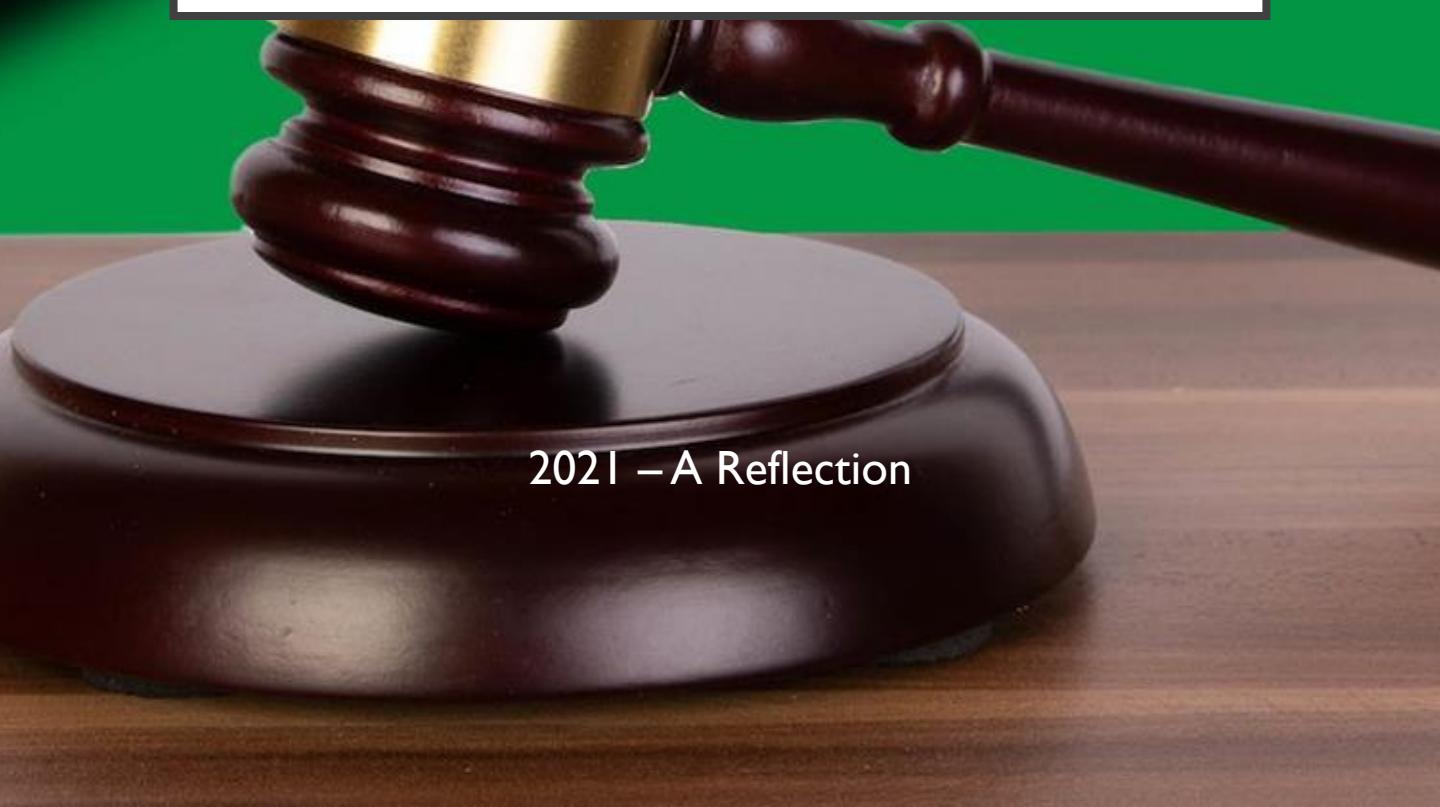


**VANUATU COURTS**

**COURT OF APPEAL**  
**SUPREME COURT**  
**MAGISTRATES COURT**  
**ISLAND COURT**



2021 – A Reflection

# FOREWORD

It gives me great pleasure to present the 2021 year in review reflecting court performances. The courts consists of the Court of Appeal, Supreme Court, Magistrate Court and the Island Courts. Despite the court challenges, year 2021 is a successful year.

The data collected from the Court Case Management system provides evidence base for the courts in terms of how many cases are filed and how many cases being finalised and how many cases still open. Furthermore, there is a showcase of previous years, where the court trend can be viewed and comparisons made possible.

