Justice**

**Project 10: Human Rights**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 24 Apr-5 May, 2017 | Piloting of HR resource / toolkit | Solomon Islands | 39 | 13 | NA | 348% | 83.33% |
| 20 Nov-1 Dec, 2017 | Local Visit #1 | PNG | 85 | 24 | NA | 44.50% | 84.06% |
| 4-15 June, 2018 | Local Visit #2 | Kiribati | 58 | 31 | 85.95% | 70.50% | 93.06% |
| 4-15 Feb, 2019 | Local Visit #3 | Tonga | 26 | 14 | NA | 88.50% | 95.15% |
| 23 Sep-4 Oct, 2019 | Local Human Rights Visit #1 | Solomon Islands | 51 | 24 | 90.50% | 14.00% | 100.00% |

**Project 11: Gender and Family Violence**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 12-23 June, 2017 | Piloting of GFV resource / toolkit | Tonga | 41 | 24 | 77.78% | 71.00% | 94.44% |
| 19-26 Nov, 2017 | Local Visit #1 | Nauru | 33 | 18 | 69.70% | 77.00% | 91.67% |
| 6-17 Aug, 2018 | Local Visit #2 | Vanuatu | 18 | 13 | 92.59% | 60.00% | 93.75% |
| 12-23 Nov, 2018 | Local Visit #3 | Palau | 49 | 23 | 76.92% | 212.00% | 89.74% |
| 7-18 Jan, 2019 | Local Visit #4 | FSM | 38 | 20 | 74.51% | 350.00% | 96.49% |
| 20-31 May, 2019 | Local Visit #5 | Samoa | 60 | 43 | 91.67% | 414.00% | 95.83% |
| 4-8 Nov, 2019 | Local GFV Visit #1 | Vanuatu | 9 | 6 | 88.9% | 32.00% | 100.00% |

**Theme: Procedural Justice**

**Project 12: Efficiency**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 12-22 Jun, 2017 | Local Visit #1 | Palau | 33 | 24 | 68.34% | 858.00% | 86.25% |
| 23-24 July, 2018 | ICT Support #1 | PNG | 5 | 1 | NA | NA | NA |
| 16-19 Oct, 2018 | ICT Support #2 | Marshall Islands | 9 | 4 | NA | NA | NA |
| 18-26 Jan, 2019 | Local Visit #2 | Nauru | 23 | 10 | 68.75% | 112.00% | 90.20% |
| Mar, 2019 | Local Visit #4 | Tokelau | 5 | 4 | 75.00% | 175.00% | 100.00% |
| 29 Apr-10 May, 2019 | Local Visit #3 | PNG | 23 | 11 | 80.95% | 263.00% | 95.40% |
| 24-28 June 2019 | Local Efficiency Visit #1 | Niue | 18 | 12 | 77.78% | 407.00% | 92.59% |
| 24-28 June | Local ICT Visit #1 | Niue |
| 14-18 Oct, 2019 | Court Data Management Workshop | Vanuatu | 42 | 25 | 94.87% | 95.00% | 95.73% |
| 21-25 Oct, 2019 | Local ICT Visit #2 | Nauru | 11 | 4 | NA | NA | NA |

**Project 13: Accountability**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Activity Name** | **Location** | **PAX** | **Female** | **Confidence** | **Knowledge** | **Satisfaction** |
| 20-24 Feb, 2017 | M&E Visit #1 | Vanuatu | 20 | 8 | NA | NA | NA |
| 19-Jun-17 | M&E Visit #2 | Niue | 10 | 6 | NA | NA | NA |
| 21-25 August, 2017 | Accountability Visit #1 | Palau | 43 | 27 | 100.00% | 74.00% | 94.44% |
| 23-27 July, 2018 | Accountability Visit #2 | Samoa | 9 | 3 | NA | NA | NA |
| 5-6 Apr, 2019 | M&E Visit #3 | Palau | - | - | NA | NA | NA |

Annex B: Detailed Summary of Progress

Below is a detailed summary of progress made by each Project during the reporting period. The current *Monitoring and Evaluation Framework* is located in *Annex C*.

