



PACIFIC JUDICIAL STRENGTHENING INITIATIVE

ACTIVITY COMPLETION REPORT

ACCESS TO JUSTICE ENABLING RIGHTS & UNREPRESENTED LITIGANTS

VANUATU



15 - 29 March, 2019

Report by: Dr Livingston Armytage AM



FEDERAL COURT
OF AUSTRALIA



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

1. Overview

This report provides an overview of PJSI's *Enabling Rights & Access to Justice Project* on Vanuatu which was conducted from 15-29 March, 2019. This project comprised 1-week of consultations on remote islands including Pentecost, Santo, Malo and Epi; together with 1-week of consultations in Port Vila including a 3-day workshop for both court users and service providers, as detailed in attached annexes.

As documented in the annexes, this report outlines the findings of these public consultations, lists the informants and outlines the workshop agenda, outcomes and learning gains of participants which were *very strong*.

The findings of these consultations during week 1 are outlined in the attached 'confidential' summary (see Annex A). This is an internal report prepared for the Chief Justice and Registrar of the Supreme Court, only to document public perceptions of the court system. Most, if not all of these findings may already be known to the Chief Justice and the Registrar. While some of these perceptions may not be technically accurate, they are instructive in describing the actual perceptions of numerous court users and, indeed, some non-users of the courts' services.

Context

Vanuatu is a South Pacific constitutional republic which has a population presently estimated at 288,000. 75% of this population lives in rural areas; the urban populace lives primarily in two cities, the capital Port-Vila (53,000) and Luganville.¹ Vanuatu is in the medium 'human development' category; positioning at 138 out of 189 countries.² The World Bank rates the '*Rule of Law*' index (which aggregates public perceptions of lawfulness to the justice sector including courts and police) at 0.56% in 2017.³

The legal system is a condominium of English common law, French law, and customary law. Under the *Constitution of the Republic of Vanuatu* 1980, law is administered through four courts: Village Courts (customary, presided by lay chiefs); Island Courts (hybrid, presided by lay Justices selected from chiefs) in Article 52; Magistrates Courts (law courts presided by law-trained Magistrates), Supreme Court and Court of Appeal. Chapter 2 of the Constitution embeds fundamental rights, and Chapter 8 provides the judicial powers. Customary law is embedded in the Constitution (Articles 51 and 95).⁴

2. Participants and outputs

The purpose of this project was to promote improved access to justice and the enablement of rights in Vanuatu, through a process of community outreach and engagement.

This project involved visiting the capital island Efate (Port Vila) and 4 remote islands including Pentecost, Santo, Malo and Epi.

¹ CIA World Factbook

² UN Human Development Index 2017.

³ Rule of Law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. World Bank, World Governance Indicators: Rule of Law, 2017.

⁴ Constitution of the Republic of Vanuatu 1980.



In all, these consultations included 16 villages comprising some 45 separate public meetings of chiefs, men and women including altogether some 650 community members, approximately 40% of whom were female. These villages were selected because of their relative remoteness from court centres in particular to listen to the usually unheard voices of citizens suffering barriers to justice (notably distance and expense). Participants thanked the court for conducting what they described as this first ever such consultation. See schedule of consultations in Annex B. A number of interviews were conducted with key actors including: circuit Magistrate (1), district administrator (1), police officer (1), public solicitor (1), Vanuatu Women’s Centre (1), and court clerks (5) posted remotely and/or in Port Vila. Further to that, in Port Vila, 7 interviews were conducted with representatives from the bar, Vanuatu Council of Churches, Oxfam, the Public Solicitor, the Police Family Unit, the Vanuatu Women’s Centre and the Council of Chiefs. Finally, approximately 35 members of the public attended day 1 of a 3-day workshop, in addition to the 15 judges, magistrates and court clerks who attended all 3 days of the workshop. The Chief Justice, Chief Magistrate and Chief Registrar also attended the 3-day workshop, a full participant’s list can be found in Annex D.

3. Discussion

As may be expected, public perceptions and satisfaction with the courts and related justice service providers is mixed. Unsurprisingly, there is some difference between public perceptions and those held by service providers, as identified in the workshop, which can be attributed to the ‘halo effect’. Importantly, while there is a shared consensus in the independence and integrity of the courts (in aggregate). All regard competence and absence of bias as being moderate. But it is quite significant to note that the public perceives efficiency as being the lowest aspect of court performance, compared with the court perceiving access as being its lowest aspect of performance:

Scorecard		
JOINT Perceptions of Courts		
1	Independence	90.0 / 75.8
2	Honesty and integrity	82.4 / 78.2
3	Competence – knowledge of law & procedure	89.0 / 73.2
4	Fairness and recusal	75.6 / 66.6
5	Efficiency and delay	64.3 / 51.9
6	Access to justice and remedies	58.1 / 66.4

These findings, both from consultations and the workshop, have been timely and valuable in prompting court service providers participating in the 3-day workshop between 26-28 March to recognise that a number of significant barriers may impede access to justice, and that the following access to justice needs be addressed in order to promote fairness including:

- Public outreach** - Improved public outreach to increase awareness of the role and functions of the courts, and basic-level education on legal rights and responsibilities
- Training** - Training of JPs, registry staff and court officers on fundamental aspects of the justice system and court process (including treatment of unrepresented litigants, the core values of judicial conduct, natural justice and procedural fairness, key differences



between criminal and civil procedure (burdens and standards of proof), and classes of people appearing before the courts who may be ‘vulnerable’ or suffer a ‘disability’ who may in the interests of fairness require appropriate support).

4. Statistics

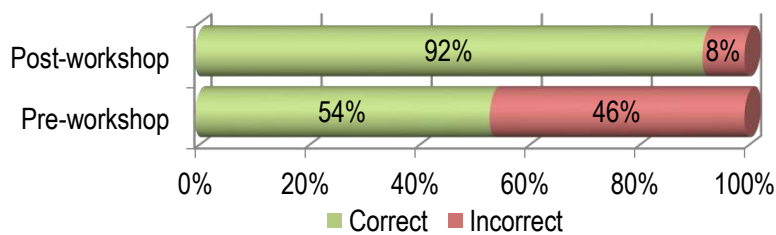
A total of 31 participants participated in the workshop. **67.74%** (21 of 31) being female. The participant list is founded in **Annex D**.

Participants who attended day 2 and 3 of the Workshop completed a pre-/post training survey which: assessed the level of prior knowledge; provided a comparative assessment of knowledge on completion of the course for the purposes of measuring any gains and improvements; and gathered perceptions of participants’ satisfaction with the course. The survey questions are found in **Annex E**.

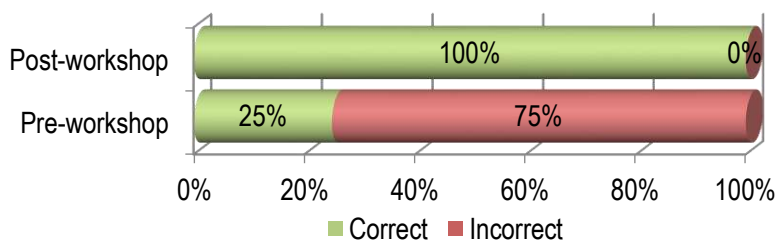
Knowledge Gained: Participants were asked a series of knowledge-based questions to ascertain their understanding of key concepts presented and discussed during the training. Of the conforming responses received to both pre-/post training surveys, a demonstrated average overall **increased in knowledge gained of 134%** was shown.

Results against individual learning outcome areas were:

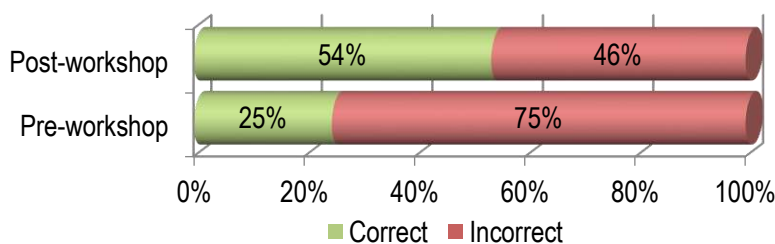
a) Understanding the importance of unrepresented litigants



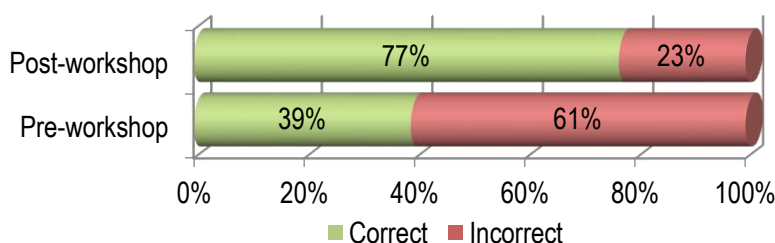
b) Values of Judicial Conduct



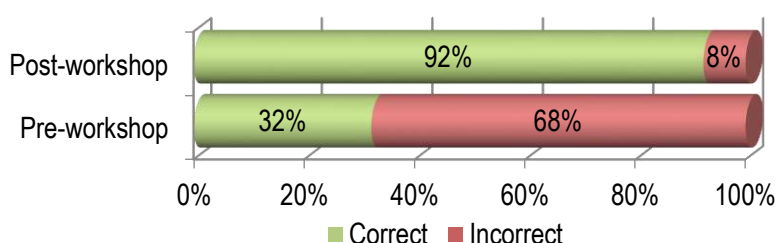
c) ‘Natural Justice’ & ‘Procedural Fairness’



