



ANNUAL COURT REPORTING TOOLKIT - ADDITIONAL DOCUMENTATION

Available at: <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>



Toolkits are evolving and changes may be made in future versions. For the latest version of this Additional Documentation please refer to the website – Available at: <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>

Note: While every effort has been made to produce informative and educative tools, the applicability of these may vary depending on country and regional circumstance.

PACIFIC JUDICIAL DEVELOPMENT PROGRAMME

Court Reporting Workshop

16-18 October, 2013 Brisbane

Cate Sumner,
PJDP Judicial Monitoring and Evaluation Adviser
Leisha Lister
Co-Facilitator



PJDP Goal



Strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles.

Outset of PJDP: Findings:



- No court baseline data exists that can be applied across the region.
- There is no clear understanding about how judicial and court baseline data can be used to improve the administration of justice across the region.
- There is an unquantified number of marginalised/ disadvantaged prospective court users facing a range of barriers in accessing the courts.

18 Month Target set by PJDP:



- The majority of PJDP courts have baseline data against which changes can be measured, and
- a Regional Justice Performance Framework endorsed by Chief Justices that courts will work to achieve with capacity building support from PJDP.

15 Cook Island Indicators



Case management issues.

Indicators developed in the Cook Islands in 2011 by PJDP Chief Justices and National Coordinators:

- Case finalisation or clearance rate.
- Average duration of a case from filing to finalisation.
- The percentage of appeals.
- Overturn rate on appeal.

15 Cook Island Indicators



Affordability and Accessibility for court clients.

- Percentage of cases that are granted a court fee waiver.
- Percentage of cases disposed through a circuit court.
- Percentage of cases where a party receives legal aid.

15 Cook Island Indicators



Published procedures for the handling of feedback and complaints.

- Documented process for receiving and processing a complaint that is publicly available.
- Percentage of complaints received concerning judicial officers.
- Percentage of complaints received concerning court staff members.

15 Cook Island Indicators

Resources and Transparency



- Average number of cases per judicial officer.
- Average number of cases per member of court staff.
- Court produces or contributes to an Annual Report that is publicly available.
- Information on court services is publicly available.
- Court publishes judgments on the Internet (own website or on PacLII)

Workshop Objectives



By the end of this workshop participants should be able to:

- i. Explain the purpose of an annual report.
- ii. List the different court stakeholder groups and what they will be interested to see included in the Annual Report;
- iii. Describe the different categories of information to be included in the Annual Report.

Workshop Objectives cont.



- iv. Explain who should be involved in the process of drafting an Annual Report and their roles;
- v. Draw up a timeline of steps to be taken to publish an Annual Report in the following year.
- vi. Present a draft Annual Report plan to their Chief Justice in relation to the next Annual Report to be published in their country that includes how their current Annual Report could be improved.

Objective: Session 1



By the end of the sessions participants will be able to:

- I. Explain the purpose of an annual report.
- II. List the different court stakeholder groups and what they will be interested to see included in the Annual Report.

Why do we have an Annual Report?



“Annual reports represent the vehicle through which courts take **ownership** of the work they have completed during the year and present to the public their annual **results** against key performance indicators. In doing so they win the **trust** of the public and are **accountable** to the citizens they serve”.

2011 PJDP Baseline Report

Annual Report Purpose



“Excellent courts use a set of key-performance indicators to measure the quality, efficiency, and effectiveness of their services. Courts should, at the very least, collect and use information on the duration of proceedings and other case-related data. Excellent courts aim at shifting their data focus from simple inputs and outputs to court customer satisfaction, quality of service, and quality of justice”.

- International Framework for Court Excellence p33

Annual Report Purpose



#4.5 – “The judiciary should regularly address court users’ complaints, and publish an annual report of its activities, including any difficulties encountered and measures taken to improve the functioning of the justice system”.

- Measures for the Effective Implementation of the Bangalore Principles

Annual Report Purpose



1. Good governance, accountability, & transparency.
2. Informs the Parliament, external stakeholders (eg. educational, research institutions, media, NGO's & the general public) about the performance of Courts.
3. They are a key reference document
 - For internal management
 - Strategic planning & performance
 - Form part of the historical record of the court

Annual Report Purpose Cont.



4. They set out Court Budget Statements:

- The allocation of resources to achieve Government outcomes
- The performance information targets
- The achievement (or not) of these performance & financial targets.

5. They enable the court to:

- Establish a culture of reporting, planning & management of services
- Respond to external concerns & pressures eg. Client survey results, new projects
- Report on achievements & successes
- Explain the purpose of the court – “what you can & cannot do”

What is the value of an annual report?



- Reporting has an internal value
 - Strengthens the delivery of services for clients – shows where the court is not performing well
 - Improves ability to obtain budget increases
 - Allows the court to make changes to case processes based on trend data
- External value
 - Accountability to government, the public and to clients which strengthens confidence in the courts
 - Shows that the court is responsive to client feedback and needs

Who is the audience?