The Judiciary is responsible for progressing areas that needs more development and is obliged to continue support the fundamental principles of equity and fairness while protecting the dignity and rights of our people.

I also hope that this 2021 reflection will contribute to the wider conversation beyond the courts and stimulate discussions that would strengthen the justice system of Vanuatu, resulting in improved service delivery to the Republic of Vanuatu.



Vincent Lunabek  
Chief Justice

## THE YEAR IN REVIEW

- 2021 was an unprecedented year for the Vanuatu Courts in respect to total cases filed, with the highest number of filings on record, and approximately 15% increase on 2020, which was also a big year.
- With over 4,100 cases filed across the four jurisdictions, the workload on the judiciary and court administrators, while dealing with the pressures of COVID restrictions etc., was significant, and am very pleased to report that our performance excelled in many areas.
- The Magistrates Court in particular saw over 2,600 cases filed, almost 20% increase on previous years, while the Supreme Court again saw more than 800 cases filed. It is also most pleasing to see the Island Court's filings steadily increasing, reflecting its improved accessibility across the country, and over 550 cases were filed, the highest since 2017.
- With respect to the international court performance indicators that we work to, we have seen an excellent result with Clearance Rates – three out of the 4 jurisdictions exceeding 100% (which means our pending #s reduce). In addition, despite the significant increase in workload, time to finalise cases across criminal and civil matters, across all 4 jurisdictions has reduced, a remarkable achievement.

## CONTINUED

- Our pending numbers are always a focus of our attention, and am pleased to say, the overall #s have reduced, as has the average age of these cases being open. Another crucial court indicator is referred to as the Attendance Rate – as measured by the number of times parties/lawyers need to attend court to have their matter finalised. The target for all courts internationally is to keep this indicator as low as possible, thus minimising the impact to you – the community. Our Attendance Rates for the year have also been strong and consistent.
- The productivity of our judges and magistrates is constantly monitored, to ensure and track the efficiency of case management practices and am pleased to again reflect a strong year with respect to disposals per judicial officer, on average 125 per judge and over 270 per magistrate – in a year.
- The Court of Appeal continues to provide by world standards such as timeliness and clearance rates, an excellent service to this country. Despite more cases being filed, the CoA still managed to finalize all of the cases – within an average of 3 months from filing.
- There continues to be a similar percentage of Supreme Court cases being appealed - running at just under 10% - or 1 in 10 cases from the Supreme Court are appealed to the CoA. Out of all appeals, excluding those discontinued/withdrawn, approximately 1/3rd are upheld, and 2/3rds are dismissed.

## CONTINUED

- The ongoing commitment that the Supreme Court shows to the criminal workload has ensured the timeliness of cases to be finalized (average is less than 180 days), the attendance rates (approximately 4 attendances), and the relatively low number of pending cases reflects a positive outcome for this work in 2021.
- The Supreme Court has managed to reduce the overall pending caseload to under 800 cases, the lowest since 2013 – a collective effort of 5 hardworking judges and the 2 Masters.
- Additional judicial resources may be needed to maintain the excellent job done by the Supreme Court in 2021 particularly if criminal matters continue their steady increase from the OPP.
- With Civil cases, we are still seeing higher than desired Attendance Rates due to completion of many old cases which has direct impact and cost to the parties. Most of our current pending cases are under judicial management and we are working to ensure each case has a future listing date, again another acknowledged international court indicator.
- The Enforcement matters in the Supreme Court has seen Attendance Rates similar to Civil and is still high, preferring to see the rates lower and will be looked at in the first part of the year.
- I am aware Reserved Judgments in the Supreme Court now stand at 31 and approximately half of these judgments are older than 90 days (since submissions etc. received) and will continue to be a focus for Judges in 2022.

## CONTINUED

- From an Island Court perspective, for a third year in a row, the clearance rate exceeded 100%, and with more resources being allocated to the Island Court this has resulted in a positive turnaround in registration and finalization of cases reflecting confidence building up in the Island Courts.
- Finally, with respect to the Magistrates Court, as mentioned earlier the Court took on a record number of filings – in excess of 2,600 and put great demands on our magistrates. With credit to them, they were able to increase their output during the year, and while the Clearance Rate did not achieve the targeted 100%, timeliness to finalize cases reduced.
- Over the last year, filing of PI and criminal matters have increased substantially with Police/SPD/OPP filing more cases in 2021, and we expect this trend to continue and will work closely with these agencies to ensure our readiness when their cases are brought before us.