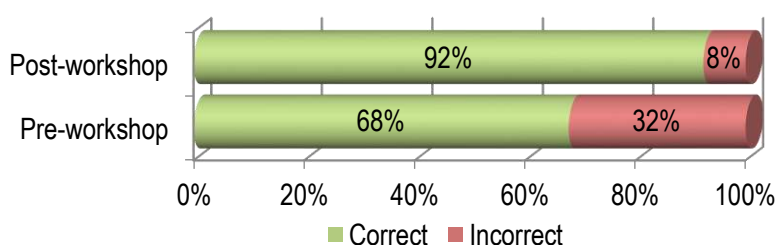
d) Difference between ‘burden of proof’ & ‘standard of proof’ in criminal cases



e) Difference between ‘burden of proof’ & ‘standard of proof’ in civil cases



f) Vulnerable people & ‘legal disabilities’



Quality and satisfaction assessment: Participants were asked to assess the quality and value of the training and their satisfaction with the workshop. Participants’ rated their **overall satisfaction** across all aspects of the workshop at **94.87%**, demonstrating that participants were very satisfied with the workshop. Participants’ satisfaction with each element of the course was rated as follows;

- Achievement of the workshop’s aims and objectives – **69.23%**
- Relevance and usefulness of the resources/materials received – **84.62%**
- Relevance and usefulness of the workshop to participants’ roles – **89.74%**
- Presentation, participation and effectiveness of the facilitators – **92.31%**

Pre-/Post training Self-assessment: of the responses received, **all participants** improved confidence in their role within the courts.

- The post-workshop assessment and a summary of text-based responses received are attached in **Annex F**, for reference.



5. Outcomes

This activity visit has been timely and valuable to providing a bridge between the courts and the communities they serve in Vanuatu, across which it has been possible to communicate the perceptions of court (and non-court) users on the performance of the courts and related justice institutions (such as Ministry of Justice, probation, police and internal affairs including juvenile protection services).

As a result of the activities (*outputs*) of this project, it is reasonable to expect that there will be a number of significant *outcomes*, which will potentially include:

1. Increased public awareness and understanding of, and trust in, the courts
2. Formulation of a *draft* **Court Guidance for Unrepresented Litigants**
3. Formulation of a *draft* **Access to Justice Action Plan**, to be settled by the Registrar of the Supreme Court under the direction of the Chief Justice.

This Advisor wishes to thank the Hon. Chief Justice Vincent Lunabek for inviting PJSI to undertake this visit, Acting-Supreme Court Registrar Joel Shemi for overseeing all arrangements, and National Coordinator/Training Coordinator Wendy Raptigh for seamlessly organising and facilitating remote island visits.



6. Contents

- a) Outer Community Consultation Report
- b) Schedule of Consultations
- c) List of informants/Workshop Participants: Port Vila
- d) 3-day Workshop Outline
- e) Scorecard of Perceptions of Courts
- f) Pre/Post Workshop Questionnaires
- g) Pre/Post Workshop Questionnaire Assessment
- h) Photographs with captions
- i) Media Release
- j) Workshop PowerPoint Slides



Annex A: Outer Community Consultation Report

Vanuatu: Access to Justice & Enabling Rights Remote Island Consultations

Confidential Internal Report

Introduction

This report outlines the findings of public consultations in remote communities on Pentecost, Santo and Epi of perceptions of the courts, and justice-related institutions conducted from 16 -22 March, 2019.⁵ Some perceptions may be incorrect or based on an incomplete understanding of the law and courts. They are documented for the information of service providers in the courts.

The purpose of these consultations was to gather public perceptions on the accessibility and quality of justice administered by the courts in particular, and also by village chiefs, to identify access to justice issues, challenges and opportunities.

In all, these consultations included 16 villages comprising 45 separate public meetings of chiefs, men and women including altogether 650 community members, approximately 40% of whom were female. These villages were selected because of their relative remoteness from court centres in particular to listen to the usually unheard voices of citizens suffering barriers to justice (notably distance and expense). Participants thanked the court for conducting what they described as this first-ever such consultation. See schedule of consultations – annex 1.

The methodology comprised public meetings, interviews, observations and research. The primary methodology was public meetings, separating chiefs, men and women in discussions around a range of issues outlined in the '*topics for discussion*' – annex 2. Secondly, a number of interviews were conducted with key actors including: circuit Magistrate (1), district administrator (1), police officer (1), public solicitor (1), Vanuatu Women's Centre (1), and court clerks (5) posted remotely and/or in Port Vila. Thirdly, observations of a Magistrates' Court sitting were undertaken on Epi, as well as observations of community life generally. Finally, some limited reference is also made to publicly available research data on justice-related issues relevant to Vanuatu as outlined below.

Findings

Based on these consultations, correlated with some observations and reference to available research data, the following findings of issues, challenges and opportunities relating to accessing justice in Vanuatu:

1. **Custom** - In remote communities, custom is vibrant and very strong, including the administration of justice. Chiefs traditionally administer justice on a day-to-day basis in most communities through the Village Courts. Custom is seen to be the glue that holds communities together, and it is generally accepted that the chief(s) is/are responsible for this function. Custom is characteristically patriarchal (there are no/few women chiefs), and women occupy a

⁵ Intensive remote community consultations were conducted on Pentecost (including 6 villages at Laone, Abuatuntora, Loltong, Pangji, Panas, Baravet), on Santo (including the centre and 4 villages at Big Bay, Angoru, Malo: Avunatari, Amapelao) and on Epi (including 6 villages at Barumba, Lamén Bay, Nikaura, Rovo Bay, Nimbuin, Malvasi).



subordinated role in society, with restricted access to the *Nakamal* (village hall or meeting place) and no rights to speak. Custom prioritises reconciliation and restoration to victims, giving primacy to the wishes of the parties – either to finalise their cases in the Village Court or to refer them up/across to the Magistrates Court. The chief can however be seen as much the problem as the solution, committing offences, ‘turning a blind eye’ and being biased.

2. **Customary justice and the courts** - Most participants acknowledge that both custom and the law play legitimate social roles, but they almost uniformly prefer custom at the village level. This relationship is however complex; some see a role for the law courts *beside* (working in parallel), while others see the courts as being *on top of* (reinforcing or reviewing) custom. Many chiefs complained that the police were diverting cases to the Magistrates Court which should have been heard in the Village Court, thereby eroding community respect in their role and authority. This erosion of respect is compounded by their lack of enforcement powers, and the rarity of supervising Magistrates making visits to remote communities to supervise enforcement; often never done, or last done 4-5 years ago. An analysis of perceived strengths and weaknesses of custom and law courts is summarised as follows:

Custom – Lay (non-law trained) chiefs preside on **Village Courts**.

Jurisdiction -

⁶The Village Courts exercise traditional jurisdiction mandated by village bi-laws.

Strengths: maintains social cohesion at village level, accessible and immediate, focuses on reconciliation, and delivers compensation to victims, custom is also seen to be administered locally in a manner that reinforces local norms and consolidates lessons being learned in the community. *Weaknesses:* authority and effectiveness is being eroded by lenient sentencing powers and the lack of enforcement, unfairness arising from the bias (gender, kinship, interests) of chiefs. Over all, the ‘road to justice’ leads to the Village Court in most remote communities. Justice is primarily associated with the Village Courts, not the law courts, in remote communities. The Village Court is seen as being much more accessible, immediately responsive and more affordable than the law courts, though they are also seen as being prone to being less fair. However the authority of custom is undergoing systematic predation by the formal system.

Hybrid (mixture): 205 **Island Court** Justices are lay (non-law trained) chiefs who also sit on the Village Court. Jurisdiction in crime to fines of 24,000VT or 6 months prison; and 50,000VT civil claims.

Strengths: provides a local alternative to the Village Court which embodies customary values while avoiding chiefly biases.

Weaknesses: in practice the Island Courts rarely or never sit; they are described as ‘sleeping for long time’. Island Courts are widely seen as being inaccessible, non-responsive, slow and irrelevant to administering justice-related needs. This is mainly due to inactivity owing (apparently) to funding shortages. There is no enforcement of verdicts owing to fund shortages.

Law Courts

Jurisdiction -

Magistrates Court

⁶ Statistics on the population of customary chiefs are not readily available; some legal education of chiefs is undergoing piloting: <https://worldjusticeproject.org/our-work/programs/vanuatu-chiefs-legal-education-pilot-program> . See also: *Conflict Management and Access to Justice in Rural Vanuatu*, PJSPV, 2016.



10– 9 law-trained Magistrates preside on the **Magistrates Court**. Jurisdiction – 2 years prison; civil claim does not exceed 1m Vatu; 8 Judges preside on the **Supreme Court**. Unlimited which has unlimited jurisdiction. *Strengths*: seen as being more authoritative and effective because penalties are enforceable, and also as being fairer; the decision-maker is impartial. *Weaknesses*: they are inaccessible, menacing (many are afraid of the courts), mysterious (unknown role and functions), non-responsive, expensive and slow. Courts are seen as lacking any victim-perspective with fines going to the state without any compensation going to the victim. The courts are also widely seen as being remote from the community, and as colliding with custom by eroding the authority of chiefs. ‘Only the rich can afford the courts.’ Most informants see the law courts as being of ‘no help’ in providing them protection and redressing their unmet needs. ‘The courts are a big empty drum delivering nothing’.