Annual Reports may be written for:

- External audience
 - Parliament/Minister
 - Lawyers/clients/service providers
 - The public
 - NGOs & representative bodies (eg. UNICEF, UN Women, NGOs, women's & men's groups)
 - Educational institutions & researchers
 - Other courts (local & international)
- Internal audience
 - Judiciary, management, staff

What do stakeholders want to see?



Stakeholders want:

- Clear, concise, relevant, consistent & accurate information
- Reports that present an honest & balanced snapshot of the courts achievements
- Results, targets and trends over time (the good, the bad & the ugly)
- Information as to why a target/performance was not reached & what the court is doing about it
- Information presented in plain language, in an easy to read format preferably supported by charts, diagrams & pictures

What is the purpose of an Annual Report?



****Group Exercise:**

- Are there statutory responsibilities to issue an Annual Report in your country? If yes, what are these?
- Does the court have to publicly account for state budget resources that it receives?
- If there is not a statutory responsibility, what are the benefits of issuing an Annual Report?
 - For the court.
 - For court stakeholders
- Who are the 'stakeholders' for your Court's annual report? What would they want to know?

Objective: Session 2



By the end of the sessions participants will be able to:

- I. Describe the different categories of information to be included in the Annual Report
- II. Explain who should be involved in the process of drafting an Annual Report and their roles as well as timelines.

How to Approach an Annual Report?



Use the 'Annual Report Template' as a guide & for each of the following sessions note for your country:

- Discuss what aspects of your court's work should be included in the Annual Report and why?
- Who should be responsible for drafting different sections in the Annual Report?
- Who should approve the content of the Annual Report?
- What is the timeline for completion of each section and the whole Annual Report?

Framework for an Annual Report



I. An introduction to the court.

- Statement from the Chief Justice
- Court Mission, Vision and Values
- Implementation of the Strategic Plan/ New initiatives
- What does your Court feel most proud of achieving in the last year?
- What challenges has the court faced in delivering the level of service to clients it would like?
- Overview of the Courts and their jurisdiction
- Introduction to Judges and Court Staff and their roles
- Court locations

Framework for an Annual Report



II. Court results

- » Court achievements in the reporting period
- » Court workload
- » Court performance against Key Performance Indicators (15 Cook Island indicators)
- » Showing trend data for the past 3-5 years, where possible.

III. Interaction with Key Court Stakeholders/ How has the court engaged with key stakeholders over the year to obtain feedback on the level of service provided to clients?

IV. Annual Accounts for Reporting Period

Cook Island Indicators 1 to 4 - Case Management



1. Case finalisation or clearance rate.
2. Average duration of a case from filing to finalisation.
3. The percentage of appeals.
4. Overturn rate on appeal.

1: Case finalisation or clearance rate



A: List Courts

B: List Case types that are currently differentiated by your court.

C: Calculate number of cases filed in the reporting period disaggregating by A and B.

D: Calculate number of cases finalised in the reporting period disaggregating by A and B.

E: Clearance rate (%) = $\frac{\text{finalised cases}}{\text{cases filed for the reporting period}} \times 100$

2: Average duration of a case from filing to finalisation



A: List Courts

B: List Case types that are currently differentiated by your court.

C: List cases finalised in the reporting period disaggregating by A and B.

D: For list of cases in C, subtract date of filing from date of finalisation to obtain the number of days per case (use excel)

E: For C, add the number of days per case and divide by the number of cases to obtain the average duration of a case.

Trend Data: RMI criminal cases 2011



c. Average Duration of Cases Cleared in 2011

Also, for Majuro cases filed in the past five years (2007-2011), the average durations of cleared cases were as follows:

- for 27 of 29 cases filed in 2007 and cleared as of the end of 2011 the average duration was 355.30 days;
- for 26 of 27 cases filed in 2008 and cleared as of the end of 2011, the average duration was 239.25 days;
- for 17 of 17 cases filed in 2009 and cleared as of the end of 2011, the average duration was 150.82 days;
- for 26 of 34 cases filed in 2010 and cleared as of the end of 2011, the average duration was 121.71 days; and
- for 19 of 53 cases filed in 2011 and cleared as of the end of 2011, the average duration was 123 days.

Trend and Disaggregated Data



Aim to:

- show data for the clearance rate and average duration of a case over a 3-5 year time frame,
- Disaggregate by type of case: civil, criminal, land
- Disaggregate by age: juvenile criminal cases
- Disaggregate by important classes of case: family violence/ Interim Protection Orders/ Violence against women and children cases.