|  |  |
| --- | --- |
|  | The region’s Chief Justices are in the process of determining a number of priority changes they wish to accomplish by the end of PJSIs term in mid-2021. These are articulated under the specific projects below and included in national improvement plans. Twelve Chief Justices have developed such plans, and/or objectives against PJSIs goal of three. Please see ***Annex C*** for further details on these outputs. Examples of the national improvement plans developed include:  **Video Link in the Court and Development of a New Land Court Bench Book (Cook Islands) -** progress underway, waiting on updated report.  **Human Resource Improvement Plan (FSM) -** the 5-year Supreme Court of FSM Strategic Plan incorporates specific action areas to:  Promote professionalism in the Judiciary and the Legal Profession;  Complete regular performance evaluations to review productivity of Court staff and make recommendations for awards and other incentives; and  Develop effective communications among Court personnel.  **Implementation of the Separation Decision (Kiribati) –** this refers to splitting the Judiciary into three divisions: the High Court, Magistracy and the Judicial Technical Unit. Progress is currently underway.   * **Electronic Filing (Nauru) –** worked with the ICT Adviser to migrate to an Excel Case Tracker. * **Increase Efficiency with All Court Functions (Niue) -** progress underway, waiting on updated report. * **ICT Plan (Palau) -** worked with the ICT Adviser to develop ICT & Video Conference capacity. * **Execution & Enforcement of Bench Warrants (PNG) –** establishment of the PNG Task Force. Further progress underway, waiting on updated report. * **Judiciary Radio Program and Meeting the Legal Needs of the Outer Islands (RMI) -** progress underway, waiting on updated report. * **Judicial Planning and Support Program (Samoa) -** progress underway, waiting on updated report. * **National Judiciary Autonomy (Solomon Islands) –** currently being implemented with wider support from the Federal Court of Australia. * **Providing Quality Justice for the People (Tokelau) -** progress underway, waiting on updated report. * **Adoption of Legitimate Children (Tonga) -** progress underway, waiting on updated report. * **Fair, Just & Timely Disposition of Cases (Vanuatu) -** progress underway, waiting on updated report.   On 30 August, the seventh Initiative Executive Committee (IEC) Meeting convened remotely. Three Chief Justices representing Melanesia, Polynesia and Micronesia, in addition to representatives from the region’s Lay Judicial Officers, Court Officers and MFAT, attended. Attendees were briefed about and discussed PJSI’s progress, the publication of its online materials, re-engagement with the Supreme Court of Fiji, and proposed additional activities.  Preparations are underway for the fifth Chief Justices’ Leadership Forum (CJLF) and 8th Initiative Executive Committee Meeting. Both activities will take place in Honiara, Solomon Islands between 23-26 March, 2020. |
|  |  |
|  | Following direction by the region’s Chief Justices and approval by MFAT to re-engage with the Fijian Judiciary, a senior judicial officer attended the last Chief Justices’ Leadership Forum in Palau (April, 2019). In July, the PJSI Technical Director and Team Leader visited the Acting Chief Justice of Fiji to further discuss collaboration. His Honour expressed interest in the areas of judicial education, court management (including efficiency), and performance data. Further discussion will take place at the CJLF in Honiara.  Planning is underway for a joint Project Management and Gender & Family Violence (GFV) workshop in the Federated States of Micronesia from 10-14 February, 2020. The 1-week visit will further assist the Judiciary to lead, manage and deliver GFV and enabling rights/access to justice related activities. The workshop will:   * Familiarise participants with the gendered nature of domestic violence and its underlying causes; * Refresh/support local FSM faculty to apply effective techniques of adult learning; * Support participants to develop content for locally-held GFV/access to justice awareness-raising activities; and * Develop self-reliance and confidence in leading, designing, delivering, monitoring, and assessing GFV/access to justice engagement activities. |
|  |  |
|  | 22 Leadership Incentive Fund (LIF) applications (9 large and 13 small) have been approved since the start of PJSI Phase II, with approved applications totalling approximately AU$266,000.[[15]](#footnote-15) 10 activities have been delivered in the reporting period, comprising of: client services and judicial protocol training for court staff in PNG, an annual reporting workshop for Niue court staff, additional attendees at the court data management workshop from FSM (x 1 additional attendee) and PNG (x 5 additional attendees), review of progress against Vanuatu’s strategic plan and development of the next iteration, and subscription to Lexis Advance for the Tonga judiciary. See ***Annex F*** for further details about the status, objectives and outcomes of LIF projects. |
|  |  |
|  | At the commencement of this phase of the PJSI, four PICs - Kiribati, FSM, Cook Islands and Vanuatu - appreciated the importance of and had developed plans to improve access to justice. Community outreach strategies had been developed and implemented in those four PICs. Two PICs - Kiribati and Vanuatu - are continuing to collaborate with PJSI to implement priority changes as identified during Phase I. Such priority changes include: increased public outreach and awareness-raising (Kiribati); and the inclusion of access to justice (A2J) as a strategic priority in 2020 (Vanuatu).  A second visit to Kiribati took place from 1-12 December, comprising consultations with 120 community members (new to engage with PJSI) in South and North Tarawa, and Maiana, and a follow-up workshop with 41 court personnel to review progress against Kiribati’s 2014 A2J Plan and provide a forum for further A2J planning.  Community consultation suggests that some progress has been made against the Judiciary’s 2014 A2J Plan.[[16]](#footnote-16) Feedback from the community consultations indicates that the courts are generally perceived more positively than the police.  Further, stakeholders reported an observed improvement in court and court staff performance over the past five years, which they attribute to recent training initiatives (including USP’s Certificate of Justice program). These improvements in Magistrates include: more confidence and competence to control court proceedings; and better structured and more timely decisions that reveal methodical analysis of key issues, leading to few appeals and fewer reversal of those decisions. Improvements in Court Officers and registry staff include: more professionally dressed; more respectful communications with parties and witnesses; and more efficient administration of court procedures.  While it is premature to yet assess any outcomes of this visit, it is anticipated that these will become measurable in terms of raised levels of community awareness of and satisfaction of the courts’ performance, and increased levels of competence and confidence of court actors in due course. It is pleasing to find evidence of stakeholders’ perceptions of improvements in court performance over recent years, building on PJSI’s support for the court’s earlier access to justice activities, as well as support for very active participation in piloting USP’s Certificate of Justice since 2018.  The court’s endeavours in implementing its earlier A2J Plan are both impressive and encouraging. While much more needs to be done, it is realistic to expect the court to continue moving forward with its planning and implement of activities in 2020.  A visit to Vanuatu is planned for later in the phase with a focus on the development, publication and distribution in local language of a number of *Court Guidance’s for Unrepresented Litigants*. A follow-up visit to the Cook Islands has been reallocated to the RMI for later in Phase II. |
|  |  |
|  | While this project is still in its research phase, preliminary findings indicate that despite the critical roles of legal aid in protecting and securing citizens’ rights across the Pacific, there is a dearth of knowledge about the wide range of legal aid systems in operation across the region. Major global studies on legal aid systems do not cover any Pacific countries, and a literature review revealed a scarcity of documented descriptions and comparisons of existing legal aid models across the Pacific.  A review of legal environments indicates that the majority of PICs have some constitutional or legislative provision for some legal aid, usually in relation to criminal defence. Most PICs with ties to the US have high functioning and well-resourced legal aid systems for criminal defence through public defender services, and also for civil law matters through the innovative multi-jurisdictional Micronesian Legal Services Corporation (MLSC). For example, Palau has the highest ratio of legal aid lawyers per capita. Further, constitutional provisions requiring the state to adequately resource legal aid is an innovative provision which has enabled the Fiji Legal Aid Commission to greatly expand the coverage and quality of legal aid services.  Most states’ legal aid services are incapable of meeting the known demand for legal aid services. The lack of effective legal representation seriously impedes a fair trial in several jurisdictions. In addition, the need for legal aid exists well before the court door, and is often not available to suspects during questioning at the police station, when they are most vulnerable to mistreatment or forced confessions.  Aid in civil matters is generally less available than in criminal matters, and this has a disproportionate negative effect on women’s rights, who are more likely to bring civil cases to secure their basic rights. While legal aid for victims of family violence is now provided in some states, often by NGO providers, capacity remains limited. Further, the Family Protection Laws, which have now been enacted in most PICS, do not include a right to legal assistance. Even where legal aid is available, salaries and employment conditions prevent legal aid services from maturing, as they cannot compete with salaries paid by government and the private sector. The full situational analysis and recommendations will be presented at the CJLF in March, 2020. |
|  |  |
|  | Following peer review,[[17]](#footnote-17) refinement, and successful piloting of the [Mentoring Toolkit](https://www.fedcourt.gov.au/__data/assets/pdf_file/0006/58389/Online-Version-Judicial-Mentoring-Toolkit.pdf), this latest PJSI toolkit has now been finalised and published on the PJSI website.  Three expressions of interest were received from FSM, RMI, and Vanuatu for the pilot. Two of these new judicial appointments were delayed, resulting in the pilot being undertaken in Vanuatu.  The Chief Justice of Vanuatu confirmed that the newly appointed Supreme Court Justice Trief (appointed 15 July, 2019) would be suited and available to participate in the mentor programme. Justice Gustaaf Andree Wiltens - a highly experienced New Zealand Judge currently working full-time as a Supreme Court Judge in Vanuatu - was identified as the ‘mentor’.  The pilot ran for 5 months. Justice Wiltens reported that as a result of the pilot, the new judge better understood her judicial role and responsibilities and her rights related to the terms, conditions and administrative requirements related to her appointment. |
|  |  |
|  | This project aims to review the regulatory and wider justice-system roles of lawyers’ professional associations (law societies/bar associations) across the region. While it is in its research phase, preliminary findings suggest that bar associations and law societies are a very neglected part of the justice system, despite their importance as the ‘incubator’ for producing each nation’s judges, magistrates, prosecutors, and lawyers.  Despite being led by highly motivated individuals, bar associations and law societies typically are very poorly resourced, with most having only annual fees as their sole source of support. All are heavily reliant on volunteers and often do not have resources to fulfil their statutory roles including discipline of lawyers. They also struggle to provide crucial services to their members, such as regular programs of continuing professional development, which generally only occur on an ad hoc basis.  Only one or two have an office, and most lack any administrative support and must rely on members of the executive providing meeting space and secretariat functions at their private expense. While several law societies/bar associations have reached out to donors for support, little has been forthcoming even within large bilateral justice programs. The full situational analysis report with recommendations will be presented at the CJLF in March, 2020. |
|  | In November, a 1.5 hour Court Data Management Webinarwas presented to PICs. The Webinar was a remote follow up to the recent regional Court Data Management Workshop (in October, 2019) to refresh key concepts and support counterparts to review progress and address challenges implementing their *Data Management Plans*. It was designed and facilitated by PJSIs Accountability, Efficiency, ICT and Webinar Advisers, with support from the PJSI Team Leader.  A second regional webinar, focused on understanding the needs and challenges currently faced by Lay Judicial Officers in the region is being developed for broadcast in February, 2020. Discussion will focus on experiences and challenges, as well as potential assistance required to build their skills. |
|  |  |
|  | For the 2020 cohort, PJSI has approved LIF-support to fund 40 DoJ and 27 CoJ students. In addition to these 67 PJSI-supported students, it is anticipated that up to another 30 students may receive funding through alternative sources. Final enrolment figures for 2020 will be reported on once finalised by USP.  Semesters 1 and 2, 2019 was the second time the Certificate of Justice was delivered. Completion of COJ01 and COJ02 were prerequisite subjects for further completion of COJ03 and COJ04. In the initial cohort (Semester 1, 2018), 54 students successfully passed COJ01, and 52 passed COJ02. The second cohort (Semester 2, 2018) saw 31 students successfully passing COJ01, and 35 passing COJ02. These students then continued on to study COJ03 and COJ04 in Semester 2, 2018 and 2019.  As detailed in the table below, the large proportion of Kiribati students who completed COJ01/COJ02 in Semester 2, 2018 and carried over to study COJ03/COJ04 in Semester 1, 2019 accounts for the difference in student numbers. [[18]](#footnote-18)   |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Country** | **Semester 1, 2018** | | **Semester 2, 2018** | | | | **Semester 1, 2019** | | **% Continuing to Advanced Courses** | | **COJ01** | **COJ02** | **COJ01** | **COJ02** | **COJ03** | **COJ04** | **COJ03** | **COJ04** | | **Kiribati** | 31 | 29 | 31 | 35 | 0 | 0 | 33 | 33 | 52.4% | | **Fiji** | 7 | 7 | 0 | 0 | 4 | 5 | 0 | 0 | 64.3% | | **RMI** | 3 | 3 | 0 | 0 | 1 | 1 | 1 | 1 | 66.6% | | **Niue** | 3 | 2 | 0 | 0 | 2 | 2 | 0 | 0 | 80.0% | | **Tonga** | 4 | 4 | 0 | 0 | 4 | 4 | 0 | 0 | 100% | | **Vanuatu** | 6 | 7 | 0 | 0 | 0 | 0 | 4 | 5 | 69.2% |   The Pathway Project has continued collaborating with PNGs Centre for Judicial Excellence (CJE). An assessment in November, 2019 notes that in addition to a new training facility with capacity for 50 trainees, its capacity has been substantially built over the past three years, notably in the recruitment of an expanded team (3 to 17 officers) and an increase in productivity from 5 to 25+ activities annually. While activities have to date been predominantly directed at senior judges, the CJE intends to extend its offering to a broader spectrum of domestic stakeholders. |