## CONTINUED

- Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – for example the age, gender, as well as the orders and outcomes associated with the cases. The 2021 detailed analysis will appear on the website within the week.
- We have at our disposal more court performance indicators which allow us to assess the operation, impact and efficiency of our case management protocols and ensure greater transparency about the performance of the courts, and insights into case management.
- Our ability to reflect on the performance of the courts on a monthly, quarterly and yearly basis is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the Community, our 2021 performance analysis within the month of January is testament to the work of many.

# SUPREME COURT

## Key Messages

- SC filings again were over 800 for the 2nd year in a row – with 824 cases filed
- SC disposals while not at 2020 levels were the 2nd highest on record since 2013 at 874
- Clearance rate again was greater than 100% - at 106%, an excellent result
- Pending continues to drop and is now under 800 at 794, the lowest since 2013
- PDR is 0.9 – which is the target for any Supreme Court
- There are still approximately 35% of cases older than 2019 that should be assessed
- Timeliness for completing Criminal cases continues to decrease – now at 170 days versus 191 last year due to effectiveness in managing and completing of criminal cases – and Civil cases also reduced from 822 days to 652 days – a great result

## Overall

- Pending continues to manageable amongst the judges but the age of some pending cases is still a concern
- Judicial output (productivity) – as calculated by disposals/full time Judicial Officer – remains a very productive 125 cases per year per judge
- Overall number of cases without a future listing has slightly improved from previous years
  - Over 42% are under ‘case management’ without a future listing, and a further 6% with no identifiable stage recorded
  - Only 50% of all pending cases have a future date (benchmark is 80%)
- Reserved Judgments sits at 31, but over half of these are older than 3 months (international benchmark), with some outstanding for several years
- Attendance rates (which impact and cost to the community) are being monitored carefully, and no increases were seen in 2021 in the major case types

# MAGISTRATES COURT

## Key Messages

- MC filings increased significantly from 2228 cases to 2636 – an increase of 18%
- MC disposals has increased from 2348 to 2458 cases, an increase of 5% - a positive increase
- Clearance rate was under 100% due to the sharp increase of filings - at 93%
- Pending increased as a result by just under 150 cases to 1017
- PDR remains steady at 0.4 – a very good position
- There are still approximately 18% of cases older than 2 years that should be assessed
- Timeliness for completing Criminal cases – reduced 242 days to 165 days – great result considering the increased workload

## Overall

- Pending case numbers (open cases) increased slightly due to the Clearance Rate less than 100%
- The Pending to Disposal Ratio (PDR) is solid at 0.4
- Judicial output has remained high at 273 cases per Magistrate per year – a solid year
- Overall # of cases with a future listing remains under 40%, with 21% of cases with no further listing
  - Approximately over 40% are under ‘case management’
- 11 cases have a Reserved Judgment
- An increase in criminal registration this year along with other case types has meant the Court has faced its biggest workload ever

# ISLAND COURT

## Key Messages

- IC filings continue to increase and at 553 cases filed, this is the highest since 2016
- IC disposals continue to increase from 386 cases to 593, a great increase of over 50% on 2020
- Clearance rate was over 100% - at 107% - the last 3 years all in excess of the 100% target
- Pending continues to decrease from 614 to 554 cases – a decrease of 10%
- PDR has decreased accordingly and is now at 0.9 (1.7 in 2020) a great improvement but not yet the ideal position – which is less than 0.5
- There are now approximately 42% of cases older than 2 years that should be assessed, but this % is reducing

## Overall

- The continued increase in filings is a positive sign for the usage/patronage of the Court.
- A good finalization of cases this year has resulted in the Pending workload decreasing, gradually building back the confidence for the community to make use of the Island Court
- Overall # of cases with a future listing is 36% - a good effort (3% in 2019)
  - Pending cases under case management 63% and no further listing is 1%
- The positive changes experienced in the Island Court reflects the island court gradually reviving back the confidence and trust that the community at large has had in the Island court