Trend Data: Vanuatu criminal cases 2011



Comments

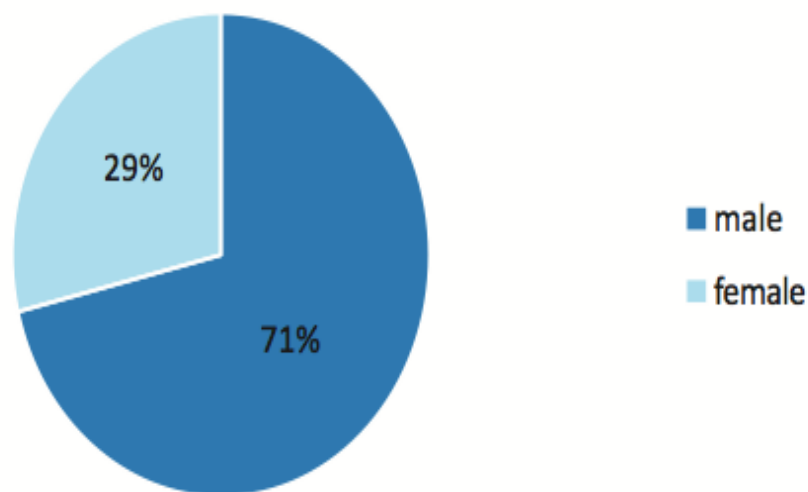
1. Criminal Cases completed = 215 cases
2. Civil Cases completed = 197cases
3. Cases completed involving drugs = 39 This represents 18.1% of cases completed by the Supreme Court
4. Cases completed which are of sexual nature = 86, this represents 40% of cases completed by the Supreme Court
- 5 The oldest Civil case pending in the Court system is from 1997
6. The oldest Land Appeal Case pending in the Supreme Court is from 1993
7. 96.7% of pending cases are from 2004 to 2011
8. There are 59 Cases pending delivery of Judgment in the Supreme Court system

Trend Data: Tokelau criminal cases 2011 gender disaggregated



The gender breakdown of the accused in the 46 Atafu cases is 29% female and 71% male.

**Atafu Cases 2011-2012:
Gender of Accused**

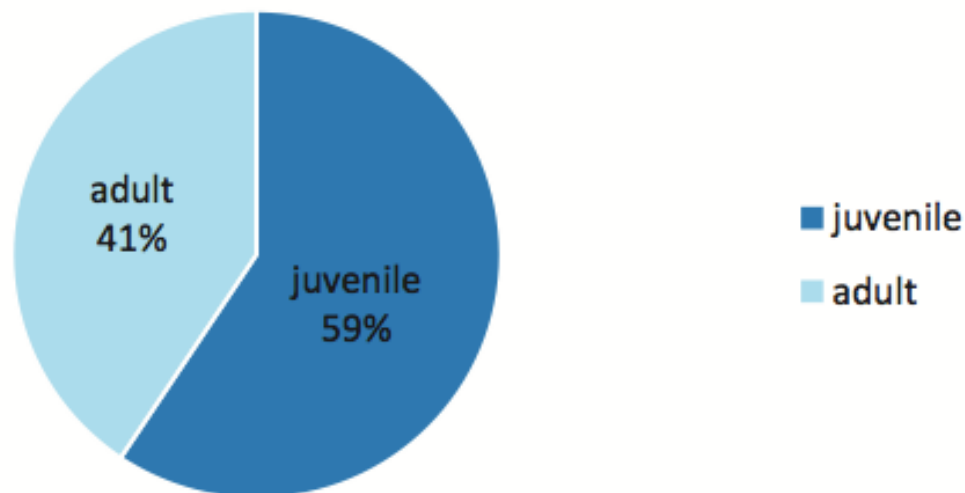


Trend Data: Tokelau criminal cases 2011 AR – age disaggregated



59% of the accused in the 25 Fakaofu cases are under the age of 18.

Fakaofu cases 2011-2012: Data on juvenile accused



Indicators 3 & 4 - Appeals.



3 - The percentage of appeals.

4 - Overturn rate on appeal.

Calculate by:

- a. List Courts and number of first instance cases finalised in the reporting period;
- b. List cases appealed from one level of court to another.
- c. List number of cases in which the appeal is allowed in whole or in part.
- d. Percentage of appeals = b/a
- e. Overturn rate on appeal = c/b

RMI: Appeals 2011 AR



d. Appeals

In addition to measuring case management efficiency, it is important to review the quality of judgments. The quality of judgments can be measured in two ways: the percentage of cases appealed and the percentage of cases overturned on appeal.

In 2011, the number and percentage of High Court cases appealed remained very low. There were two appeals and one petition of High Court civil decisions to the Supreme Court: three out of 257 cases filed, or 1.17%.

Furthermore, in 2011, no High Court cases or decisions were overturned on appeal. The Supreme Court denied the one petition and at the end of the year the two appeals remained. Also in 2011, appellants withdrew two civil appeals from previous years, and the Supreme Court denied a civil appeal from 2010. That is, in 2011, no High Court civil cases from 2011, or from previous years, were over turned on appeal.



- Percentage of cases that are granted a court fee waiver.
- Percentage of cases disposed through a circuit court.
- Percentage of cases where a party receives legal aid.