|  |  |
|  | At the commencement of PJSI Phase II, three PICs - Solomon Islands, Tonga, Kiribati – had a good understanding of the human rights norms applicable to court practices, were demonstrably enthusiastic and had begun implementing changes aligned with Action Plans developed during Phase I. Two PICs have reported progress and the Advisor agrees that their plans, actions, outputs and progress are sufficient to achieve their goals.  Following activities in May, 2017, Workshops were conducted for Magistrates and High Court judges in Solomon Islands in September/October, 2019 to apply international and constitutional rights/standards. The visit also provided the opportunity for the Chief Justice to determine the priority changes he wishes to institute in the coming 12 and 24 months. These focus on:   1. **Developing and implementing Human Rights Rules** – inspired by PNG’s 2011 Rules, this will comprise a similar and accessible mechanism to activate High Court powers under the Constitution for citizens and subordinate courts to make or refer complaints of breaches of constitutionally protected human rights to the High Court. 2. **Reducing the number of people on remand and the duration of remand** - According to the most recent available statistics over 60% of the prison population consists of remandees, which is almost three times the global average.   The Human Rights Adviser will require additional resources than currently allocated to support the Chief Justice to address these issues.  The priority changes to be accomplished by Tonga are: progress made towards initiation of a legal aid service for criminal defendants; implementation of a court action plan for people with disabilities; establishing and maintaining a court referral list; further piloting of ‘circle sentencing’ principles in sentencing of juveniles; and Magistrates/Judges to conduct regular visits to prisons/police cells. |
|  | For Kiribati the priority changes include: developing sentencing guidelines and checklists for bench books that provide simple and clear guidance in accordance with relevant laws in relation to cases involving family or sexual violence, juvenile offenders or cases involving people with disabilities (as parties or as witnesses). |
|  |  |
|  | At the outset of this phase, three PICs - Vanuatu, FSM and Samoa - had Action Plans with goals related to prevention, victim-centred access, safety and fairness, perpetrator accountability and sectoral collaboration. All three PICs had identified a specific priority change they wish to achieve and are taking actions to achieve it. No PIC have, however, reported on progress.  A follow up visit to Vanuatu took place in November, 2019. The purpose was to review progress and further support the Magistracy to implement its 2019 Domestic Violence Action Plan developed during the initial 2018 visit. The objective of the in-country visit in November, 2019 was to provide technical support to the Magistrates Court in Vanuatu in implementing the four key outcome areas of the Magistrate Court Domestic Violence Action Plan 2019: awareness/prevention work, collaboration, focusing on victim/victim centred approaches and perpetrator accountability.  The Action Plan was developed after support from PJSI during the in-country visit conducted in August, 2018. The Plan was endorsed by the Chief Justice in August 2019.  The visit comprised of one day of planning and four days of collaborative training with Magistrates. During the visit: Guidelines for both Magistrates and staff dealing with Domestic Violence Cases were drafted; the Magistrates brochure on Domestic Violence and Protection Orders was refined; and a pilot Court User Forum for Domestic Violence Cases was attended by 29 people.  Outcomes of this visit include:   * **A continued re-examination of victim focused practice and perpetrator accountability**   Strengthening court responses to being victim focused, and pursue perpetrator accountability, remain some of the most challenging areas for judicial strengthening in the Pacific. Vanuatu magistrates are embarking on a journey of change in these two areas. They demonstrate reflection and the willingness to examine their own attitudes and behaviours on these two areas.   * **Increasing perpetrator accountability**   Magistrates, both male and female, shared experiences of cases where they have become more direct when talking to perpetrators of domestic violence about their use of violence, that there are no excuses, and to refrain from blaming the victim. This approach is rare in the sense that warnings from magistrates about not perpetrating violence and not provoking violence is often given to both the perpetrator and victim. These experiences indicate that there is a shift in attitudes with how the magistrates are responding to perpetrators. In instances where the perpetrator has been fined for breaching the order, or for the offence of domestic violence and has defaulted in payment, the magistrates have imprisoned perpetrators until the outstanding fine is settled.  Magistrates also discussed the challenges towards custodial sentencing for perpetrators of domestic violence. While it was agreed that custodial sentences should be the last resort for less serious offences, the magistrates also discussed how “lighter” penalties contribute towards the widely held belief that domestic violence is not a crime. Many awareness programs and information, education and communication material emphasise that domestic violence is a crime and is punishable by law.  During discussions around sentencing of perpetrators, the challenge that is often highlighted is that most women do not proceed with the case or express their intention to withdraw in the courts. There are a few women who have accessed the police or the court, and have some form of support from their family to live without the perpetrator. However, even for those cases where the woman is not withdrawing the case, perpetrators are not given any sentence, including custodial sentences. During the visit, it was discussed how a breach of protection orders was equivalent to a breach of bail conditions, but often a breach of protection orders was treated as a situation where the perpetrator could be given another final warning. One of the questions raised to magistrates to reflect on during the workshop was: are you sentencing offenders found guilty of domestic violence or breaching court orders? If yes, how and if no, why?  There is also continued distinction between sexual violence and domestic violence. The former is seen as more serious. This perception is also shaped by law where sexual offence penalties are higher than common assault. However, domestic violence is not limited to common assault. It is common for domestic violence to include more serious forms of assault. There are serious forms of assault throughout the Pacific legislations - for example assault causing grievous bodily harm, assault causing actual bodily harm and unlawful wounding – these offences also carry higher penalties. Despite the higher penalties provided for in law for more serious types of assaults, domestic violence perpetrators often receive less or lighter sentences in the Pacific.  As a result of the review and training, the Adviser suggests that:   1. Participating Magistrates have a better knowledge/understanding of gender relations and domestic violence that will improve their response to victims/perpetrators; 2. Magistrates and court staff have increased information available to improve responses to domestic violence victims and perpetrators; 3. More victims have information about the Courts, the Family Protection Act and Protection Orders as a result of the services who support them (including organisations that use the court and those who represent victims) being better informed about the role of the court; and 4. Magistrates Court has increased capacity to assess levels of user satisfaction of those who access the courts for domestic violence cases.   Further, the Adviser acknowledges that the Magistrates Court has increased capacity, skills and knowledge to implement the Vanuatu Magistrates Court Domestic Violence Action Plan 2019.  *Since the last workshop, I don’t just warn perpetrators anymore. I treat it as a crime, and I’ve reflected that in sentencing. I put them on probation with correctional services. For cases that have significant injuries, those matters I refer to the Supreme Court. It doesn’t end in my court.*  ***Female Magistrate, Gender and Family Violence Workshop***  Preparations are currently underway for a joint Project Management and Gender & Family Violence Follow-up visit to the Federated States of Micronesia between 10 and 14 February, 2020. The purpose of this visit is to strengthen the staff capacity in community engagement and victim-centred approaches, and how data is captured for Gender and Family Violence cases.  A follow up visit to assess progress in Samoa with respect to their identified priority change is scheduled to take place later in the phase. The identified priority change in Samoa is to try and increase victims’ access to the courts and police through an ‘Access to Justice Initiative’. The purpose of the initiative is to address the issue of cases being mediated at community level, address the challenges that prevent women from accessing the police and the courts and ultimately increasing women’s access to the police and the courts for domestic violence cases. |
|  |  |
|  | At the outset of this phase, four PICs – Palau, PNG, Tokelau and Nauru - had identified a priority change and have plans to achieve it. Nine PICs have case disposal time-standards.[[19]](#footnote-19) Four PICs have moved beyond manual/excel case tracking[[20]](#footnote-20) and four PICs have electronic case management systems.[[21]](#footnote-21) All PIC’s understand the importance of efficiency indicators and court performance reporting, and five have introduced or improved their periodic court performance reporting practices during the reporting period.[[22]](#footnote-22) Whilst no PICs periodically review efficiency, in PICs where PJSI worked on efficiency previously, they continue to refine and improve court efficiency (although not undertaking the formal Efficiency Review). Further, PNG have established an Efficiency Task Force Team, in order to effect change in the priority areas of efficiency, and the reduction of reserve decisions. Please see ***Annex C*** for further details on these outputs.  Following significant interest, PJSI hosted its largest regional workshop in Port Vila, Vanuatu from 14-18 October. Focusing on Court Data Management, the workshop built on the first Data Management Workshop in PNG, 11 months prior. It enabled participants to better plan, manage and analyse cases and court data; develop strategies to better report on courts’ activities and performance; understand their needs to progress towards using case tracking and case management systems to collect accurate data and produce quality reports; develop and present *Court Data Management Plans;* and to integrate data and reporting needs into current court organisational development activities.  A five-day visit to Nauru in October, 2019 analysed the 2018 ICT baseline and quality of existing, Excel-stored data; implemented a Case Tracker; trained staff to use the Dashboard and to produce Quarterly Reports; and advised the Court about website development. As a result, the judiciary now have the ability to record, track and manage their caseload efficiently and effectively, and present this information visually and statistically.  *The best part of the workshop for me was being able to see and hear from other jurisdiction on what they are doing differently, how it is working for them, and how we can incorporate it into our court. We do not have to reinvent something that has already been working for other courts.*  ***Ivan Kadannged, IT Manager, FSM*** |
|  |  |
|  | The [2018 Court Trend Report](https://www.fedcourt.gov.au/pjsi/reports) has been finalised, published, printed and circulated at the regional Court Data Management Workshop in Port Vila, Vanuatu. It demonstrates significant improvements over the past seven years including: sustained increase in transparency of annual reporting; smaller PICs maintaining their commitment to annual reporting; more in-depth analysis and increased presentation of trend data; some PICs presenting sex, age and disability disaggregated data; and PICs are committing to court user surveys.  As approved at the seventh IEC Meeting, an Adviser was recruited in December to consider global indicator sets in terms of feasible short/long term enhancements to data collection to: better inform court management decision-makers on how to progress positive change that is most important, relevant, meaningful or challenging for them; explore how a regionally homogeneous set of indicators can remain relevant and meaningful to a disparate collection of countries; and explore the mechanism that may be developed to ensure continued relevance of the suite of indicators over time. A draft strategy paper with recommendations will be presented at the fifth CJLF in March 2020. |
|  | This Project, still in its research phase, considers how PIC courts might contribute to the achievement of the United Nations (UN) Sustainable Development Goal (SDG) targets. Cross referencing the UNs 244 SDG targets against the courts’ and PJSIs remit, along with an assessment of the data collected to through PJSIs activities and application of the Cook Island Indicators, initial findings suggest that: PIC Courts are already undertaking related activities and collecting relevant data that may be repurposed for reporting against relevant SDGs; and there are additional activities PIC Courts may undertake and additional data they might collect to bolster their contribution to relevant SDGs. The full assessment and recommendations will be presented at the CJLF in March, 2020. |