# SUMMARY AGAINST MAJOR COURT PERFORMANCE INDICATORS

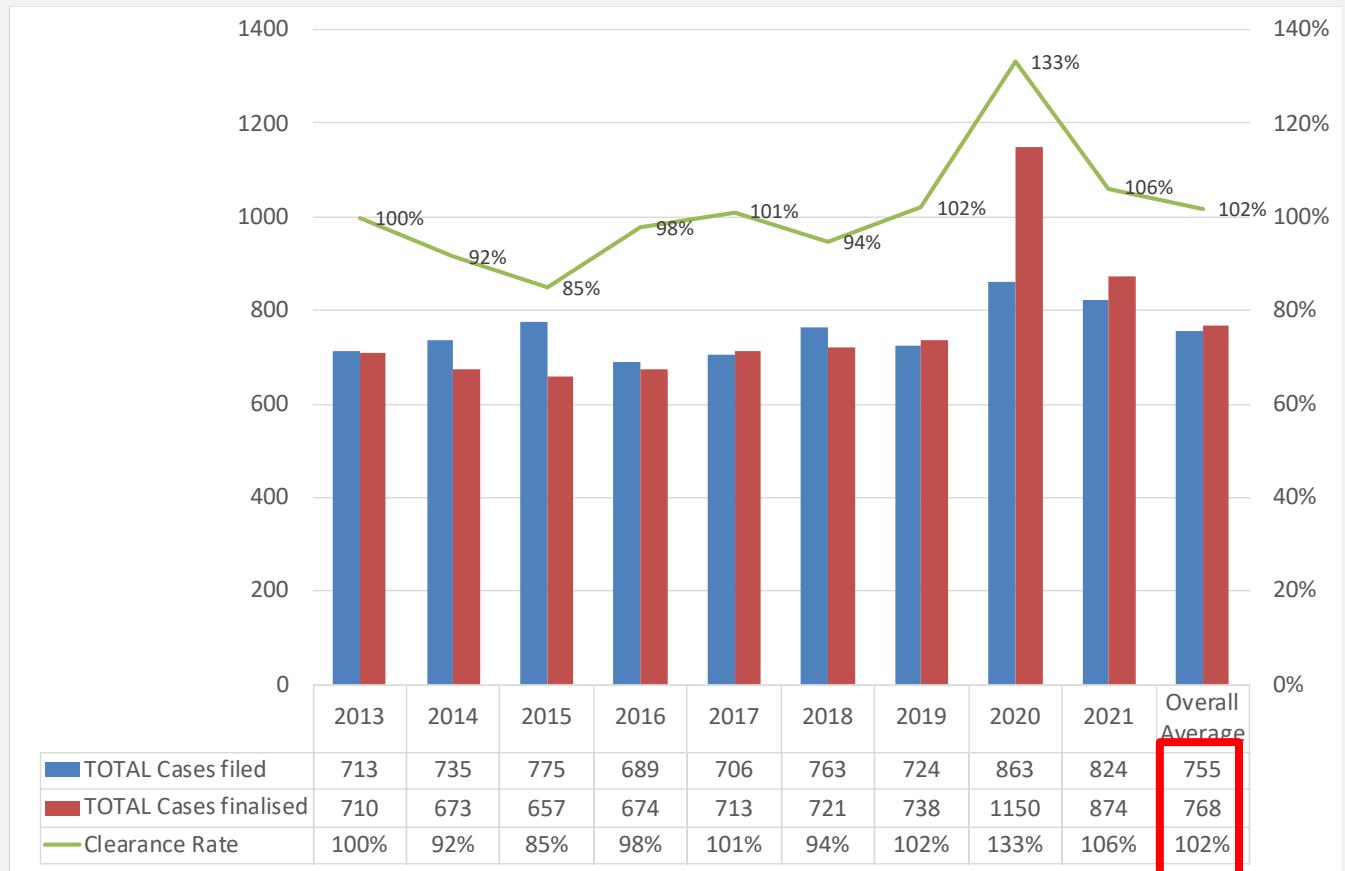
Court Indicator	Supreme Court	Magistrates Court	Island Court	Court of Appeal
Filing #s	Similar	Major increase from previous years	Up on previous years	Slightly up
Disposal #s	Less than 2020 but still good	Up on 2020	Up on previous year	Solid
Clearance Rate	Over 100% - good	Under 100% due to increase in filings	Over 100% - good	Just over 100%
Pending #s	Reduced slightly	Increased slightly	Still too high	Under control
PDR	Manageable at 0.9	Manageable at 0.4	Still too high at 0.9	Under control
Pending age/tail	Still some old ones	Still some old ones	Still some old ones	Under control
Pending stages	Still over 42% without listing	Still 61% without listing	Almost 63% awaiting resources	Under control
Timeliness	Reduced	Reduced	Reducing	Excellent
Attendance Rate	Maintained same rates	Overall less than 3	Not applicable	Not applicable
Productivity	Still strong	Still strong	Not applicable	Not applicable
Reserved Judgments	Still some long outstanding judgments	Under control	Not applicable	Under control

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# I. CASE WORKLOAD

# SUPREME COURT TOTAL WORKLOAD



Cases being filed in 2021 again over 800 cases which is a very high workload. Clearance rate again exceeded 100% at 106% - a strong year.