Cost - Distance – Knowledge of the law/ rights

Table 3.1 Pacific Island Country Profiles

Country	Population ^a	GDP per capita (\$US) 2011 ¹⁰	GNI per capita PPP (\$US) 2011 ¹¹	GNI per capita (\$US) 2009 ¹²	HDI Rank 2011	Population living under the International Poverty Line (%) ¹³	Internet Users (Per 100 people) ¹⁴
Cook Islands	17,791 ¹⁵	20,452.00	15,813.30	9,748.90	—	—	36
Federated States of Micronesia	107,000 ¹⁶	2,803.00	2,900.00	2,598.00	116's	31.2% (2000)	20
Kiribati	105,000	1,593.00	2,110.00	1,617.40	122	38% (1996)	9
Marshall Islands	55,000	2,891.00	3,910.00	3,385.70	—	20% (1999)	0
Nauru	10,200	6,928.00	—	5,322.10	—	—	6
Niue	1,625 ¹⁷	10,358.00	—	—	—	—	0
Palau	20,800	8,730.00	7,250.00	10,228.60	49	—	0
Papua New Guinea	7,034,000	1,900.00	1,480.00	1,047.30	153	37% (2002)	
Samoa	187,820 ¹⁸	3,472.00	3,190.00	2,838.30	99	5.5% (2002)	7
Solomon Islands	552,000	1,578.00	1,110.00	1,313.10	142	—	5
Tokelau	1,411 ¹⁹	\$1000 ²⁰	—	—	—	—	—
Tonga	103,036 ²¹	4,221.00	3,580.00	3,336.50	90	24% (2004)	12
Tuvalu	11,300	3,202.00	5,010.00	2,749.00	—	17.2% (1994)	25
Vanuatu	258,000	3,105.00	2,870.00	2,367.70	125	26% (1998)	8

Basic Needs Poverty Line (BNPL) ²³			Percentage of Population Under the BNPL ²⁴		Court Costs	
Country	Weekly Adult per capita BNPL	Weekly BNPL per Household in the Lowest 3 Deciles	Individual (National Average) ²⁵	Household	Civil Case Cost	Civil Case Cost as percentage of Weekly Adult BNPL
Cook Islands ²⁸	\$80.69	\$366.43	28 %			
Federated States of Micronesia ²⁹	US\$23.12	US\$193.56	31%	22.4%		
Kiribati ³⁰	AU\$16.09	AU\$112.80	22%	17%		
Marshall Islands					\$25.00 ³¹	108%
Nauru ³²			25%		\$30.00 ³⁶	
Nlue		NZ\$55.00				
Palau ³³	\$58.05	\$244.67	25%	18.4%	\$50.00 ³⁴	86%
Papua New Guinea ³⁵			28%		K50.00 ³⁶	
Samoa ³⁷	SAT53.59	SAT493.02	27%	20.1%	SAT36.60 ³⁸	68%
Solomon Islands ³⁹	SBD47.37	SBD265.77	23%	18.8%		
Tokelau					No fee/ \$0	0%
Tonga ⁴⁰	T\$49.73	T\$337.52	23%		\$82.00 ³⁷	165%
Tuvalu ⁴¹			26%		AU\$6.00 ⁴²	
Vanuatu ⁴³	US\$15.20		13%	21.6%	VT8,000 ⁴⁴	577%

Cook Island Indicators 5-7: Affordability and Accessibility



- a. For each court list the number of cases finalised in the reporting period;
- b. For each court list the number of cases where the court fee is waived (civil cases);
- c. For each court list the number of cases finalised at a circuit court location;
- d. For each court list the number of cases where one or party receives legal aid in the case;
- e. Percentage of cases that are granted a court fee waiver = $b/a \times 100 = \text{total}\%$
- f. Percentage of cases disposed through a circuit court = $c/a \times 100 = \text{total}\%$
- g. Percentage of cases where a party receives legal aid = $d/a = \text{total}\%$

RMI 2011 AR: Affordability and Accessibility



e. Accessibility: Fee Waiver; Cases Heard on Circuit; and Legal Aid

To ensure accessibility to justice, the Judiciary does not impose fees on criminal defendants at the trial level. On appeal, a defendant can apply for a fee waiver. Also, to ensure accessibility, criminal cases are heard on circuit and criminal defendants have access to free legal counsel.

Of the 56 criminal cases filed in 2011, three cases (5.36%) were Ebeye circuit cases. Of the 39 criminal cases cleared in 2011, five cases (12.82%) were Ebeye circuit cases.

In 2011, as in other years, most criminal defendants were represented by the Office of the Public Defender, the Micronesian Legal Services Corporation, or an attorney paid for by legal aid funds. In 2011, the defendants received legal assistance at no cost in 33 of 56 cases (58.93%). In 2010, the figure was 34 of 39 (87.18%), and in 2009, the figure was 23 of 27 (85.19%). The percentage of defendants using publicly funded legal assistance is lower in 2011 than in previous years, because several of the defendants in the 2011 government fraud cases retained private attorneys.

Trend Data



Aim to:

- show data affordability and accessibility indicators over a 3-5 year time frame,
- Disaggregate by type of case: civil, criminal, land
- Disaggregate by age: juvenile criminal cases
- Disaggregate by important classes of case: family violence/ Interim Protection Orders/ Violence against women and children cases.