Attribution and Risk

PJSI attributes the successful achievement of its outputs to a collection of interrelated factors:

Sustainability

PJSI continues to build strong professional relationships with key stakeholders and between counterparts in different PICs. Once built, these relationships are maintained through in-person and remote activities.

Among the region’s leaders it is accepted that courts should be transparent and accountable to the public for the work that they do – a pre-requisite to sustainability of outcomes and ongoing progress. PJSIs support to planning, capacity building and implementation of changes is translating that commitment into results. There is an increased ownership by PIC leadership, and the capacity to identify and rectify court performance deficiencies. The PJSI team have also observed a change in mindsets and approaches of the region’s leaders in acknowledging and addressing efficiency gaps.

The combination of PJSI activities has bolstered sustained progress in access to justice, gender and family violence; and human rights through the establishment of a ‘community of practice’ bringing court actors together at a regional level to: present related court developments and case law from their countries; discuss common challenges and practical approaches to address them; and identify common projects to work on such as implementing measures to ensure courts are physically and procedurally accessible; agree on some common indicators, and sharing materials/templates that could be adapted and used for court outreach efforts.

Relevance

PJSI ensures the Initiative’s relevance by being responsive to positively changing attitudes towards access to justice, gender and family violence, human rights, efficiency, transparency/accountability. Through the cohort of PJDP/PJSI-trained local trainers, local actors are being trained by local people about locally relevant issues in a locally nuanced manner.

PJSI maximises engagement with non-court actors, both institutional and community, which has informed a better understanding of the specific local access to justice, gender/family violence and human rights challenges. This in turn, enabled the tailoring of nuanced and contextually relevant training for court actors about how they can better respond to community justice needs.

Through targeted advocacy among justice sector agency heads, PJSI has enabled discussion about particular laws, access to justice, gender and family violence, and human rights issues, as well as options/appetite for change.

The Cook Island Indicators on court performance were developed in 2011 with Chief Justices. For the majority of PICs this began a process of collecting and analysing court performance data in order to (i) reflect internally on areas that could be improved, and (ii) publish certain court performance to engage with the public on the efficient and effective use of resources in the delivery of justice.

The Efficiency Project responds directly to quantified delay, or lack of visibility/knowledge about court performance.  Both of these issues remain high priorities for most PICs and PJSI-supported Efficiency Improvement Plans in all PICs with which we have worked, demonstrates ongoing relevance.

Effectiveness

PJSI ensures effectiveness through the approach and delivery of its activities. For example, the delivery of remote webinars provides a cost and time effective means of reaching a significant number of people, while not compromising on participatory/interactive approach.

The Train-the-Trainer program produced a large number of trained people. This has not however translated into a large amount of high quality training and professional development occurring locally.

Impact

The 2018 Annual Report for the Tonga Family Protection Legal Aid Centre together with the 2018 Courts of Tonga Annual Report for example, presents a picture of significant improvement in terms of transparency of court and legal aid data. It also shows the critical role of leadership from a Chief Justice on the importance of legal aid and court fee waiver for clients facing financial hardship to enable them to bring their family law matters to court.  These changes are directly attributable to PJSIs interventions.

In addition, as a result of the Efficiency Project there is:

* Increased knowledge of procedural justice, case management and caseflow management that supports the achievement of the conduct of a fair trial in a reasonable time;
* A pathway to improve efficiency in the processes and procedures that support efficient case disposal; and
* Increased visibility, transparency and knowledge of the necessity to manage and monitor court performance-reporting systems.

Efficiency

PJSI’s approach to blend regional, local and remote activities has maximised the efficient use of time and resources, and the necessary intensity of bilateral assistance.

Risks, Mitigation & Opportunities

***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 PICs. To mitigate this risk, the Extension Plan ensures that support and outcomes are tailored in accordance with the identified needs, capacities, and progress to-date of Partner Courts.

***Risk 2:***  PICs may have insufficient capacity, resources or commitment to assume responsibility for their own development resulting in ongoing ‘donor dependence’. To mitigate this risk, PJSI has developed the need for leaders to identify priority changes to focus on for the duration of PJSI. These changes are ‘follow-ups’ to achievements previously accomplished, to embed learning and change. This approach bolsters local ownership and investment, focuses on an issue that matters to them. This is complemented with engagement among PJSI team members and a focus on capacity building to sustain in-country momentum.

***Risk 3:*** Inaccessibility and non-responsiveness of PICs impacts on PJSI’s organise and deliver activities. To mitigate this risk, PJSI continues to build relationships and strengthen commitment and channels of communication within PICs.