3. **Crime** - Most criminal matters are relatively minor, usually relating to alcohol, marijuana and public order offences. There are some damage to property and trespass offences. These matters are usually heard by the Village Court, but occasionally referred by police or complainants to the Magistrates Court. Alcohol, marijuana and kava are each commonly seen as drivers of crime.
4. **Police** – a major barrier to justice is the invisibility and non-presence of police on remote: nil Pentecost; nil beyond Luganville on Santo, 1 Epi, nil Malo. Police posts have reduced dramatically over recent years, for example on Epi from 7 to 1. The most common request made in consultations is for more police posts in remote communities. Villagers lament that they are ‘waiting for justice’ that never comes. This absence erodes the authority of law and order both customarily for chiefs and for accessing the law courts. It also causes major delays in responding to serious crimes (e.g. incest, infanticide, arson), which are reported to vary from days and weeks, to years or never. “The police may finally come and take statements, but then *nothing* happens ...” Participants in most consultations call for a greater police presence; there is only 1 officer for all of Epi (est. pop: 7,250, which previously had 7 officers) who is unable to afford the travel costs to cover half this island; or Pentecost (est. pop: 10,000), where the single police post is presently vacant.⁷
3. **Domestic violence** – As clearly documented in Vanuatu’s *National Survey of Women’s Lives and Family Relationships*, domestic violence (or family and sexual violence: FSV) is a pervasive serious problem in most communities. Some report that it is increasing -though it is unclear whether this increase relates to the incidence or the rate of reporting. In two cases, not only did the husband beat his wife, but she is also beaten by the step-brother who considered himself entitled to administer this abuse. Women will not discuss these matters in the presence of either the chiefs (always men) or the men. While taboo, violence is normalised in Vanuatu custom. Women report and agree that they often live in fear without any recourse to justice. Perversely, women often feel most unsafe *inside* their own homes. FSV is generally seen as being ‘family business’. They generally feel that no one takes FSV seriously; neither the chiefs, nor the police, nor the courts. Women report that ‘no one bothers to help’ not even the church. Women ‘have nowhere to go,’ and must just put up with it. Chiefs generally do not intervene unless a complaint is lodged; when it is, their intervention aims to promote reconciliation.

⁷ A ‘generally accepted’ police: population ratio is 1:450 though according to the FBI, higher ratios are required for small communities. <https://www.worldatlas.com/articles/countries-with-the-most-police-officers-per-capita.html> This would indicate 16 police should be posted in Epi; it presently has one officer; and 22 police should be posted on Pentecost which has a single post which is presently vacant. This would further indicate the total need for the police service of Vanuatu (est. pop: 276,000) is 613 officers; it has 547 officers. <http://press-files.anu.edu.au/downloads/press/p49351/mobile/ch05s02.html>



Chiefs are seen as often being biased, owing to relationships in the community or gender-bias; though in some communities they are seen by women as being effective. Their intervention is sometimes successful, but often the violence continues, and the chiefs generally feel themselves to be powerless. At this stage, they want to refer to the police. In practice however, there are very few police who are either slow or entirely non-responsive. Women generally fear (rather than respect) the courts and are both afraid and uninformed to seek help. Almost no cases reach the courts, although some Family Protection Orders have recently been issued with the help of the Women's Centre which are based in Santo or Port Vila.⁸

4. **Child abuse** - is also problematic usually in over-zealous parental discipline which is generally seen as being culturally acceptable family business. Incest, under-age sex and forcible sex are also problems though they are generally thought to be rarer. Sexual crimes against minors include: exposure, peeping, molestation, under-age sex, and forced rape; both inside and outside the home.
5. **Disputes** - Most disputes relate to land. Owing to the recent introduction of the *Custom Land Management Act - 2013* legislation, there is some confusion over who should hear these cases in those places where the law courts have previously had this jurisdiction. There are some debt claims, and a few family maintenance cases which are variously heard by both the Village and Magistrates Courts. Sometimes there is an overlap over the same case being heard and then re-heard in both courts, causing confusion for the parties and frustration for the chiefs.
6. **Court sittings**
 - a. On Pentecost, many participants report that the courts 'never sit', or that they have no awareness of any sitting within their neighbourhood. Other participants however report that the Magistrates and Supreme Courts conduct regular island sittings (2-3 pa). On Pentecost, there are many demands for a court complex, more police posts, and a resident prosecutor and public solicitor.
 - b. On Santo, there are no/few remote sittings outside Luganville, and the only police post is in Luganville some 4 hours drive from remote communities on Big Bay.
 - c. On Epi, the Magistrates' Court only hears criminal matters, and any civil claims must be referred to Port Vila. On Epi, there are requests for the court to conduct tours to other villages besides Rovo Bay.
7. **Island Court** – infrequently sits (for example on Epi x1-2 annually). This is apparently owing to shortage of funding, and the uncertainty of court clerks about funding arrangements. Funding has been restricted – or non-existent - in recent years. But in 2019, 8m Vvt have been allocated in the current budget for land (5m Vvt) and chiefly title (3m Vvt). A standing impress account is available for discretionary spending of up to 25-50,000 Vvt (AUD3-600) by clerks for small (1-day) hearings; and an accountable impress is available for more substantial spending for 2-week hearing which required prior authorisation. While there is no formal prohibition against discretionary spending for public awareness, as a matter of practice court clerks do not provide this. Oddly, island court clerks seem unfamiliar with the availability of new funding, or unwilling to apply it for awareness-raising activities.
8. **Infrastructure and facilities** – with the exception of Epi, there are no dedicated court building outside of Port Vila and Santo. There are no shelters for women, facilities for juveniles and only limited women's counselling services available.

⁸ Vanuatu, *National Survey of Women's Lives and Family Relationships*, 2011.



9. **Education and training** – There are many substantial needs for education and training:
- a. *Community-based awareness-raising* - There is widespread ignorance and confusion over the respective roles and responsibilities of Village, Island, Magistrates and Supreme Courts. Participants uniformly expressed a need for community-based education and awareness raising on (a) the role of the courts and (b) their legal rights and protections under the constitution and law. The Public Solicitor has in the past conducted some public awareness but has had no budget to do so in 2018-19. In the past, the courts have not allocated funds for awareness-raising.
 - b. *Chiefs* complain that they lack training and may have never received any training. This ignorance and confusion leads to considerable variation in the scope and nature of customary justice administered by chiefs in the Village Court and, to a lesser extent, the Island Court. Compounded by the pervading ignorance of the law and confusion over jurisdiction, there is however a startling lack of uniformity in the treatment of criminal cases, even of the most serious crimes. For example, 1 Village Court (Burumba) has a bizarre policy to refer all under-age (but consensual) rapes to police and the courts, while disposing of all forced rapes at village level, apparently because the chiefs believe they can reinforce the customary norms prohibiting forced rape better at local level. In other villages, (forced) rapes are routinely referred to police and the law courts, while in others they are equally routinely finalised in the Village Courts, and *never* enter the court system if reconciliation is made and adequate compensation accepted between families (as distinct from the victim). The *Malvatumauri* (Council of Chiefs) is responsible for providing training. In particular, they need training in decision-making, procedural fairness, domestic violence, and child abuse.
 - c. *Court officers* – The courts are fortunate to have many capable and motivated staff. But despite human capital being the most valuable asset of the courts, the courts are failing to invest in the professional development of their people. Training, career development and study-leave for staff is modest or non-existent. Most have undergone variable on-the-job training with the court ranging between 1-4 weeks, with occasional additional short courses. One has completed a law degree undertaken without any study leave, and another is studying law part-time. Some lay magistrates/justices have recently enrolled in USP's new *Certificate of Justice*. Staff report constraints in performing their duties arising from a shortage of resources (notably finances, transport). These shortages have caused delay and public dissatisfaction, as well as stress and frustration for staff. There is no active policy of staff rotation resulting in island clerks becoming isolated, stale and losing their professional detachment. Additionally, there is an outstanding claim of sexual harassment that requires investigation and appropriate action to be taken.
 - d. *All justice sector actors* - More particularly, policy-guidelines and training are required for the respective spheres of responsibility, authority limits, areas of intersection integration and overlap, coordination and cross-referral - which at present are generally unclear confused and non-uniform.
10. **Barriers** – There are numerous barriers to accessing justice, including:
- a. *Geography/distance* - imposes substantial barriers to accessing justice; while there are courts on remote islands, they sit very infrequently and intermittently, and serious matters including all civil matters are referred to Port Vila. Informants uniformly indicate they would prefer these hearings to be conducted on-island. Distance and travel costs are major barriers to justice for most remote communities. It will cost 30000 Vt (AUD300) to travel return to Port Vila by air, and 14000 Vt (AUD175) by sea. Language may be another barrier, although *Bislama* and/or local language is used in the Village, Island and Magistrates Courts. Custom and lack of education are barriers to justice, embedding injustices at the local level, for example, patriarchy and tolerating FGV.