Percentage of the 14 PJDP countries that currently report on the indicator



Indicator		Percentage of the 14 PJDP countries that currently report on the indicator in the 2011 Baseline Report	Percentage of the 14 PJDP countries that currently report on the indicator in the 2012 Trend Report
1	Clearance rate	64% (9 of 14)	64% (9 of 14)
2	Average duration of a case from filing to finalisation	14% (2 of 14)	21% (3 of 14) ▲
3	The percentage of appeals	57% (8 of 14)	50% (7 of 14) ▼
4	Overturn rate on appeal	21% (3 of 14)	43% (6 of 14) ▲
5	Percentage of cases that are granted a court fee waiver	21% (3 of 14)	43% (6 of 14) ▲
6	Percentage of cases disposed through a circuit court	50% (7 of 14)	57% (8 of 14) ▲
7	Percentage of cases where a party receives legal aid	14% (2 of 14)	43% (6 of 14) ▲

Palau



- Court fee waiver provisions.
- <http://www.palausupremecourt.net>
- Click Fees Tab
- Scroll to base of document where you see:
- Note that fees may be waived by the court of proper jurisdiction if the Plaintiff or Petitioner files a request form. The form is available [online or at the Clerk of Courts](#) .(Form in materials for participants).
- A Supreme Court Order was signed in December 2011 amending the Civil Procedure Rules to include a fee waiver.



- Family Protection Act No 28 of 2008
- Section 41: No Application Fees
- Despite the provisions of any other Act or law, no fees or charges are payable to a court or an authorised person in relation to the making of an application for a family protection order (for example, there can not be any court filing fees for the application).



- <http://www.rmicourts.org>
-
- Click on Court Rules
-
- Click on Schedule of Court Costs and Fees November 2011
-
- VIII In Forma Pauperis Anyone who is unable to pay the fees set forth in this rule may petition the court to proceed in forma pauperis pursuant 29 MIRC 136

Cook Island Indicators 8 to10



#8. Documented Complaint Handling & Feedback

- Documented process for receiving & processing complaints in the annual report
- Judicial Code of conduct may form the basis
- Underpins accountability & transparency
- Opportunity to report against a performance standard i.e standard for responding to complaints
- Publically available – internet, brochure, complaint & feedback box
 - Kiribati
 - RMI
 - Palau

Cook Island Indicators 8 to 10



#8. Example: RMI Annual Report

“To Be Independent, Fair, Efficient, and *Accountable*” is the first goal of the Judiciary’s strategic plan. To enhance its transparency and accountability, the Judiciary has adopted internationally recognized standards for judicial and attorney conduct. These standards are available to the public as are the procedures for lodging complaints against judges, attorneys, and court staff.

With respect to judicial conduct, the Judiciary has adopted the Marshall Islands Code of Judicial Conduct 2008 (revised February 16, 2012). The Code is based upon the Bangalore Principles and the American Bar Association Code of Judicial Conduct. A copy of the Judiciary’s code can be found on its website, www.rmicourts.org/ under the heading “The Marshall Islands and Its Judiciary.” Provisions for lodging and processing complaints against judges starts on page 12 of the code. In 2011, no complaints were lodged against judges.

In the past five years, only three complaints have been lodged against judges. Those three complaints, lodged by related self-represented parties against a single judge, were dismissed as without merit. The proper remedy for parties who are dissatisfied with a judge’s decision is to appeal the judge’s decision. Dissatisfaction with a judge’s decision is not grounds for filing a complaint against the judge. Over the past five years, the percent of complaints per case filed has been less than 1% for all courts and all judges.

Cook Island Indicators 8 to 10

#8. Example: FCoA Complaint Handling Performance Standards



Client feedback and complaints management

The Family Court is committed to responding effectively to feedback and complaints, and to complying with Australian Standard AS 4269–1995 (Complaints handling) and the Commonwealth Ombudsman's *Good Practice Guide for Effective Complaint Handling*.

The Court's client feedback management system allows all areas of the Court to efficiently and consistently manage complaints and client feedback, while also identifying clients' issues and monitoring trends.

The Court has:

- a complaints and feedback policy
- a judicial complaints procedure, and
- a complaints and feedback fact sheet.

The judicial complaints procedure and the fact sheet explain how clients can make a complaint or provide feedback to the Court. These can be found on the Family Court website www.familycourt.gov.au and accessed via the feedback link in the 'Quick Links' section of the home-page.

Clients can address complaints or feedback to the Court in writing, orally, or by email to clientfeedback@familycourt.gov.au. Complaints made about judicial delays or judicial conduct will be referred to the Judicial Complaints Adviser.

The Court aims to acknowledge receipt of a complaint within five working days and, where possible, to send a formal response within 20 working days of receipt of the complaint.