***Risk 4:***Thediversity of needs among PICs could stretch PJSI resources too thinly and impact upon its strategic focus. This could result in limited change among PICs. To mitigate this risk, PJSI will build on prior accomplishments that address priority needs within PJSIs strategic framework, including the supply of LIF grants.

***Risk 5:*** With the increased prevalence of contagious diseases in the region – particularly measles and the Corona Virus, there is a risk of PJSI Team Members and/or participants travelling to PICs, to contract these illnesses or be affected by travel restrictions. To mitigate the risk, all those travelling for the purpose of PJSI activities will be made aware of the current situation and required to take appropriate precautions. For example, all those attending the CJLF in Honiara in March are required to present evidence of having had the measles vaccination more than two weeks prior to travel. We will continue to monitor these and other health risks, taking appropriate action to ensure the health and wellbeing of our team and other stakeholders.

Financial Management

***Expenditure Summary:*** An expenditure summary to 31 December, 2019 is available at ***Annex H***. Please see ***Annex I*** for the Expenditure Projection Summary.

Annex C: Monitoring and Evaluation Framework (MEF)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| End Of Initiative Outcome (EOI) | EOI Target | Intermediate Outcome (IO) | IO Target | Baseline (at June, 2019) | As at December, 2019 | Indicators | Data Source | Responsibility for Data Collection |
| 1 - Judicial leaders are leading & managing change locally | 1 priority change achieved its goal in each PIC. | **1.1 - leadership -** priority change, as agreed to by each Chief Justice, progressed. | 1 priority change progressed by each PIC. | 3 Chief Justice have court improvement plans inclusive of priority reforms they wish to implement. | 12 Chief Justice have court improvement plans inclusive of priority reforms they wish to implement. | Identification of a change, committed to by each Chief Justice. | Documented commitment from each Chief Justice. | Technical Director supported by the Team Leader / Program Manager |
| #, nature & sufficiency of actions taken by each PIC to progress each change. | Reports from each Chief Justice and TA expert analysis. |
| Progress towards achieving the objectives of each change reported. |
| 2 - Court services are more accessible, professional, responsive, just, efficient & transparent | 1 priority change achieved its goal in 3 PICs. | **2.1 – accessibility** – priority change, as agreed to by 3 Chief Justices, progressed. | 1 priority change progressed by 3 PICs. | 4 PICs appreciate the importance of & have developed plans to improve access to justice. Community outreach strategies developed & implemented in 4 PICs. 3 PICs are planning &/or taking steps to implement priority changes as identified during Phase I. | 4 PICs appreciate the importance of & have developed plans to improve access to justice. Community outreach strategies developed & implemented in 4 PICs. 2 PICs are planning &/or taking steps to implement priority changes as identified during Phase I. | Identification of a change, committed to by each Chief Justice. | Documented commitment from each Chief Justice. | Access to Justice Adviser |
| #, nature & sufficiency of actions taken by each PIC to progress each change. | Reports from each Chief Justice and TA expert analysis. |
| Progress towards achieving the objectives of each change reported. |
| 2 in-region training providers are sustainable & offer 6 foundational and/or advanced courses to judicial & court officers in all PICs. 17 LIF grants are awarded, associated activities implemented & achieve their objectives. | **2.2 – professionalism** – Judicial & court officers can access ‘in-region’ training. Those participating in PJSI/partner/local capacity building activities, perform their roles more competently than before participating. | PNGCJE confirms funding for yrs1-3 & conducts / evaluates 10 local activities. 3 additional PICs enrol participants in the USP Certificate & the Diploma is launched. 7 LIF grants awarded, associated activities implemented & achieve their objectives. | PNG CJE appointed a Director, management & training capacity has improved & is adequate to manage the Centre & local activities. It is not yet ready to offer training regionally as it is unclear whether it has committed, ongoing, adequate funding. Also, it has not established its regional training capacity/offering. 10 courses / resources have been developed & delivered to local judicial/court officers. 85-90 people are anticipated to complete the USP Certificate of Justice. The Diploma of Justice is currently being designed and its launch is anticipated in early 2020. In the past 12 months, 25 LIF grants have awarded & the activities completed. 85% of MSC respondents cited improved competence as the most significant change. | PNG CJE appointed a Director, management & training capacity has improved & is adequate to manage the Centre & local activities. It is not yet ready to offer training regionally as it is unclear whether it has committed, ongoing, adequate funding.  For the 2020 cohort, PJSI has approved LIF-support to fund 40 DoJ and 27 CoJ students. In addition to these 67 PJSI-supported students, it is anticipated that up to another 30 students may receive funding through alternative sources. Final enrolment figures for 2020 will be reported on once finalised by USP.  In the past 6 months, 22 LIF grants have awarded & 10 of the activities completed. | PNG CJE has sufficient funding, management & training capacity & quality/range of courseware to expand its local portfolio of training services & to contemplate offering courses to the region. | Reports of TA expert analysis. | Career Pathway/Gateway Adviser with M&E Adviser leading on LIF activities. |
| # people enrolled & successfully completing the USP Certificate & Diploma courses. | USP reports. |
| # local qualified trainers & training activities delivered by local trainers. | NC reports. |
| % increase in learning following PJSI / partner / local training activities. | NC reports, pre/post-activity competence assessments incl. in PJSI TA (follow-up) reports / PNG CJE report / LIF completion reports. |
| 1 priority change achieved its goal in 3 PICs. | **2.3 – substantive justice** - **human rights –** priority change, as agreed by each Chief Justice, progressed | 1 priority change progressed in 3 PICs | 3 PICs understand human rights norms applicable to court practices, are demonstrably enthusiastic & have begun implementing changes aligned with Action Plans during Phase 1. 2 PICs have reported progress towards the achievement of their goals, with the TA suggesting their actions/outputs are sufficient to achieve their goals. | 3 PICs understand human rights norms applicable to court practices, are demonstrably enthusiastic & have begun implementing changes aligned with Action Plans during Phase 1. 2 PICs have reported progress towards the achievement of their goals, with the TA suggesting their actions/outputs are sufficient to achieve their goals. | Identification of a change, committed to be each Chief Justice | Documented commitment from each Chief Justice. | Human Rights Adviser |
| #, nature & sufficiency of actions taken by each PIC to progress each change. | Reports from each Chief Justice and TA expert analysis. |
| Progress towards achieving the objectives of each change reported. |
| 1 priority change achieved its goal in 3 PICs. | **2.3 – substantive justice - gender & family violence** priority change, as agreed by each Chief Justice, progressed | 1 priority change progressed in 3 PICs | 3 PICs have Action Plans with goals related to prevention, victim-centred access, safety & fairness, perpetrator accountability & sectoral collaboration. 3 PICs have identified a specific priority change they wish to achieve. 3 PICs are actively taking actions to achieve the change, no PICs are reporting on their progress. | 3 PICs have Action Plans with goals related to prevention, victim-centred access, safety & fairness, perpetrator accountability & sectoral collaboration. 3 PICs have identified a specific priority change they wish to achieve. 3 PICs are actively taking actions to achieve the change, no PICs are reporting on their progress. | Identification of a change, committed to by each Chief Justice. | Documented commitment from each Chief Justice. | Gender & Family Violence Adviser |
| #, nature & sufficiency of actions taken by each PIC to progress each change. | Reports from each Chief Justice and TA expert analysis. |
| Progress towards achieving the objectives of each change reported. |
| 1 priority change achieved its goal in 5 PICs. | **2.4 – procedural justice - efficiency** priority change, as agreed to by each of the 3 Chief justices, progressed. | Incremental progress made towards 1 priority change in 3 PICs | 4 PICs have identified a priority change & have plans to achieve it (as appraised by the TA). 9 PIC have case disposal time-standards. 11 PICs have implemented 45% of available technologies to improve efficiency/reliability. 8 PICs have moved beyond manual/excel case tracking & 7 PICs have electronic case management systems. No PICs periodically review efficiency. PIC’s understand the importance of efficiency indicators & court performance reporting and 3 have introduced regular court performance reporting practices. | 4 PICs have identified a priority change & have plans to achieve it (as appraised by the TA). 9 PIC have case disposal time-standards. 4 PICs have moved beyond manual/excel case tracking & 4 PICs have electronic case management systems. No PICs periodically review efficiency. All PIC’s understand the importance of efficiency indicators & court performance reporting and | Identification of a change, committed to by each Chief Justice. | Documented commitment from each Chief Justice. | Efficiency Adviser |
| #, nature & sufficiency of actions taken by each PIC to progress each change. | Reports from each Chief Justice and TA expert analysis. | Efficiency Adviser & ICT Adviser |
| Progress towards achieving the objectives of each change reported. |
| 7 PICs annually presenting information publicly about court performance against the CII, including 4 presenting gender/GFV data. 4 PICs periodically conduct User Perception Surveys. | **2.4 - procedural justice - accountability** - PIC presenting information publicly about court performance against the CII, plus gender/GFV disaggregated data | 4 PIC annually presenting information publicly about court performance against all the CII, including 2 presenting gender/GFV data. 3 PIC periodically conduct User Perception Surveys. | 11 PICs presented accurate/reliable court performance information publicly about some/all CIIs in their 2018 Annual Report. 1 PIC presented gender/GFV data. | 11 PICs presented accurate/reliable court performance information publicly about some/all CIIs in their 2018 Annual Report. 1 PIC presented gender/GFV data. | # PICs presenting comprehensive & relevant data/analysis in Annual Reports, Court Websites or Court Press Releases | Annual Reports, Court websites, Court Press Releases and TA expert analysis | Accountability Adviser |
| 2 PICs periodically conduct Court User Perception Surveys. | No progress | # PICs conducting User Surveys & publishing summaries in Annual Reports, Court Websites or Court Press Releases. |