- b. *Access to legal advice/representation and legal aid* – There is no systematic support for unrepresented litigants in terms of advice or referral support provided by courts or police. There are no prosecutors, public solicitors and practising lawyers resident on remote islands, other than at Luganville. Access to a defence lawyer is restricted, though the Public Solicitor provides criminal defence, and some civil advisory on a means basis. Those charged with offences heard locally may be at risk of being unfairly adjudicated. Conflicts of interest sometimes result in uneven treatment before the Village and Island Courts. There is no public awareness nor legal aid clinics usually conducted during circuit sittings, despite all actors being present with spare time in their schedules.
 - c. *Delay* - Is a major barrier to justice; criminal cases are often not reported, investigated or prosecuted, and there are no civil proceedings requiring most matters to be relocated to Port Vila causing delay, inconvenience and substantial travel costs to the parties.
 - d. *Culture* – Creates a number of barriers, for example; arising from taboos surrounding FSV, the safe sex education of juveniles, and public knowledge of legal rights. Despite increased levels of public awareness following the recent enactment of the *Family Protection Act 2008*, churches may embed culture by preaching submission and forgiveness and are commonly seen as imposing barriers to justice for the protection of victims of FSV.
 - e. *Small community conflicts of interest, kinship, turning a blind eye* – Many informants report that policing and the justice system do not operate sufficiently on remote islands, and that uneven treatment often arises from conflict of interest on the part of both chiefs and police. Chiefs are variously criticised for being too lenient, turning a blind eye, not wanting to perform their role strictly. This can be for a number of reasons, principally; kinship, laziness and/or lack of training.
 - f. *Language* - Is sometimes a barrier; there is a shortage of available Acts and Regulations on most remote islands, restricting the functions of chiefs, justices and police. The Vanuatu Magistrates Court Bench Book 2004 is generally a very sound resource and understood by those that have it, but it is out of date in parts and generally under used.
11. **Policy issues** – Vanuatu’s condominium system of governance, law and justice creates some fascinating, and challenging issues that emerge as a part of these consultations. These issues are entangled in the confusion of key actors in the customary and formal sectors over their respective roles, responsibilities and mandates. Should these operate in parallel or hierarchically? This is either undecided or at least unclear to these key actors. As a result, the consultations have revealed many examples of overlap, duplication and mutual cross-erosion; both from the customary sector to the formal system, and vice versa. As a further result, there is considerable non-uniformity in the administration of justice, not only from island to island, but from village to village. Is this intended and desirable? It is not clear. While everyone calls for a greater police presence, which are strikingly absent in most remote villages, it is argued that this is a symptom of the problem, rather than the problem itself. At its core, it is not so much the lack of resources for law order and justice which is in question; rather, it is the question. *Whose* responsibility is it to provide these services, custom or the state? While many chiefs and villagers insist that justice is best administered customarily at village level, they simultaneously, but contradictorily, call for more police. Perhaps the Island Courts were instigated as a hybrid mechanism to integrate both systems? But in practice, the Village Court has proved to be a failure, a non-actor than simply compounds the confusion over who is responsible for law order and justice.

Accordingly, this consultation raises (perhaps, again) this key question for re-examination:

What is the best form of governance for the management of peace harmony and social order in remote communities: custom, law court or hybrid? And what should be the relationship; co-



dependencies, cross-referral, dual-jurisdictions, duplication or exclusive jurisdictions; intersections?

Recommendations

The following recommendations are offered to address these findings:

1. Introduce an *Access to Justice* policy, supported by an implementation budget and action-plan
2. Conduct public awareness-raising seminars on remote islands on the role and functions of the court, together with basic education on legal rights, in conjunction with the Public Solicitor, prosecution, police and bar.
3. Introduce a court guidance package of publicly available advice for unrepresented litigants
4. Introduce a court guidance package of publicly available advice on FSV
5. Introduce a system of professional development and rotation for court officers, including expanding admission to USP's Certificate and Diploma of Justice
6. Review the needs for, contents and distribution of the *Vanuatu Magistrates Court Bench Book* 2004.

Community members repeatedly thanked the Supreme Court and PJSI for providing this first-ever public consultation process.

The Advisor thanks the Supreme Court for organising all consultations and island visits, which have been seamlessly organised by Mrs Wendy Raptigh.



Annex B: Schedule of Consultations

COURT-COMMUNITY ACCESS TO JUSTICE WORKSHOP ENABLING RIGHTS & UNREPRESENTED (PRO SE) LITIGANTS Vanuatu, 15 - 29 March, 2019

Detailed Itinerary

Friday 15 March, 2019	
11:55 – 15:10	Depart Sydney, arrive Port Vila <ul style="list-style-type: none"> • QF375 15 MAR 11:55 – 15:10 Sydney – Port Vila
16:00 – 16:30	Meeting w CJ, collection @ hotel reception by Court staff at 15:45. Accommodation: Holiday Inn
Saturday 16 March, 2019	
07:30 – 08:55	Depart Port Vila, arrive Sara Airport (North Pentecost) <ul style="list-style-type: none"> • Air Vanuatu NF222 16 MAR 07:30 – 08:55 Port Vila – Sara Airport • Check in @ 05:30
10:00 – 12:30	Conduct Consultations in Pentecostal Island (Transit by boat) Area: Lorne
13:30 – 16:30	Area: Loltong Accom: Loltong Guest House / Assistance: Wendy Raptigh / Catered: Tea, coffee, biscuits
Sunday 17 March, 2019	
08:00 – 14:00	Conduct consultations in Pentecostal Island (Transit by boat) Area: Pangi
15:00 – 17:00	Area: Wali/Bangus Accom: Pangi Guest House / Assistance: Wendy Raptigh / Catered: Tea, coffee, biscuits
Monday 18 March, 2019	
09:10 – 09:45	Depart Lonoroe Airport (South Pentecost), arrive Luganville (Santo) <ul style="list-style-type: none"> • Air Vanuatu NF222 18 MAR 09:10 – 09:45 Lonoroe Airport – Port Vila • Check in @ 07:45
10:00 – 17:00	Conduct consultations in Luganville, Santo (Transit by truck) Area: Big Bay (Malao) Accom: Motel Migotti / Assistance: Wendy Raptigh / Catered: Tea, coffee, biscuits
Tuesday 19 March, 2019	
08:00 – 10:00	Conduct Consultations in Malo Island (Transit by boat) Area: VW Centre
10:00 – 17:00	Area: Malo Island / Avunatari / Amapelao
18:40 – 19:30	Depart Luganville (Santo), arrive Port Vila <ul style="list-style-type: none"> • Air Vanuatu NF209 19 MAR 18:40 – 19:30 – Luganville – Port Vila • Check in @ 16:40
	Accom: Holiday Inn / Assistance: Wendy Raptigh / Catered: Tea, coffee, biscuits
Wednesday 20 March, 2019	
09:00 – 11:00	Workshop Preparation
13:30 – 14:10	Depart Port Vila, arrive Lamén Bay (Epi) <ul style="list-style-type: none"> • Air Vanuatu NF232 20 MAR 13:30 – 14:10 – Port Vila – Lamén Bay • Check in @ 11:30
15:30 – 17:00	Conduct consultations in Epi (Transit by truck) Area: Burumba/Rovo Bay Accom: Lamén Bay Guest House / Assistance: Wendy Raptigh / Catered: Tea, coffee, biscuits



Thursday 21 March, 2019	
07:00 – 12:00	Conduct consultations in Lamén Bay (Epi) (Transit by truck)
14:00 – 17:00	Area: Lamén bay Area: Nikaura
Accom: Lamén Bay Guest House / Assistance: Wendy Raptigh / Catering: Tea, coffee, biscuits	
Friday 22 March, 2019	
11:50 – 12:30	Depart Lamén Bay (Epi), arrive Port Vila <ul style="list-style-type: none"> • Air Vanuatu NF233 22 MAR 11:50 – 12:30 – Lamén Bay – Port Vila • Check in @ 09:50
13:00 – 16:00	Workshop Preparation
Accom: Holiday Inn / Assistance: Wendy Raptigh / Catering: NA	
Saturday 23 March, 2019	
09:00 – 16:30	Workshop Preparation
Accom: Holiday Inn / Assistance: Wendy Raptigh / Catering: NA	
Sunday 24 March, 2019	
N/A	Rest Day / Workshop Preparation Day
Accom: Holiday Inn / Assistance: NA / Catering: NA	
Monday 25 March, 2019	
08:00 – 09:00	Meeting with Chief Justice Lunabek
09:00 – 17:00	Conduct consultations in Port Vila
Accom: Holiday Inn / Assistance: Wendy Raptigh / Catering: Tea, coffee & biscuits	
Tuesday 26 March, 2019	
09:00 – 16:30	Court Community Access to Justice Workshop Day 1 <ul style="list-style-type: none"> • Attendees: community leaders, local and legal community, community based support groups, court service providers, NGO's, relevant stakeholders, police, media (All attendees TBC) • Venue: VSPD Disability Conference Room
Accom: Holiday Inn / Assistance: Wendy Raptigh / Catering: Full catering	
Wednesday 27 March, 2019	
09:00 – 16:30	Court Community Access to Justice Workshop Day 2 <ul style="list-style-type: none"> • Closed session, attendees including court service providers only • Venue: VSPD Disability Conference Room
Accom: Holiday Inn / Assistance: Wendy Raptigh / Catering: Full catering	
Thursday 28 March, 2019	
09:00 – 16:30	Court Community Access to Justice Workshop Day 3 <ul style="list-style-type: none"> • Closed session, attendees including court service providers only • Venue: VSPD Disability Conference Room
Accom: Holiday Inn / Assistance: Wendy Raptigh / Catering: Full catering	
Friday 29 March, 2019	
09:00 – 10:00	Exit briefing with Chief Justice Lunabek
13:00 – 13:30	Meeting with New Zealand High Commissioner Schwass
17:15 – 19:15	Depart Port Vila, arrive Brisbane <ul style="list-style-type: none"> • Itinerary – QF378 29 MAR 17:15 – 19:15 Port Vila – Brisbane