During 2011–12, the Family Court recorded:

Cook Island Indicators 8 to 10



9. Percentage of Judicial complaints per total cases

- Most often relate to:
 - Delay in the delivery of a judgment
 - Judicial conduct
- NOT about dissatisfaction of the outcome in a case
- Important to report as it shows that the Court:
 - take complaints seriously
 - are accountable & transparent
- Provides an opportunity for the Court to detail complaint handling process.
- Calculate: number of complaints received about a judicial officer divided by the total number of cases filed multiplied by 100 which will provide the percentage

Cook Island Indicators 8 to 10

9. Example: Complaint Handling – Judicial Officers



iii. Complaint Handling Mechanism for Tokelau Judiciary and Police

At present there is no established complaint handling mechanism for the Tokelau Judiciary and Police. While the Police and Judiciary hear that there are people who are not satisfied with their services there were no formal complaints received.

Cook Island Indicators 8 to 10

#9. EXAMPLE: Complaint Handling Judicial



At 65, the number of administrative complaints represented 0.36 per cent of all applications received. Combined with 45 judicial complaints (see the section 'Judicial services complaints' for more detail) complaints represented 0.6 per cent of applications received, thus achieving against the KPI (for complaints to be no more than one per cent of applications received).

Figure 3.26 provides a breakdown across 10 categories of administrative complaints issues in 2012–12.

During 2011–12, the Court also recorded 132 complaints about such matters as family law legislation, matters in other jurisdictions, family assessments and reports prepared by family consultants for judicial proceedings, and the conduct and outcomes of judicial proceedings. These are matters that may not be addressed by the administration of the Court as they concern matters of law reform on the one hand, and the conduct of specific judicial proceedings on the other.

Cook Island Indicators 8 to 10



#10. Percentage of complaints about Court Staff per cases filed

- Provides an opportunity for the court to:
 - Show that it takes the complaint seriously
 - Is responsive to concerns from the public
 - Detail the types of complaints received and the internal changes that may occur as a result i.e changes to forms in the FCoA
 - Explain what the court can & can not do – i.e. FCoA complaints about legal vs procedural advice

Cook Island Indicators 11 to 12



#11. Average number of cases per judicial officer

- Indicator details the average number of cases per judicial officer
- Important because it details ratio of cases per judge/per region i.e is there adequate judicial officers/equity/performance
- Need to consider how data is collected and reported when there is more than 1 judicial officer presiding in a case (e.g. panel of 3 judges)
- Calculate: divide the total number of cases filed by the number of judicial officers

Cook Island Indicators 11 to 12



#12. Average number of cases per court staff

- Indicator looks at the average number of cases per court staff member
- Important because it:
 - Shows ratio (too small in some regional areas/courts – redirect resources)
 - High ratio may impact on efficiency and performance – affect timelines & result in complaints
- Allows the court to develop performance standards
- Calculate: divide the total number of cases received by the number of court staff (non-judicial)

Cook Island Indicators 13 to 15

Transparency



- Court produces or contributes to an Annual Report that is publicly available.
- Information on court services is publicly available.
- Court publishes judgments on the Internet (own website or on PacLII)



Group discussion in country groups:

- Does your Court produce or contribute to an Annual Report that is publicly available?
- Is the publication of your Court Annual Report coordinated with other agencies such as the MoJ? Does this have an impact?
- Is your Annual Report published in the year following the reporting period?
- Is the Report Publicly available? On PacLII? On National court or MoJ website?
- Other issues affecting publication of an Annual report?

Cook Island Indicators 13-15: Transparency



Table 4.13.1 Court produces or contributes to an Annual Report that is publicly available for the previous year –Year 2 Trend Data

Cook Islands	Federated States of Micronesia	Kiribati Islands	Marshall Islands	Nauru	Niue	Palau
Annual Report Available online (First court Annual Report)	Annual Report available online (First court Annual Report)	Data available in the speech by the Chief Justice at the opening of the new legal year is available online.	Annual Report available online	Data unavailable	Annual Report Available online	Data unavailable
Papua New Guinea	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu
Data unavailable	2011-2012 Annual Report is published but not available online	Data available in the speech by the Chief Justice at the opening of the new legal year is available online	Annual Report available online (First court Annual Report)	Annual Report available online	Data unavailable	Annual Report available online

Information on court services is publicly available.



Table 4.14.1 Information on court services that is publicly available – Year 2 Trend Data

Cook Islands	Federated States of Micronesia	Kiribati Islands	Marshall Islands	Nauru	Niue	Palau
Case lists are published via email to parties and the media and placed on a public notice board. Relevant pamphlets are published and made available. Website www.justice.gov.ck	Information on court services is available on the FSM court website	No information available on how to bring a case to court or other court services	Information on the RMI courts is available on the website: www.rmicourts.org	Data unavailable	No information available on how to bring a case to court or other court services.	Information on the Palau courts is available on the website: http://www.palausupremecourt.net/
Papua New Guinea	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu
Supreme Court and National Court National and Supreme Courts of PNG limited information on http://www.pngjudiciary.gov.pg Magistrates Court www.magisterialservices.gov.pg	Data unavailable	Data unavailable	No information available on how to bring a case to court or other court services.	No information available on how to bring a case to court or other court services.	Data unavailable	No information available on how to bring a case to court or other court services.