Annex D: PJSI Activities delivered since commencement

|  |  |  |  |
| --- | --- | --- | --- |
| Theme | July 2016 – June 2019 (Phase 1) | July – December 2019 (reporting period) | Total |
| Judicial Leadership[[23]](#footnote-23) | 51 | 23 | **74** |
| Access to Justice | 4 | 1 | **5** |
| Professionalisation | 18 | 2 | **20** |
| Substantive Justice | 10 | 2 | **12** |
| Procedural Justice | 13 | 2 | **15** |
| Total | **96** | **30** | **126** |

Annex E: Leadership Incentive Fund Activities Overview

|  |
| --- |
| Phase 1: Dec 2016 – June 2019 |
| Phase 2: July – December 2019 |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Theme** | **PIC** | **Title** | **Participants** | **% female** | **Completion** |
| **Leadership** | FSM | Judicial Conference | 77 | 24% | Dec 2016 |
| Kiribati | Judiciary Awareness on the Leadership Change Plan | 1,003 | - | Oct 2018 |
| Tonga | Attendance at Legal Research Foundation Conference NZ | 1 | 0% | Nov 2018 |
| Samoa | Attendance at Legal Research Foundation Conference NZ | 1 | 0% | Nov 2018 |
| RMI | Scoping Paper: Preparing to adjudicate crypto-currency disputes | NA | NA | April 2019 |
| Vanuatu | Judicial Management Improvement Plan | 2 | 50% | Nov, 2019 |
| Tonga | Lexis Advance Subscription | 1 | 0% | Nov, 2019 |
| **Access to Justice** | FSM | Translation of &training on the Enabling Rights Toolkit (4 languages) | 119 | 45% | May 2018 |
| **Professionalisation** | Tokelau | Court Clerks workshop and Orientation workshop | 19 | 31% | Feb 2017 |
| Samoa | Evidence & Criminal Sentencing workshop | 9 | 44% | Feb 2017 |
| RMI | Attendance at PJSIs Regional TOT workshop | 1 | 100% | May 2017 |
| RMI | Attendance at PJSIs Regional TOT workshop | 1 | 100% | May 2017 |
| Vanuatu | Island Court Justices Orientation workshop | 19 | 26% | Oct 2017 |
| Tonga | Mediation Skills Training | 6 | 50% | Oct 2017 |
| Kiribati | Outer Island Lay Magistrates Training | 20 | 40% | Nov 2017 |
| RMI | Attendance at PJSIs Regional Lay Orientation workshop | 1 | 0% | Nov 2017 |
| Cook Islands | Attendance at PJSIs Substantive (Court Plans) TOT | 1 | 100% | January 2018 |
| RMI | Attendance at PJSIs Substantive (Court Plans) TOT | 1 | 0% | January 2018 |
| RMI | Attendance at PJSIs Substantive (Court Plans) TOT | 1 | 100% | January 2018 |
| Vanuatu | Participants in Certificate of Justice - Semester 1 | 8 | 38% | March 2018 |
| Kiribati | Participants in Semester 2 - Certificate of Justice Course 1 | 18 | 50% | July 2018 |
| Participants in Semester 2 - Certificate of Justice Course 2 | 18 | 50% | July 2018 |
| Participants for Certificate of Justice - Semester 1 | 17 | 58% | April 2019 |
| Palau | Participants for Certificate of Justice - Semester 1 | 5 | 80% | March 2019 |
| RMI | Participant attended PJSIs Lay Judicial Officer Decision Making Workshop | 1 | 0% | January 2019 |
| Niue | Participant attended PJSIs Lay Judicial Officer Decision Making Workshop | 1 | 0% | January 2019 |
| Solomon Islands | Participants attended PJSIs Lay Judicial Officer Decision Making Workshop | 2 | 50% | Feb 2019 |
| PNG | Client Service and Judicial Protocol Training for Court Staff | 99 | 40% | Nov, 2019 |
| FSM | Court Data Management Workshop: Sandy Albert | 1 | 100% | Oct, 2019 |
| PNG | PNG Task Force Team: attendance at the Court Data Management Workshop (Judge Dingake) | 1 | 0% | Oct, 2019 |
| PNG | PNG Task Force Team: attendance at the Court Data Management Workshop (Celinia Lualu) | 1 | 100% | Oct, 2019 |
| PNG | PNG Task Force Team: attendance at the Court Data Management Workshop (David Gonol) | 1 | 0% | Oct, 2019 |
| PNG | PNG Task Force Team: attendance at the Court Data Management Workshop (Doris Joseph) | 1 | 100% | Oct, 2019 |
| PNG | PNG Task Force Team: attendance at the Court Data Management Workshop (Theresa Hani) | 1 | 100% | Oct, 2019 |
| Tonga | Diploma of Justice (DOJ01 & DOJ02 & LW110) | 4 |  | Ongoing |
| Vanuatu | Orientation Training for Lay Judges in Ambryn and Pamma Islands | 20 |  | Ongoing |
| Vanuatu | Certificate of Justice - 7 students in Malekula | 7 |  | Ongoing |
| FSM | Certificate of Justice: Ivan Kadannged | 1 | 0% | Ongoing |
| RMI | Diploma of Justice x2 & Certificate of Justice x1 2020 | 3 | 66% | Ongoing |
| Samoa | Orientation Training for FFC Judges |  |  | Ongoing |
| Samoa | Certificate of Justice | 3 |  | Ongoing |
| Kiribati | Diploma of Justice (DOJ01 & DOJ02 & LW110) | 33 |  | Ongoing |
| Solomon Islands | Certificate of Justice (Semesters 1 & 2) | 15 |  | Ongoing |
| **Substantive Justice: Human Rights** | PNG | Human Rights Workshop (Judges) | 36 | 19% | Sept 2018 |
| Human Rights Workshop (Magistrates) | 35 | 43% | Sept 2018 |
| **Procedural Justice: Efficiency** | PNG | Developing a Registry Procedures Manual | 1 | 0 | Nov 2017 |
| Palau | Implement Video-Conferencing capability | 22 | 77% | May 2018 |
| Efficiency follow up visit | 32 | 75% | May 2018 |
| Vanuatu | Judicial Case Management training | 6 | 0% | June 2018 |
| Samoa | Presentation at PJC & ICT Summary | NA | NA | July 2018 |
| FSM | Implementation of Video Conferencing in the Courts | 19 | 63% | Sept 2018 |
| Vanuatu | Attendance at PJSIs 'Building Capacity in Managing Court Data Workshop' | 1 | 0 | Oct 2018 |
| RMI | Implementation of Case Tracking System | - | - | June 2019 |
| Kiribati | Computerised database and network system for Kiribati Judiciary | - | - | Ongoing |
| **Procedural Justice: Accountability** | Niue | Annual Court Reporting Workshop | 4 | 50% | Oct, 2019 |

Annex F: Leadership Incentive Fund Activities implemented/approved during the reporting period

Implemented activities comprise:

**

***Judicial Management Improvement Plan*: Vanuatu**

*Approved: 19 November, 2019. Completed: 29 November, 2019.*

This LIF supports staff to review progress with respect to their 2019 Judicial Management Improvement Plan and to draft the Plan for 2020. Further training focused on increasing competence of the Chief Registrar and Judicial Development and Training Co-ordinator to manage cases.