Annex C: Workshop Agenda

VANUATU COURT-COMMUNITY ACCESS TO JUSTICE WORKSHOP
ACCESS TO JUSTICE
ENABLING RIGHTS & UNREPRESENTED LITIGANTS

Port Vila, Vanuatu
26-28 March 2019: 9am-5pm

Overview
Objectives

- 1. Improve the quality of justice administered by courts to the community**
2. Provide a process for court outreach and community engagement
3. Identify and address the needs of unrepresented litigants
4. Identify and address unmet legal needs by enabling rights for justice
5. Introduce and use 'Enabling Rights & Unrepresented Litigants' Toolkit
6. Introduce and adapt 'Court Guidance for Unrepresented Litigants'
7. Develop an Access to Justice Court Plan for Enabling Rights

Day 1 Tuesday 26 March 2019
Introduction

Theme: **What customers think: external perceptions on access to justice**
Public workshop for judicial/court officers and justice sector actors

- Voices from the community
- SWOT Analysis: strengths, weakness, opportunities, threats
- Identifying unmet needs

Day 2 Wednesday 27 March 2019
Theme: Unrepresented Litigants: challenges and solutions
Workshop for judicial and court officers

- Toolkit on Unrepresented Litigants
- Judicial development workshop
- Guidance for Unrepresented Litigants

Day 3 Thursday 28 March 2018
Theme: Enabling Rights: addressing unmet needs for justice
Workshop for judicial and court officers

- Toolkit on Enabling Rights
- Judicial development workshop
- Enabling Rights Plan



VANUATU COURT-COMMUNITY ACCESS TO JUSTICE WORKSHOP
ACCESS TO JUSTICE
ENABLING RIGHTS & UNREPRESENTED LITIGANTS

Port Vila, Vanuatu
26-28 March 2019: 9am-5pm

Detailed Outline
Session Objectives

- 1. Share and listen to public experiences and perceptions of the courts**
2. Identify the needs of pro se litigants as court users
3. Identify unmet needs of non-court users for justice and court services
4. Assess public satisfaction with services of the courts

Day 1 Tuesday 26 March 2019
Theme: What customers think: external perceptions on access to justice
Public workshop for judicial/court officers, justice sector actors and court users

09.00-09.15	Introduction
09.15-09.30	Overview: Dr Livingston Armytage, Technical Director, PJSI
09.30-10.00	Introductions of Participants
10.00-10.15	Morning refreshments
10.15-12.30	Voices of the Community – Experiences and perceptions of courts
12.30-13.30	Lunch
13.30-14.30	Identifying unmet legal needs of non-court users for justice
14.30-14.45	Afternoon refreshments
14.45-15.45	SWOT Analysis: strengths, weakness, opportunities and threats
15.45-16.45	Ministry of Justice Website
16.45-16.00	Closing remarks



VANUATU COURT-COMMUNITY ACCESS TO JUSTICE WORKSHOP
ACCESS TO JUSTICE
ENABLING RIGHTS & UNREPRESENTED LITIGANTS

Port Vila, Vanuatu
26-28 March 2019: 9am-5pm

Detailed Outline
Session Objectives

- 1. Address the needs of unrepresented litigants**
2. Introduce 'Enabling Rights & Unrepresented Litigants' Toolkit
3. Training on roles of judicial/court officers and court proceedings
4. Introduce 'Court Guidance for Pro Se Litigants'

Day 2 Wednesday 27 March 2019
Theme: Unrepresented Litigants: challenges and solutions
Workshop for judicial and court officers

09.00-09.15	Introduction: Dr Livingston Armytage, PJSI
09.15-09.30	Review of Day 1
09.30-10.30	Toolkit on Unrepresented Litigants - familiarisation
10.30-10.45	Morning refreshments
10.45-12.30	Toolkit on Unrepresented Litigants (cont'd)
12.30-13.30	Lunch
13.30-15.00	Court Guidance for Unrepresented Litigants
15.00-15.15	Afternoon refreshments
15.15-15.55	Review other aspects of toolkit
15.55-16.00	Closing remarks



VANUATU COURT-COMMUNITY ACCESS TO JUSTICE WORKSHOP
ACCESS TO JUSTICE
ENABLING RIGHTS & UNREPRESENTED LITIGANTS

Port Vila, Vanuatu
26-28 March 2019: 9am-5pm

Detailed Outline
Session Objectives

- 1. Address unmet legal needs by enabling rights for justice**
2. Use 'Enabling Rights & Unrepresented Litigants' Toolkit
3. Training on roles of judicial/court officers and court proceedings
4. Adapt 'Court Guidance for Unrepresented Litigants'
5. Develop Court Access to Justice Plan for Enabling Rights

Day 3 Thursday 28 March 2019
Theme: Enabling Rights: addressing unmet needs for justice
Workshop for judicial and court officers

09.00-09.15	Introduction by Dr Livingston Armytage, PJSI
09.15-09.30	Review of Days 1 and 2
09.30-10.30	Toolkit on Enabling Rights - familiarisation
10.30-10.45	Morning refreshments
10.45-12.30	Toolkit on Enabling Rights (cont'd)
12.30-13.30	Lunch
13.30-15.00	Develop a Court Plan for Enabling Rights
15.00-15.15	Afternoon refreshments
15.15-15.55	Review outstanding aspects of toolkit
15.55-16.00	Closing remarks



Annex D: Participant List

		Name	Pacific Country	Position	Email
1	F	Cybelle Cenac	Port Vila, Vanuatu	Master of the Supreme Court	ccenac@vanuatu.gov.vu
2	F	Pauline Kalo	Port Vila, Vanuatu	Librarian	pkalo@vanuatu.gov.vu
3	F	Jessica Palo	Port Vila, Vanuatu	Magistrate	jpalo@vanuatu.gov.vu
4	F	Sidonie Lunabek	Port Vila, Vanuatu	Secretary to Magistrate	lsidonie@vanuatu.gov.vu
5	F	Florina Ephraim	Port Vila, Vanuatu	Secretary to Magistrate	eflorina@vanuatu.gov.vu
6	M	Rodrice Molundurala	Port Vila, Vanuatu	Secretary to Magistrate	mrodrice@vanuatu.gov.vu
7	M	Kibeon Harrison Nimbwen	Port Vila, Vanuatu	Magistrate	khnimbwen@vanuatu.gov.vu
8	M	Dudley Aru	Port Vila, Vanuatu	Judge of the Supreme Court	daru@vanuatu.gov.vu
9	F	Belinda Garae	Port Vila, Vanuatu	Human Resource	bgarae@vanuatu.gov.vu
10	F	Ethel Sablan	Port Vila, Vanuatu	Secretary to the Supreme Court	sethel@vanuatu.gov.vu
11	F	Nailyn Abel	Port Vila, Vanuatu	Island Court clerk	nabel@vanuatu.gov.vu
12	F	Anita Vinabit	Port Vila, Vanuatu	Secretary to the Supreme Court	avinabit@vanuatu.gov.vu
13	F	Florence Sam	Port Vila, Vanuatu	Magistrate	fsam@vanuatu.gov.vu
14	F	Anna Laloyer	Port Vila, Vanuatu	Acting Chief Magistrate	alaloyer@vanuatu.gov.vu
15	F	Florina Toran	Port Vila, Vanuatu	Assistant Registrar	ftoran@vanuatu.gov.vu
16	F	Celina Pakoa	Port Vila, Vanuatu	Secretary to Sheriff's office	capakoa@vanuatu.gov.vu
17	F	Iona Mathias	Port Vila, Vanuatu	Procurement officer	imathias@vanuatu.gov.vu
18	F	Aurelie Litoung	Port Vila, Vanuatu	Secretary to Magistrate	laurelie@vanuatu.gov.vu



19	F	Christina Shedrack	Port Vila, Vanuatu	Secretary to Island Court	cshedrack@vanuatu.gov.vu
20	F	Evelyne Sawia	Port Vila, Vanuatu	Secretary to Supreme Court	esawia@vanuatu.gov.vu
21	F	Cynthia Thomas	Port Vila, Vanuatu	Secretary to the Chief Registrar	cthomas@vanuatu.gov.vu
22	F	Shalika Marcel	Port Vila, Vanuatu	Secretary to the Chief Justice	smarcel@vanuatu.gov.vu
23	M	Stephen Felix	Port Vila, Vanuatu	Judge of the Supreme Court	fstephen@vanuatu.gov.vu
24	M	DV Fatiaki	Port Vila, Vanuatu	Judge of the Supreme Court	tfatiaki@vanuatu.gov.vu
25	F	Josepha Teguebu	Port Vila, Vanuatu	Secretary to the Supreme Court	jteguebu@vanuatu.gov.vu
26	M	Joel Shemi	Port Vila, Vanuatu	Acting Chief Registrar	jshemi@vanuatu.gov.vu
27	M	Moses Peter	Port Vila, Vanuatu	Senior Magistrate	mpeter@vanuatu.gov.vu
28	M	Morrison Selwyn	Port Vila, Vanuatu	Court Orderly	msewyn@vanuatu.gov.vu
29	F	Gloria Kalotiti	Port Vila, Vanuatu	Supreme Court Receptionist	gkalotiti@vanuatu.gov.vu
30	M	Robsen Lapsai	Port Vila, Vanuatu	Acting Senior Admin for Island Courts	rlapsai@vanuatu.gov.vu
31	M	Vincent Lunabek	Port Vila, Vanuatu	Chief Justice of Vanuatu	vincent@vanuatu.gov.vu

Facilitation Team			
Dr Livingston Armytage	Australia	Technical Director, PJSI	Livingston.Armytage@fedcourt.gov.au
Wendy W. Raptigh	Vanuatu	Judicial Development & Training Coordinator	wraptigh@vanuatu.gov.vu



Annex E: Pre- / Post-workshop / Activity Survey Templates

PACIFIC JUDICIAL STRENGTHENING INITIATIVE ENABLING RIGHTS & UNREPRESENTED (PRO SE) LITIGANTS Port Vila, Vanuatu: 26 - 28 March, 2019

Pre-workshop Survey

Please answer the following questions. This questionnaire will help the faculty to understand your particular training needs and focus training during this workshop. It will also help us to assess what you have learned from the training at the end of the course.