Court publishes judgments on the Internet (own website or on PacLII)



Table 4.15.1 Court publishes judgments on the Internet (through PacLII or their own website) – Year 2 Trend Data

Cook Islands	Federated States of Micronesia	Kiribati Islands	Marshall Islands	Nauru	Niue	Palau
PacLII: November 2012 Court of Appeal & High Court	PacLII: April 2010 FSM Supreme Court Website Supreme Court & State Court Decisions	PacLII: April 2013 Court of Appeal, High Court and Magistrate Court decisions	PacLII: December 2011 Court Website: 2011 Supreme Court, selected High Court and Traditional Rights Court decisions	PacLII: March 2012 Supreme Court & District Court	PacLII: October 2010 High Court decisions	PacLII: May 2013 Supreme Court
Papua New Guinea	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu
PacLII: May 2013 Supreme Court National Court & District Court decisions	PacLII: April 2013 SamLII: May 2013 Court of Appeal, Supreme Court and District Court	PacLII: May 2013 Court of Appeal, High Court and Magistrates Court decisions	No judgments published.	PacLII: May 2013 Court of Appeal, Supreme Court and Land Court decisions	PacLII: December 2012 Court of Appeal and High Court	PacLII: May 2013 Court of Appeal, Supreme Court, Magistrate Court and Island Court decisions

Percentage of the 14 PJDP countries that currently report on the indicator



8	Documented process for receiving and processing a complaint that is publicly available	21% (3 of 14)	21% (3 of 14)
9	Percentage of complaints received concerning a judicial officer	21% (3 of 14)	36% (5 of 14) ▲
10	Percentage of complaints received concerning a court staff member	14% (2 of 14)	29% (4 of 14) ▲
11	Average number of cases per judicial officer	57% (8 of 14)	71% (10 of 14) ▲
12	Average number of cases per member of court staff	43% (6 of 14)	71% (10 of 14) ▲
13	Court produces or contributes to an Annual Report that is publicly available in the following year	7% (1 of 14)	64% (9 of 14) ▲
14	Information on court services is publicly available	29% (4 of 14)	36% (5 of 14) ▲
15	Court publishes judgments on the Internet (court website or the Pacific Legal Information Institute)	93% (13 of 14)	93% (13 of 14)



Discuss in country groups:

- What prevents case judgments being uploaded quickly to PacLII?
- What court information do court stakeholders need access to:
 - Lawyers
 - Clients
 - Witnesses
 - Victims of Crime
 - How can this be presented to them?
 - Examples: PNG? Family Court of Australia?

Reporting on family violence and children's cases.



Discuss in Country Groups:

- Why should Annual Reports include data on:
 - the number of family violence cases/ protection order applications commenced by women / other VAW cases?
 - The number of children's cases including the outcome of the case and the type of sentence that may be imposed.

Juvenile Cases



- Data on cases disaggregated to indicate whether the case involves children as perpetrators or victims of crimes are important in order to deliver better justice services to children. In the 2011 PJDP Baseline Report, the Republic of the Marshall Islands was the only PJDP country to include juvenile justice data in its Annual Report.

Juvenile Cases Cont.



The United Nations Children's Fund (UNICEF) has published baseline reports for Kiribati, Solomon Islands and Vanuatu in 2009 and the Republic of Palau and the Republic of the Marshall Islands in 2013. Baseline reports for Samoa and the Federated States of Micronesia are currently being prepared.

Juvenile Cases: 2012 Trend report



Table 6.2 UNICEF baseline reports: checklist for compliance

	Core component	Not compliant	Part compliant	Fully compliant
1	A mechanism (such as an inter-agency working group) exists for collaborative planning, implementing and monitoring by all justice sector agencies (police, prosecutors, lawyers, judges, and prison officials) and with social welfare agencies.	X (Palau, RMI)	X (Kiribati, Solomon Islands)	X (Vanuatu)
2	There is a clearly articulated structure for roles, responsibilities and accountabilities within individual justice agencies and across the system.	X (Kiribati, Solomon Islands, Vanuatu)	X (Palau, RMI)	
3	There is an information management mechanism across the sector including a case file management system to reduce delays and ensure efficient flow of cases through all stages of the justice system from arrest to adjudication, including a mechanism to flag and expedite all cases involving children.	X (Kiribati, Palau, RMI, Solomon Islands, Vanuatu)		

Juvenile Cases: 2012 Trend Report



Key finding

In the five PJDP countries where UNICEF has completed its baseline report, none have an information management mechanism across the sector including a case file management system to reduce delays and ensure efficient flow of cases through all stages of the justice system from arrest to adjudication, including a mechanism to flag and expedite all cases involving children. The Republic of the Marshall Islands is the only PJDP country to present juvenile justice data in its Annual Report.