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**Lexis Advance subscription: *Tonga***

*Approved: 8 November, 2019. Completed: 8 November, 2019 (First Year), May 2021 (Final Completion).*

This LIF’s purpose is to support Tonga’s judicial officers in providing improved access to common law knowledge, quality judgements and assistance with judgement-writing skills through having access to well-research, up-to-date and timely resources. It serves to provide a subscription to Lexis Advance online.

****

**Client Service and Judicial Protocol training for Court Staff: *Papua New Guinea***

*Approved: 4 July, 2019. Completed: 25 July, 2019.*

In July, 99 participants from the National and Supreme Courts of Papua New Guinea attended three interactive workshops that were focused on building the capacity of court staff to increase understanding of protocols and etiquette to better equip court staff to service court users. The workshops also focused on drafting and promoting standardised protocols for current and future court staff to maintain a high standard.

****

**Court Data Management Workshop: *Federated States of Micronesia and Papua New Guinea***

*Approved: 4 October, 2019. Completed: 18 October, 2019.*

One participant from the Federated States of Micronesia and five from Papua New Guinea participated in the regional *Court Data Management Workshop* in order to enhance their skills in court management data efficiency strategies for collecting, integrating and managing data for improved efficiency and access to justice within the Courts. The provision of such skills training enabled the participant from FSM to train fellow staff upon her return, and enabled a demonstrable increase in competence amongst the PNG Task Force Team.

****

**Annual Court Reporting Workshop: *Niue***

*Approved: 12 September, 2019. Completed: 19 October, 2019.*

In October, an Annual Court Reporting workshop supported the Registrar, Land Registration and Court Administrator with the completion of Niue’s Court Annual Report. At the conclusion of the workshop, an Annual Report was drafted for the four years from 2015-2019.

Approved activities comprise:



**Certificate of Justice:** ***Vanuatu, Federated States of Micronesia, Republic of the Marshall Island, Samoa and the Solomon Islands***

Seven court staff from Vanuatu, one from the Federated States of Micronesia, one from the Republic of Marshall Islands, three from Samoa, and 15 from the Solomon Islands submitted applications to undertake the Certificate of Justice in 2020. The Certificate is designed for court clerks from the High Court, Magistrates Court and Local Courts to provide students with understanding of the basic legal systems in their countries and how the Courts operate within them. A total of 27 students have been approved for funding under the LIF.

****

**Diploma of Justice: *Kiribati, Tonga and the Republic of Marshall Islands***

During the reporting period, 33 participants from Kiribati, five from Tonga and two from the Republic of Marshall Islands submitted applications to undertake the Diploma of Justice in 2020. This is a follow on from the Certificate of Justice, providing court officers with the necessary knowledge and skills to enhance the performance of their duties to the Court. A total of 40 students have been approved for funding under the LIF.

****

**Orientation Training for Lay Judges: *Vanuatu***

This LIF focuses on supporting 20 Lay Justices from Island Courts, with no prior training, to participate in workshops to increase their confidence, understanding and competence in the performance of their duties.15 Lay Justices will come from Ambrym and five from the Pamma Islands.

****

**Orientation Training for Faamasino Fesoasoani Court (FFC) Judges: *Samoa***

This LIF focuses on providing FFC judges with the legal knowledge and training required to ensure that they understand and adhere to criminal and civil processes in efforts to deliver justice in their Courts. Providing training is aimed to improve their knowledge and understanding and assist with their capacity to deliver justice within their jurisdiction and ultimately ensure that the Courts are able to deliver justice in a fair and timely manner.

****

**Computerised database and network system for Kiribati Judiciary: *Kiribati***

This LIF aims to develop a database for the Judiciary, design the core elements of a website, and identify the network requirements that will deliver and efficient and reliable service to the Courts. The project aims to support the Kiribati Judiciary to make their court information more accessible to the public, to ensure that they are regularly updating accurate court data, and to monitor cases through the case tracker and dashboard systems.