- Question 1: *Why are unrepresented litigants important?*
- Question 2: *List 6 values of judicial conduct:*
- Question 3: *What is 'natural justice' or 'procedural fairness'?*
- Question 4: *Explain the differences between 'burden of proof' and 'standard of proof' in criminal cases:*
- Question 5: *Explain the differences between 'burden of proof' and 'standard of proof' in civil cases:*
- Question 6: *Give 3 examples of people who are vulnerable or have a 'legal disability':*
- Question 7: *How confident do you feel in your role?*

Thank you for your time and assistance with completing this survey!



**PACIFIC JUDICIAL STRENGTHENING INITIATIVE
ENABLING RIGHTS & UNREPRESENTED (PRO SE) LITIGANTS**

Port Vila, Vanuatu: 16-29 March, 2019

Workshop Survey

Rate your *satisfaction* regarding the quality and value to you of the *Court-Community Access to Justice Workshop*. Please ✓ **ONE** square per question only:

- Question 1: *Why are unrepresented litigants important?*
- Question 2: *List 6 values of judicial conduct:*
- Question 3: *What is 'natural justice' or 'procedural fairness'?*
- Question 4: *Explain the differences between 'burden of proof' and 'standard of proof' in criminal cases?*
- Question 5: *Explain the differences between 'burden of proof' and 'standard of proof' in civil cases?*
- Question 6: *Give 3 examples of people who are vulnerable or have a 'legal disability':*
- Question 7: *How confident do you feel in your role?*
- Question 1: *Having completed the workshop, how confident do you feel in your role?*
- Question 2: *Were the aims of the Court-Community Access to Justice Workshop clear, and were they achieved?*
- Question 3: *Was the information presented in the workshop practical and useful to you in your work managing your court's development activities?*
- Question 4: *Were the materials / toolkit provided relevant to the training and useful?*
- Question 5: *Did you find that the facilitator and presentations were effective and allowed for adequate participation, discussion, practical presentations, and interaction?*
- Question 6: *Overall, were you satisfied with the Court-Community Access to Justice Workshop?*
- Question 7: *Briefly describe the most useful experience(s) of the Workshop.*
- Question 8: *Briefly describe the least useful experience(s) of the Workshop.*
- Question 9: *Do you wish to offer any other comments or suggestions for improving this workshop?*

Thank you for your time and assistance with completing this survey!



Annex F: Collation of Responses from Pre- and Post-workshop / Activity Surveys

Note: Please mark, collate, and provide the survey responses received in the following format(s). Please scan or mail a copy of all completed survey's to the PJSI Team.

Section One: Collating Knowledge-gained Data for each question asked

Please 'mark' all knowledge questions in order to provide the following data.

Question 1: Why are unrepresented litigants important?

- *Pre-workshop:* 15 correct responses; 13 in-correct responses
- *Post-workshop:* 12 correct responses; 1 in-correct response

Question 2: List 6 values of judicial conduct:

- *Pre-workshop:* 7 correct responses; 21 in-correct responses
- *Post-workshop:* 13 correct responses; 0 in-correct responses

Question 3: What is 'natural justice' or 'procedural fairness'?

- *Pre-workshop:* 7 correct responses; 21 in-correct responses
- *Post-workshop:* 7 correct responses; 6 in-correct responses

Question 4: Explain the differences between 'burden of proof' and 'standard of proof' in criminal cases:

- *Pre-workshop:* 11 correct responses; 17 in-correct responses
- *Post-workshop:* 10 correct responses; 3 in-correct responses

Question 5: Explain the differences between 'burden of proof' and 'standard of proof' in civil cases:

- *Pre-workshop:* 9 correct responses; 19 in-correct responses
- *Post-workshop:* 12 correct responses; 1 in-correct response

Question 6: Give 3 examples of people who are vulnerable or have a 'legal disability':

- *Pre-workshop:* 19 correct responses; 9 in-correct responses
- *Post-workshop:* 12 correct responses; 1 in-correct response

Question 1: How confident do you feel in your role?

Pre-Workshop:		Post-Workshop:	
No. Responses	Confidence/Understanding	No. Responses	Confidence/Understanding
1	No Confidence/Understanding	0	No Confidence/Understanding
3	Some Confidence	1	Some Confidence
11	Quite Confident	4	Quite Confident
8	Very Confident	7	Very Confident



Question 2: Were the aims of the Court-Community Access to Justice Workshop clear, and were they achieved?

No. Responses	Confidence/Understanding
0	Not Achieved
2	Reasonably Achieved
8	Substantially Achieved
3	Fully Achieved

Question 3: Was the information presented in the workshop practical and useful to you in your work managing your court's development activities?

No. Responses	Confidence/Understanding
0	Not Useful
0	Limited Usefulness
4	Quite Useful
9	Extremely Useful

Question 4: Were the materials / toolkit provided relevant to the training and useful?

No. Responses	Confidence/Understanding
0	Not Useful
1	Limited Usefulness
4	Quite Useful
8	Extremely Useful

Question 5: Did you find that the facilitator and presentations were effective and allowed for adequate participation, discussion, practical presentations, and interaction?

No. Responses	Confidence/Understanding
0	Not Effective
1	Limited Effectiveness
1	Quite Effective
11	Extremely Effective



Question 6: Overall, how satisfied were you with the Court-Community Access to Justice Workshop?

No. Responses	Confidence/Understanding
0	Not Satisfied
0	Quite Satisfied
2	Quite Satisfied
11	Extremely Satisfied

Open-ended Responses (un-edited)

Question 7: Briefly describe the *most* useful experience(s) of the Workshop / Activity.

- Very useful
- Very helpful eye-opener for us who have been here for quite some times but really glad that we took part of this training.
- How to deal with Unrepresented Litigants, Guide with steps to produce pamphlets to give to URL
- To be reminded on the 3 arms of Natural Justice
- Listening to what the Public had to say about Court Services. Learning new terms (learning & understanding)
- Ways to help Unrepresented Litigants.
- Group discussions & presentation especially Mixing staff and Judicial Officers
- I enjoyed the whole training as I learned new and exciting lessons.

Question 8: Briefly describe the *least* useful experience(s) of the Workshop / Activity.

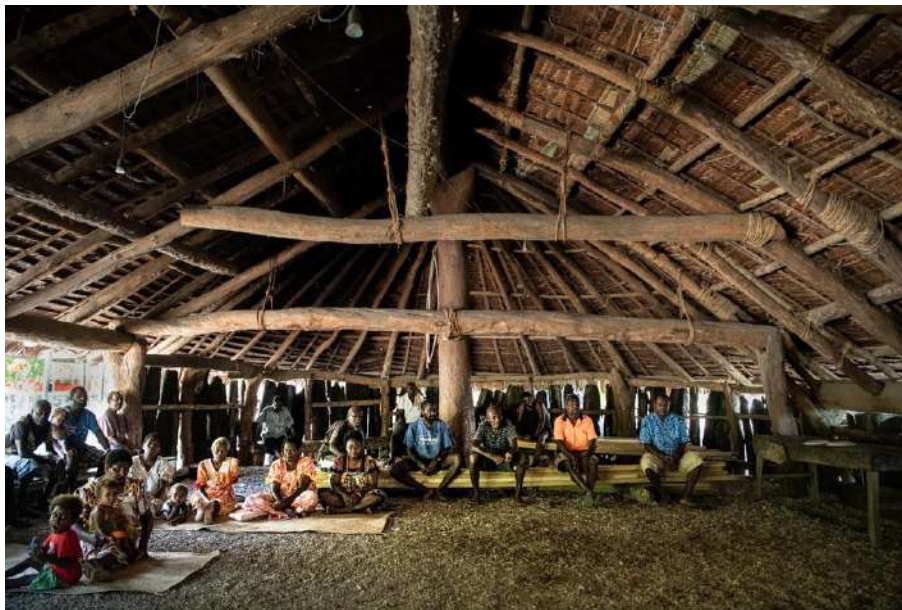
- This workshop is useful because we come to understand more things that we ever heard.
- How to deal with URLs.
- Very good. Anem fulap samting
- To release all complaints and critics from the public /// the functions and services of the Court
- Nothing
- Have different time table and having lunch 1:00pm
- Time to short for some lessons.
- Group discussions

Question 9: Do you wish to offer any other comments or suggestions for improving this workshop?