Annual Report: Marshall Island



As shown below, the five-year clearance rate for juvenile cases is 100%. The High Court's goal is to maintain a clearance rate for juvenile cases of 100% per over the most recent two years, and/or to dispose of juvenile cases within six months of filing.

JUVENILE	CY 2007 CASES			Status in CY 2008		Status in CY 2009		Status in CY 2010		Status in CY 2011	
Island	Filed	Cleared	Pending	Cleared	Pending	Cleared	Pending	Cleared	Pending	Cleared	Pending
Majuro	1	1	0	0	0	0	0	0	0	0	0
Ebeye	0	0	0	0	0	0	0	0	0	0	0

JUVENILE	CY 2008 CASES			Status in CY 2009		Status in CY 2010		Status in CY 2011	
Island	Filed	Cleared	Pending	Cleared	Pending	Cleared	Pending	Cleared	Pending
Majuro	2	2	0	0	0	0	0	0	0
Ebeye	0	0	0	0	0	0	0	0	0

JUVENILE	CY 2009 CASES			Status in CY 2010		Status in CY 2011	
Island	Filed	Cleared	Pending	Cleared	Pending	Cleared	Pending
Majuro	0	0	0	0	0	0	0
Ebeye	2	1	1	1	0	0	0

JUVENILE	CY 2010 CASES			Status in CY 2011	
Island	Filed	Cleared	Pending	Cleared	Pending
Majuro	1	0	1	1	0
Ebeye	0	0	0	0	0

During the 5-year period (2007-2011):

Total Cases Filed: 6

Total Cleared: 6

Total Pending: 0

Clearance Rate: 100%

* As of 12/31/2011

JUVENILE	CY 2011 CASES		
Island	Filed	Cleared	Pending
Majuro	0	0	0
Ebeye	0	0	0

Vanuatu Annual Report



Out of the completed criminal cases:

- 10 involved children of 15 years or younger as victims of sexual offending representing a 5% of total completed criminal cases in 2009.
- Total number of offenses of sexual nature is 132 representing a 70% of total completed criminal cases in 2009. It is important to note the geographical spread of these case: 90 of these offenses of sexual nature were completed in Port Vila, while 31 were recorded in Luganville, and 11 in the Isangel registry.
- 34 involved offenses under the Dangerous Drugs Act, representing 18% of total completed criminal cases in 2009.
- 12 were offenses of Intentional Homicide, Intentional Assault causing death and Careless driving causing death, representing 6 % of total completed criminal cases in 2009

Annual Report: Juvenile Data



- Review Data for the last annual reporting period and:
 - List the number of children's cases (children as a victim of a crime or as an accused)
 - The finding in the case (guilty/ not guilty)
 - The sentence in the case
 - The duration of the case

Gender Disaggregated Data: 2012 Trend Report



Key finding

In its 2011 Annual Report, the Republic of the Marshall Islands presented Gender Disaggregated Data for criminal cases (1 of 14 PJDP countries). Gender Disaggregated Data are particularly relevant for greater understanding of family law and family violence cases.

Gender Disaggregated Data: 2012 Trend



Recommendation

There is a global movement to End Violence against Women and Girls that has been endorsed by governments across the Pacific. Annual Reports of courts should include data on the number of domestic violence cases and protection order applications commenced by women each year, an average duration for the finalisation of these cases and an indication of whether the case is resolved in favour of the applicant party for the protection order.

Annual Reporting: Gender Considerations



- Review Data for the last annual reporting period and:
 - List the number of (i) domestic/ family violence cases and (ii) protection order applications commenced by women each year,
 - an average duration from filing to finalisation for these cases, and
 - an indication of whether the case is resolved in favour of the applicant party for the protection order.

Objective: Session 4



How to make an Annual Report Better?

By the end of the session participants will be able to:

- Identify areas where the Annual Report can be improved.
 - I. Present a timeline of steps to be taken to publish the Annual Report in the following year, including who is responsible for what and by when.
 - II. Present a draft Table of Contents of the Annual Report (including examples of tables).

How does your Annual Report measure up?



- Critically assess your current Court Annual Report against the following criteria rating it from 1 (poor) to 5 (excellent). Does the Annual Report :
 - assess performance against standards that have been set by your Court, and, if the court has not achieved the performance standards, explain why and what steps the court is taking to remedy this?
 - presents trends in performance over a 3-5 year period?

How does your Annual Report measure up?



- present the Court's performance against a range of quantitative performance indicators?
- present the Court's performance against a range of quantitative performance indicators from surveys, other evaluations ?
- use plain language, relevant diagrams and a clear format to illustrate and add emphasis?



Take the Table of Contents developed for the Annual Report in Session 2 and show:

- A date for when each section should be completed
- Who will be responsible for drafting it.
- When a consolidated draft Annual Report will be sent to stakeholders for their input.
- When a draft final Annual Report will be sent to the Chief Justice/ Chief Magistrate/ Minister.
- Estimated date for tabling the Annual Report in Parliament.
- How the Annual Report will be published: on-line/
print

Thank you