Annex G: 36 Month Activity Schedule

|  |  |  |  |
| --- | --- | --- | --- |
| **Activity** | **Location** | **Date** | **Project** |
| **2016** | | | |
| 1st Chief Justices’ Leadership Forum | PNG | 7-9 Sep, 2016 | Regional Leadership |
| 1st Initiative Executive Committee Meeting | PNG | 10 Sep, 2016 | Regional Leadership |
| Career Pathway: Local Visit #1 | PNG | 31 Oct-4 Nov 2016 | Institutionalising Prof. Dev’t |
| **2017** | | | |
| Career Gateway: Local Visit #1 | Vanuatu | 30 Jan-3 Feb 2017 | Institutionalising Prof. Dev’t |
| Project Management and Evaluation Workshop | Vanuatu | 20-24 Feb, 2017 | National Leadership |
| M&E Visit #1 | Vanuatu | 20-24 Feb, 2017 | Accountability |
| Local Project Management and Planning Visit #1 | Tokelau | 29 Apr-14 May, 2017 | National Leadership |
| 2nd Chief Justices’ Leadership Forum | Samoa | 3-5 Apr, 2017 | Regional Leadership |
| 2nd Initiative Executive Committee Meeting | Samoa | 6 Apr, 2017 | Regional Leadership |
| Piloting of HR resource / toolkit | Solomon Islands | 24 Apr-5 May, 2017 | Human Rights |
| 1. Local Visit #1 | FSM | 15-26 May, 2017 | Access to Justice |
| Career Gateway: Local Visit #2 | Vanuatu | 4-9 June, 2017 | Institutionalising Prof. Dev’t |
| Regional Certificate-level Training-of-Trainers Workshop | Cook Islands | 12-23 Jun, 2017 | Localising Prof Capacity Building |
| Piloting of GFV resource / toolkit | Tonga | 12-23 June, 2017 | G&FV |
| Local Visit #1 | Palau | 12-22 Jun, 2017 | Efficiency |
| M&E Visit #2 | Niue | 19 June, 2017 | Accountability |
| Local Orientation Visit #1 | Marshall Islands | 9-18 Aug, 2017 | Prof. Development |
| Accountability Visit #1 | Palau | 21-25 August, 2017 | Accountability |
| Leadership Workshop | Tonga | 5-7 Sep, 2017 | Regional Leadership |
| 3nd Initiative Executive Committee Meeting (Remote) | Remote | 28 Sep, 2017 | Regional Leadership |
| Local Visit #1 | Nauru | 19-26 Nov, 2017 | G&FV |
| Regional Lay Judicial Officer Orientation Workshop | Solomon Is. | 18-24 Nov, 2017 | Prof. Development |
| Local Visit #1 | PNG | 20 Nov-1 Dec, 2017 | Human Rights |
| Career Pathway: Local Visit #2 | PNG | 4-8 Dec, 2017 | Institutionalising Prof. Dev’t |
| **2018** | | | |
| Substantive / Capacity Development Training-of-Trainers Workshop | Vanuatu | 12-16 Feb, 2018 | Localising Prof. Capacity |
| Local Visit #2 | Marshall Islands | 5-16 Mar, 2018 | Access to Justice |
| 3rd Chief Justices’ Leadership Forum | Auckland | 16-18 Apr, 2018 | Regional Leadership |
| 4th Initiative Executive Committee Meeting | Auckland | 19 Apr, 2018 | Regional Leadership |
| Local Orientation Visit #2 | Samoa | 9-18 May, 2018 | Prof. Development |
| Local Visit #2 | Kiribati | 4-15 June, 2018 | Human Rights |
| Local Orientation Visit #3 | Solomon Islands | 20-29 June, 2018 | Prof. Development |
| Career Gateway: Local Visit #3 | Vanuatu | 2-6 July, 2018 | Institutionalising Prof. Dev’t |
| ICT Support #1 | PNG | 23-24 July, 2018 | Efficiency |
| Accountability Visit #2 | Samoa | 23-27 July, 2018 | Accountability |
| Local Project Management and Planning Visit Large LIF #2 | FSM | 23 Jul-3 Aug, 2018 | National Leadership |
| Local Visit #2 | Vanuatu | 6-17 Aug, 2018 | G&FV |
| Judicial Leadership Workshop #2 | Auckland | 19-21 Sept, 2018 | Regional Leadership |
| 1. Local Visit #3 | Cook Islands | 1-12 Oct, 2018 | Access to Justice |
| 1. 5th Initiative Executive Committee Meeting | Remote | 15 Oct, 2018 | Regional Leadership |
| 1. Local Project Management and Planning Visit Large LIF #3 | PNG | 15-19 Oct, 2018 | National Leadership |
| 1. ICT Support #2 | Marshall Islands | 16-19 Oct, 2018 | Efficiency |
| 1. Gender & Family Violence Webinar | Remote | 1 Nov, 2018 | Localising Prof. Capacity |
| 1. Local Visit #3 | Palau | 12-23 Nov, 2018 | G&FV |
| Substantive / Capacity Development ToT Workshop (Topic: *Data mgmt*) | PNG | 26-30 Nov, 2018 | Localising Prof. Capacity |
| **2019** | | | |
| Local Visit #4 | FSM | 7-18 Jan, 2019 | G&FV |
| Local Orientation Visit #4 | Kiribati | 17-25 Jan, 2019 | Prof. Development |
| Local Visit #2 | Nauru | 18-26 Jan, 2019 | Efficiency |
| Local Visit #3 | Tonga | 4-15 Feb, 2019 | Human Rights |
| Local Project Management and Planning Visit Large LIF #4 | Vanuatu | 4-15 Feb, 2019 | National Leadership |
| Regional Training Workshop (Topic: *Decision-Making*) | Solomon Is. | 18-22 Feb, 2019 | Prof. Development |
| Career Pathway: Local Visit #3 | PNG | 4-8 Mar, 2019 | Institutionalising Prof. Dev’t |
| Local Visit #4 | Vanuatu | 18-29 Mar, 2019 | Access to Justice |
| Local Visit #4 | Tokelau | Mar, 2019 | Efficiency |
| 4th Chief Justices’ Leadership Forum | Palau | 1-3 Apr, 2019 | Regional Leadership |
| 6th Initiative Executive Committee Meeting | Palau | 4 Apr, 2019 | Regional Leadership |
| M&E Visit #3 | Palau | 5-6 Apr, 2019 | Accountability |
| Local Visit #3 | PNG | 29 Apr-10 May, 2019 | Efficiency |
| Pilot Mentoring Toolkit | Vanuatu | Late April | Prof. Development |
| Career Gateway: Local Visit #4 | Vanuatu | 20-24 May, 2019 | Institutionalising Prof. Dev’t |
| Local Visit #5 | Samoa | 20-31 May, 2019 | G&FV |
| Local Efficiency Visit #1 | Niue | 24-28 June, 2019 | Efficiency |
| Local ICT Visit #1 | Niue | 24-28 June, 2019 | Efficiency |
| Assessment and Support Design Visit | Fiji | 8-9 July, 2019 | National Leadership |
| 7th Initiative Executive Committee Meeting | Remote | 30 Aug, 2019 | Regional Leadership |
| Local Human Rights Visit #1 | Solomon Islands | 23 Sep-4 Oct, 2019 | Human Rights |
| Court Data Management Workshop | Vanuatu | 14-18 Oct, 2019 | Efficiency |
| Local ICT Visit #2 | Nauru | 21-25 Oct, 2019 | Efficiency |
| Local GFV Visit #1 | Vanuatu | 4-8 Nov, 2019 | G&FV |
| Career Pathway Visit #1 | PNG | 11-15 Nov, 2019 | Institutionalising Prof. Dev’t |
| Webinar #1: Court Data Management Follow-up | Remote | 28 Nov, 2019 | Localising Prof. Capacity Building |
| Local Access to Justice Visit #1 and Community Awareness Raising Project | Kiribati | 2-12 Dec, 2019 | Access to Justice |
| **Leadership Incentive Fund (LIF) – see previous Annex** | | | |

Annex H: Expenditure Projection Summary (as at 31 December 2019)

Commercial-in-confidence, supplied to MFAT separately.

Annex I: Costed Workplan – Actual Expenditure Summary (as at 31 December 2019)

Commercial-in-confidence, supplied to MFAT separately.

1. Assessment & Support Design Visit, Fiji; IEC, Remote; Local Human Rights Visit, Solomon Islands; Regional Court Data Management Workshop, Vanuatu; ICT Visit, Nauru; Gender and Family Violence Visit, Vanuatu; Career Pathway Visit, PNG; Court Data Management Follow-up Webinar, Remote; and Access to Justice Visit, Kiribati. [↑](#footnote-ref-1)
2. During the reporting period, 8 large and 13 small LIFs were approved. Please see ***Annex E*** for a full list of Leadership Incentive Fund activities. [↑](#footnote-ref-2)
3. Since PJSI’s commencement, 64 capacity-building activities have been delivered, in addition to seven Initiative Executive Committee Meetings, totalling 71 activities. Please see ***Annex A*** for a full overview of activities delivered by project and ***Annex G*** for the 36-month activity schedule. [↑](#footnote-ref-3)
4. Total number of individuals engaged through all PJSI activities. It does not though include several hundred more people who have been part of PJSIs services, such as those who participated in the various Access to Justice (Enabling Rights) consultations. [↑](#footnote-ref-4)
5. Since commencement, 55 locally-led activities have been approved, with 36 activities implemented and acquitted (63.2%) at the time of reporting. Please see ***Annex E*** for a full list of Leadership Incentive Fund activities. A global view of outputs achieved since inception is provided in ***Annex C***. [↑](#footnote-ref-5)
6. As approved at the seventh IEC Meeting, an additional AU$120,000 was reallocated from activity savings due to the significant demand for LIFs. [↑](#footnote-ref-6)
7. See ***Annex C*** for further details. [↑](#footnote-ref-7)
8. By Chief Justice Sir Hugh Williams, Chief Justice of the Cook Islands. [↑](#footnote-ref-8)
9. Appointed 15 July, 2019. [↑](#footnote-ref-9)
10. See ***Annex C*** for further details. [↑](#footnote-ref-10)
11. See ***Annex C*** for further details. [↑](#footnote-ref-11)
12. See ***Annex B*** for further details. [↑](#footnote-ref-12)
13. See Project 2 (above) for further details. [↑](#footnote-ref-13)
14. This visit comprised of a workshop with 41 court personnel and community consultations with 120 members of the local community. Pre and post-workshop surveys were only undertaken with the workshop for court personnel. A gender breakdown was not provided for the workshop nor the consultations. [↑](#footnote-ref-14)
15. As approved at the seventh IEC Meeting, an additional AU$120,000 was reallocated from activity savings due to the significant demand for LIFs. [↑](#footnote-ref-15)
16. See *Kiribati Access to Justice Completion Report, December 2019.* [↑](#footnote-ref-16)
17. By Chief Justice Sir Hugh Williams, Chief Justice of the Cook Islands. [↑](#footnote-ref-17)
18. This data was provided by the University of South Pacific in their *Report on Certificate of Justice: Pilot Stage, Jan 2018 – May 2019.* [↑](#footnote-ref-18)
19. RMI, Palau, Tonga, Kiribati, PNG, Samoa, Solomon Islands, FSM and Tokelau (*Time Goals Report, October 2019*). [↑](#footnote-ref-19)
20. Tonga, Tuvalu, Tokelau and Cook Islands (*ICT Wrap Up, Court Data Management Workshop, October 2019*). [↑](#footnote-ref-20)
21. Palau, PNG, Solomon Islands, Vanuatu.(*ICT Wrap Up, Court Data Management Workshop, October 2019*). [↑](#footnote-ref-21)
22. Tonga (Superior Courts), Tokelau and Vanuatu (*2018 Court Trend Report, June 2019*); FSM and PNG (*Court Data Management Follow-Up Webinar, November 2019*). [↑](#footnote-ref-22)
23. Please note this figure includes the seven Initiative Executive Committee Meetings. [↑](#footnote-ref-23)