- Would love to attend more training as this.
- Yes
- Please have another Public consultation and publish the event so we get more people coming in to give their views.
- No
- I was done successfully even though time is a little bit short.
- I am happy with the workshop and grateful for Dr. livingstone to help us



Annex F: Photographs with captions





Annex G: Workshop Materials

Workshop Materials

1. Enabling Rights & Unrepresented Litigants Toolkit
2. Enabling Rights & Unrepresented Litigants Toolkit – Additional Documentation
3. Court Scorecard
4. Public Opinion Scorecard
5. Rule of Law Indicators
6. PowerPoint: Day 1
7. PowerPoint: Day 2
8. PowerPoint: Day 3
9. Consultation Agenda



Annex H: Scorecards -

Court Perceptions

Scorecard Court Perceptions of Courts		
1	Independence	/100
2	Honesty and integrity	/100
3	Competence – knowledge of law & procedure	/100
4	Fairness and recusal	/100
5	Efficiency and delay	/100
6	Access to justice and remedies	/100

Public Perceptions

Scorecard Public Perceptions of Courts		
1	Independence	/100
2	Honesty and integrity	/100
3	Competence – knowledge of law & procedure	/100
4	Fairness and recusal	/100
5	Efficiency and delay	/100
6	Access to justice and remedies	/100



Annex I: Workshop PowerPoint Slides

PACIFIC JUDICIAL STRENGTHENING INITIATIVE

Improving Access to Justice Court-Community Workshop

26-28 March, 2019
Port Vila, Vanuatu

Day 1: Welcome
• Dr Livingston Armytage, Technical Director, PJSI

This Initiative

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

Introduction

Pacific Judicial Strengthening Initiative

1. PJSI: 2016-2021
2. Funded by the Government of New Zealand
3. Support for courts to administer justice
 - Judicial training
 - Orientation and decision-making
 - Accountability and annual reporting
 - Delay reduction
 - Access to justice
 - Enabling rights and unrepresented litigants ...

Day 1: Tuesday 26 March

Time	Activity
08:00-09:00	Registration
09:00-09:30	Breakfast
09:30-10:00	Introduction to the workshop
10:00-10:30	Keynote: Access to Justice
10:30-11:00	Break
11:00-11:30	Panel: Access to Justice in Vanuatu
11:30-12:00	Break
12:00-12:30	Lunch
12:30-13:00	Introduction to the workshop
13:00-13:30	Panel: Access to Justice in New Zealand
13:30-14:00	Break
14:00-14:30	Panel: Access to Justice in Australia
14:30-15:00	Break
15:00-15:30	Panel: Access to Justice in the Pacific
15:30-16:00	Break
16:00-16:30	Panel: Access to Justice in the Pacific
16:30-17:00	Break
17:00-17:30	Panel: Access to Justice in the Pacific
17:30-18:00	Break
18:00-18:30	Panel: Access to Justice in the Pacific
18:30-19:00	Break
19:00-19:30	Panel: Access to Justice in the Pacific
19:30-20:00	Break
20:00-20:30	Panel: Access to Justice in the Pacific
20:30-21:00	Break
21:00-21:30	Panel: Access to Justice in the Pacific
21:30-22:00	Break
22:00-22:30	Panel: Access to Justice in the Pacific
22:30-23:00	Break
23:00-23:30	Panel: Access to Justice in the Pacific
23:30-24:00	Break
24:00-24:30	Panel: Access to Justice in the Pacific
24:30-25:00	Break
25:00-25:30	Panel: Access to Justice in the Pacific
25:30-26:00	Break
26:00-26:30	Panel: Access to Justice in the Pacific
26:30-27:00	Break
27:00-27:30	Panel: Access to Justice in the Pacific
27:30-28:00	Break
28:00-28:30	Panel: Access to Justice in the Pacific
28:30-29:00	Break
29:00-29:30	Panel: Access to Justice in the Pacific
29:30-30:00	Break
30:00-30:30	Panel: Access to Justice in the Pacific
30:30-31:00	Break
31:00-31:30	Panel: Access to Justice in the Pacific
31:30-32:00	Break
32:00-32:30	Panel: Access to Justice in the Pacific
32:30-33:00	Break
33:00-33:30	Panel: Access to Justice in the Pacific
33:30-34:00	Break
34:00-34:30	Panel: Access to Justice in the Pacific
34:30-35:00	Break
35:00-35:30	Panel: Access to Justice in the Pacific
35:30-36:00	Break
36:00-36:30	Panel: Access to Justice in the Pacific
36:30-37:00	Break
37:00-37:30	Panel: Access to Justice in the Pacific
37:30-38:00	Break
38:00-38:30	Panel: Access to Justice in the Pacific
38:30-39:00	Break
39:00-39:30	Panel: Access to Justice in the Pacific
39:30-40:00	Break
40:00-40:30	Panel: Access to Justice in the Pacific
40:30-41:00	Break
41:00-41:30	Panel: Access to Justice in the Pacific
41:30-42:00	Break
42:00-42:30	Panel: Access to Justice in the Pacific
42:30-43:00	Break
43:00-43:30	Panel: Access to Justice in the Pacific
43:30-44:00	Break
44:00-44:30	Panel: Access to Justice in the Pacific
44:30-45:00	Break
45:00-45:30	Panel: Access to Justice in the Pacific
45:30-46:00	Break
46:00-46:30	Panel: Access to Justice in the Pacific
46:30-47:00	Break
47:00-47:30	Panel: Access to Justice in the Pacific
47:30-48:00	Break
48:00-48:30	Panel: Access to Justice in the Pacific
48:30-49:00	Break
49:00-49:30	Panel: Access to Justice in the Pacific
49:30-50:00	Break
50:00-50:30	Panel: Access to Justice in the Pacific
50:30-51:00	Break
51:00-51:30	Panel: Access to Justice in the Pacific
51:30-52:00	Break
52:00-52:30	Panel: Access to Justice in the Pacific
52:30-53:00	Break
53:00-53:30	Panel: Access to Justice in the Pacific
53:30-54:00	Break
54:00-54:30	Panel: Access to Justice in the Pacific
54:30-55:00	Break
55:00-55:30	Panel: Access to Justice in the Pacific
55:30-56:00	Break
56:00-56:30	Panel: Access to Justice in the Pacific
56:30-57:00	Break
57:00-57:30	Panel: Access to Justice in the Pacific
57:30-58:00	Break
58:00-58:30	Panel: Access to Justice in the Pacific
58:30-59:00	Break
59:00-59:30	Panel: Access to Justice in the Pacific
59:30-60:00	Break
60:00-60:30	Panel: Access to Justice in the Pacific
60:30-61:00	Break
61:00-61:30	Panel: Access to Justice in the Pacific
61:30-62:00	Break
62:00-62:30	Panel: Access to Justice in the Pacific
62:30-63:00	Break
63:00-63:30	Panel: Access to Justice in the Pacific
63:30-64:00	Break
64:00-64:30	Panel: Access to Justice in the Pacific
64:30-65:00	Break
65:00-65:30	Panel: Access to Justice in the Pacific
65:30-66:00	Break
66:00-66:30	Panel: Access to Justice in the Pacific
66:30-67:00	Break
67:00-67:30	Panel: Access to Justice in the Pacific
67:30-68:00	Break
68:00-68:30	Panel: Access to Justice in the Pacific
68:30-69:00	Break
69:00-69:30	Panel: Access to Justice in the Pacific
69:30-70:00	Break
70:00-70:30	Panel: Access to Justice in the Pacific
70:30-71:00	Break
71:00-71:30	Panel: Access to Justice in the Pacific
71:30-72:00	Break
72:00-72:30	Panel: Access to Justice in the Pacific
72:30-73:00	Break
73:00-73:30	Panel: Access to Justice in the Pacific
73:30-74:00	Break
74:00-74:30	Panel: Access to Justice in the Pacific
74:30-75:00	Break
75:00-75:30	Panel: Access to Justice in the Pacific
75:30-76:00	Break
76:00-76:30	Panel: Access to Justice in the Pacific
76:30-77:00	Break
77:00-77:30	Panel: Access to Justice in the Pacific
77:30-78:00	Break
78:00-78:30	Panel: Access to Justice in the Pacific
78:30-79:00	Break
79:00-79:30	Panel: Access to Justice in the Pacific
79:30-80:00	Break
80:00-80:30	Panel: Access to Justice in the Pacific
80:30-81:00	Break
81:00-81:30	Panel: Access to Justice in the Pacific
81:30-82:00	Break
82:00-82:30	Panel: Access to Justice in the Pacific
82:30-83:00	Break
83:00-83:30	Panel: Access to Justice in the Pacific
83:30-84:00	Break
84:00-84:30	Panel: Access to Justice in the Pacific
84:30-85:00	Break
85:00-85:30	Panel: Access to Justice in the Pacific
85:30-86:00	Break
86:00-86:30	Panel: Access to Justice in the Pacific
86:30-87:00	Break
87:00-87:30	Panel: Access to Justice in the Pacific
87:30-88:00	Break
88:00-88:30	Panel: Access to Justice in the Pacific
88:30-89:00	Break
89:00-89:30	Panel: Access to Justice in the Pacific
89:30-90:00	Break
90:00-90:30	Panel: Access to Justice in the Pacific
90:30-91:00	Break
91:00-91:30	Panel: Access to Justice in the Pacific
91:30-92:00	Break
92:00-92:30	Panel: Access to Justice in the Pacific
92:30-93:00	Break
93:00-93:30	Panel: Access to Justice in the Pacific
93:30-94:00	Break
94:00-94:30	Panel: Access to Justice in the Pacific
94:30-95:00	Break
95:00-95:30	Panel: Access to Justice in the Pacific
95:30-96:00	Break
96:00-96:30	Panel: Access to Justice in the Pacific
96:30-97:00	Break
97:00-97:30	Panel: Access to Justice in the Pacific
97:30-98:00	Break
98:00-98:30	Panel: Access to Justice in the Pacific
98:30-99:00	Break
99:00-99:30	Panel: Access to Justice in the Pacific
99:30-100:00	Break

Overview

- 3-day workshop: improving court services
 - What 'customers' think of courts
 - 'Pro se' (unrepresented) litigants
 - Enabling rights: unmet legal needs
- Day 1 for court users and community
- Days 2+3 internal working sessions

Objective

To improve the quality of justice administered by courts to the community

What do customers think about access to justice and the courts?

- Share and listen to public experiences and perceptions of the courts
- Identify the needs of "pro se" litigants as court users
- Identify unmet needs of non-court users for justice and court services
- Assess public satisfaction with services of the courts.

Introductions

In 2 minutes, please describe:-

- a. Who we are
- b. Our occupation, where we come from
- c. Our experience (if any) of the courts



Voices from the community

- 1) Your actual experience(s) of the courts
- 2) Perceptions of court performance
- 3) What was good ...
- 4) What could be improved ...

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Identifying unmet needs of non-court users

- Who are non-users?
- What are their legal needs for justice?
- Can the courts meet these needs better?
- How ...?

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'SWOT' analysis of courts

Outside looking in > < Inside looking out

- Strengths
- Weaknesses
- Opportunities
- Threats

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Score-card

Scorecard		
Public Perceptions of Courts		
1	Independence	/100
2	Honesty and integrity	/100
3	Competence – knowledge of law & procedure	/100
4	Fairness and respect	/100
5	Efficiency and delay	/100
6	Access to justice and remedies	/100

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PACIFIC JUDICIAL STRENGTHENING INITIATIVE

Improving Access to Justice Court-Community Workshop

26-28 March, 2019
Port Vila, Vanuatu

Day 2: Unrepresented Litigants
Dr Livingston Amytage, Team Leader, PJSI

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Days 2-3: 27-28 March

Unrepresented Litigants

Day 2: 27 March

08:00-09:00: Registration & Welcome

09:00-10:00: Breakfast

10:00-11:00: Introduction to the Day

11:00-12:00: Session 1: Unrepresented Litigants

12:00-13:00: Lunch

13:00-14:00: Session 2: Unrepresented Litigants

14:00-15:00: Session 3: Unrepresented Litigants

15:00-16:00: Session 4: Unrepresented Litigants

16:00-17:00: Dinner

Day 3: 28 March

08:00-09:00: Registration & Welcome

09:00-10:00: Breakfast

10:00-11:00: Introduction to the Day

11:00-12:00: Session 1: Unrepresented Litigants

12:00-13:00: Lunch

13:00-14:00: Session 2: Unrepresented Litigants

14:00-15:00: Session 3: Unrepresented Litigants

15:00-16:00: Session 4: Unrepresented Litigants

16:00-17:00: Dinner

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Review of Day 1

1. Voices from the community
2. Unmet legal needs of non-court users for justice
3. 'SWOT' analysis
4. Building this dialogue and using the data

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Objectives: Day 2

Session Objectives

1. Respond to feedback of court users and non-users
2. Address needs of pro se litigants
3. Familiarise and settle 'Enabling Rights & Unrepresented Litigants' Toolkit
4. Training on roles of judicial/court officers and court proceedings
5. Introduce Court Guidance for Pro Se Litigants.

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Feedback of court users

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Vanuatu

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Major findings

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PJDP Toolkits

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Unrepresented Litigants Toolkit

- What is a toolkit?
- Why is PJDP piloting this toolkit?
- Who should read it?
- Does your court need it?
- What is its scope and contents?
- Other resources

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Contents – and how to use it

1. Who is an unrepresented litigant?
2. Is the court the right forum?
3. Why are unrepresented litigants important?
4. Code of judicial conduct
5. Judicial independence, separation of powers
6. Adversarial model, and 'equality of arms'
7. What is 'natural justice'
8. Your duty to ensure fairness

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Contents (cont'd: 2)

9. Managing the risk of uneven power
10. Right to legal representation – and legal aid
11. Fundamental legal (human) rights
12. Has the litigant made an informed decision?
13. Persons requiring special protection

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Contents (cont'd: 3)

14. Judicial process: criminal, civil, land
15. What you MUST (and must NOT) do
16. Criminal cases
17. Civil and land cases
18. Rights and responsibilities.

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Court Guidance for Unrepresented Litigants

What is a court? (what's it for?)

Going to Court (What are my rights and responsibilities?)

What to do when:

- Before the court:**
 - Read the court rules and understand the court's role.
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.
- At the court:**
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.
- After the court:**
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.
 - Understand the court's role and the court's power.

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PACIFIC JUDICIAL STRENGTHENING INITIATIVE

Improving Access to Justice Court-Community Workshop

26-28 March, 2019
Port Vila, Vanuatu

Day 3: Enabling Rights
Dr Livingston Armytage, Team Leader, PJSI

Day 3: 28 March Enabling Rights

Session 1: Enabling Rights - Access to Justice

Session 2: Enabling Rights - Access to Justice

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Review of Day 2

1. Why are **unrepresented litigants** important?
2. List x6 **values of judicial conduct**:
3. What is '**natural justice**'?
4. Explain **burden** and **standard of proof**:
 - a. Criminal
 - b. Civil/Land
5. List x3 examples of '**vulnerable**' litigants
6. List x10 **fundamental legal rights**:

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Objectives

- a. Address unmet legal needs by **enabling rights**
- b. *Enabling Rights Toolkit*: part 2
- c. **Training** for judicial/court officers:
 - Your roles
 - Court proceedings
- d. Develop **Access to Justice / Enabling Rights Plan**.

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'Rule of Law' Indicators: 1996-2017

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Score-card

Scorecard Public Perceptions of Courts		
1	Independence	/100
2	Honesty and integrity	/100
3	Competence – knowledge of law & procedures	/100
4	Fairness and recusal	/100
5	Efficiency and delay	/100
6	Access to justice and remedies	/100

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Scorecard - Public

Scorecard Public Perceptions of Courts		
1	Independence	/100
2	Honesty and integrity	/100
3	Competence – knowledge of law & procedure	/100
4	Fairness and recusal	/100
5	Efficiency and delay	/100
6	Access to justice and remedies	/100

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Scorecard - Court

Scorecard		
Court Perceptions of Courts		
1	Independence	/100
2	Honesty and integrity	/100
3	Competence – knowledge of law & procedure	/100
4	Fairness and recusal	/100
5	Efficiency and delay	/100
6	Access to justice and remedies	/100

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Scorecard - Joint

Scorecard Rankings		
Joint Perceptions of Courts		
1	Independence	
2	Honesty and integrity	
3	Competence – knowledge of law & procedure	
4	Fairness and recusal	
5	Efficiency and delay	
6	Access to justice and remedies	

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Enabling Rights

Unmet legal needs for justice

- Constitution, your powers and 'ultra vires'
- What is justice – why is it important?
- Courts, justice and rights
- Barriers – what?
- Legal empowerment
- Independence, outreach and engagement
- Improving court performance:
 - Procedural fairness
 - Equitable outcomes

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Your role

as judicial / court officer

- Understanding your role, responsibilities
- Family and gender-based violence
- Judicial leadership:
 - Public information
 - Outreach and community engagement
 - Community legal education, legal empowerment
 - Other

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Assessing **THEIR** needs

Key questions

- ① **Who** are non-court users?
- ① **What** are their unmet needs/rights?
- ① **How** the court enable their rights?
- ② **What** can I do?

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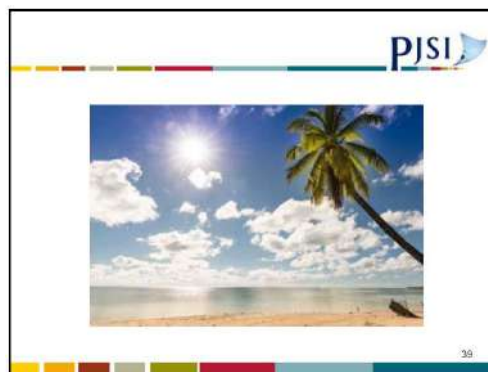
Action-planning

ACCESS TO JUSTICE PLAN

Goal: IMPROVING COURTS' DELIVERY OF JUSTICE BY ENABLING RIGHTS

Strategy	Beneficiary	Activities	Actor	Time: start-end	Resources	Success measures
FOR	WHO	HOW	BY	1-2	3	4-5
1						
1						
1						

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Annex J: Media Release Vanuatu

Press Release

50 People Attend Public Meeting About the Courts in Port Vila, and 650 People interviewed on Remote Islands



Chief Justice addressed the meeting in Port Vila

The Chief Justice of the Supreme Court of Vanuatu, the Honourable Vincent Lunabek has hosted a workshop on Access to Justice, Enabling Rights & Unrepresented Litigants in Port Vila from 26 – 28 March, 2019. The Workshop on the first day is attended by the public with several court staff and judicial officers. The second and third day is attended by judicial and court officers. Dr. Livingston Armytage, Technical Director to Pacific Judicial Strengthening Initiative facilitates this workshop.

Participants at this Workshop discussed their experiences and perceptions of the courts, identifying the needs of unrepresented litigants as court users, identifying unmet needs of non-court users for justice and court services, and assess public satisfaction with services of the courts. The overall objectives of this 3 day workshop were to improve the quality of justice administered by courts to the community; to provide a process for court outreach and community engagement; to identify and address the needs of unrepresented litigants; to identify and address unmet legal needs by enabling rights for justice.

After listening to these experiences, court officers developed plans to improve access to justice and court services and publish public information on the courts in Bislama.

Public meetings were also conducted in the outer islands (Pentecost, Santo, Malo and Epi) to discuss perceptions about justice and the courts. These consultations forms the report to the Honourable Chief Justice on all findings and several recommendations.

The Workshop is supported by the New Zealand Ministry of Foreign Affairs and Trade through the Pacific Judicial Strengthening Initiative (June 2016-July 2021).

The goal of Pacific Judicial Strengthening Initiative is to build fairer societies by supporting the courts in the Pacific region to develop more accessible, just, efficient and responsive justice services.