The overall average for the last 9 years is 102% - achieving the international target, resulting in a significant decrease in # of pending cases.

Ref: SCTV

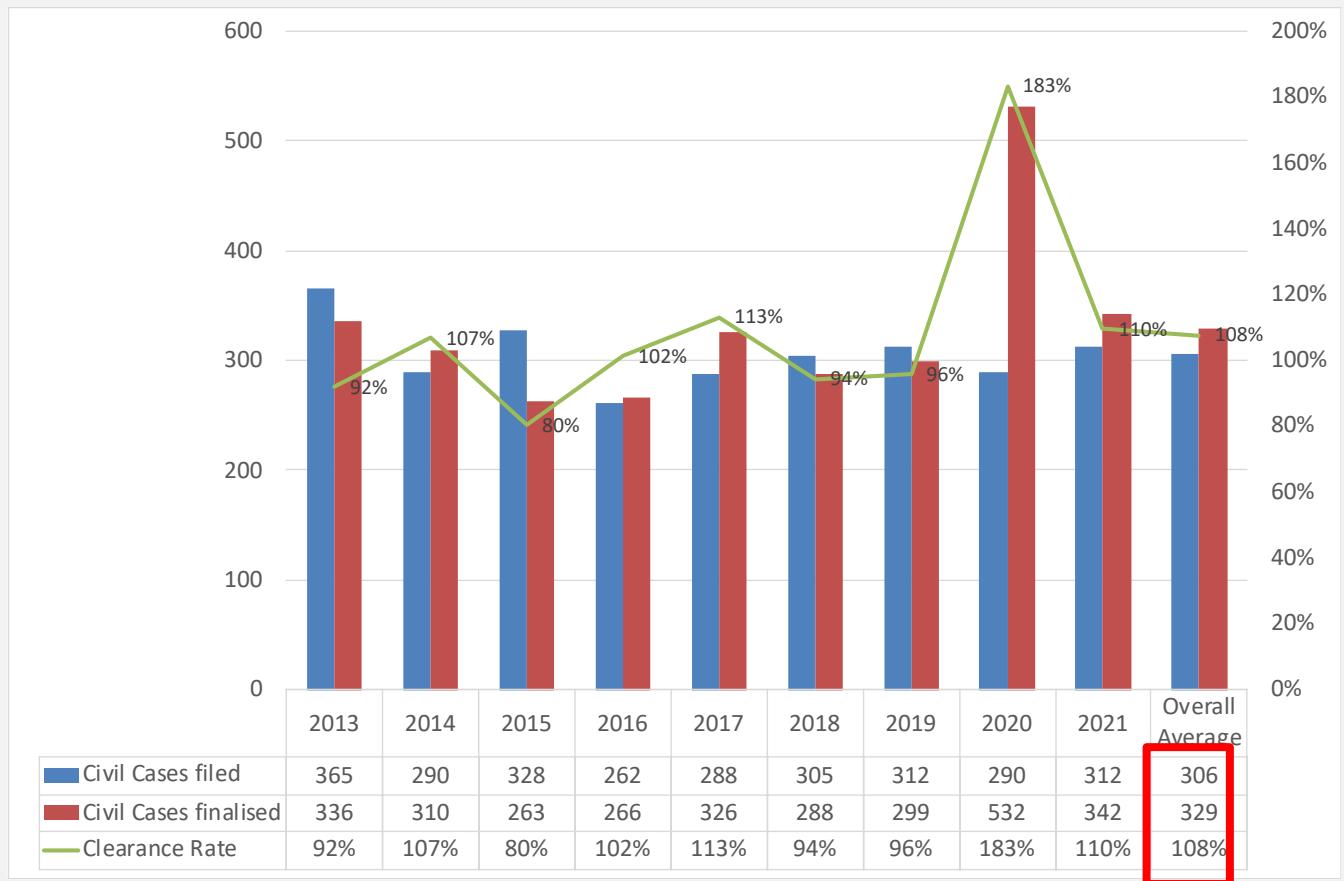
# SUPREME COURT CRIMINAL WORKLOAD



With Criminal cases being filed by the OPP #'s are the same for 2021 compared to 2020 but the clearance rate for the year has increased by 16 % from 2020 to now 104%, above the target of 100%. The overall average for the last 9 years is 100% - tracking well.

Ref: SCCW

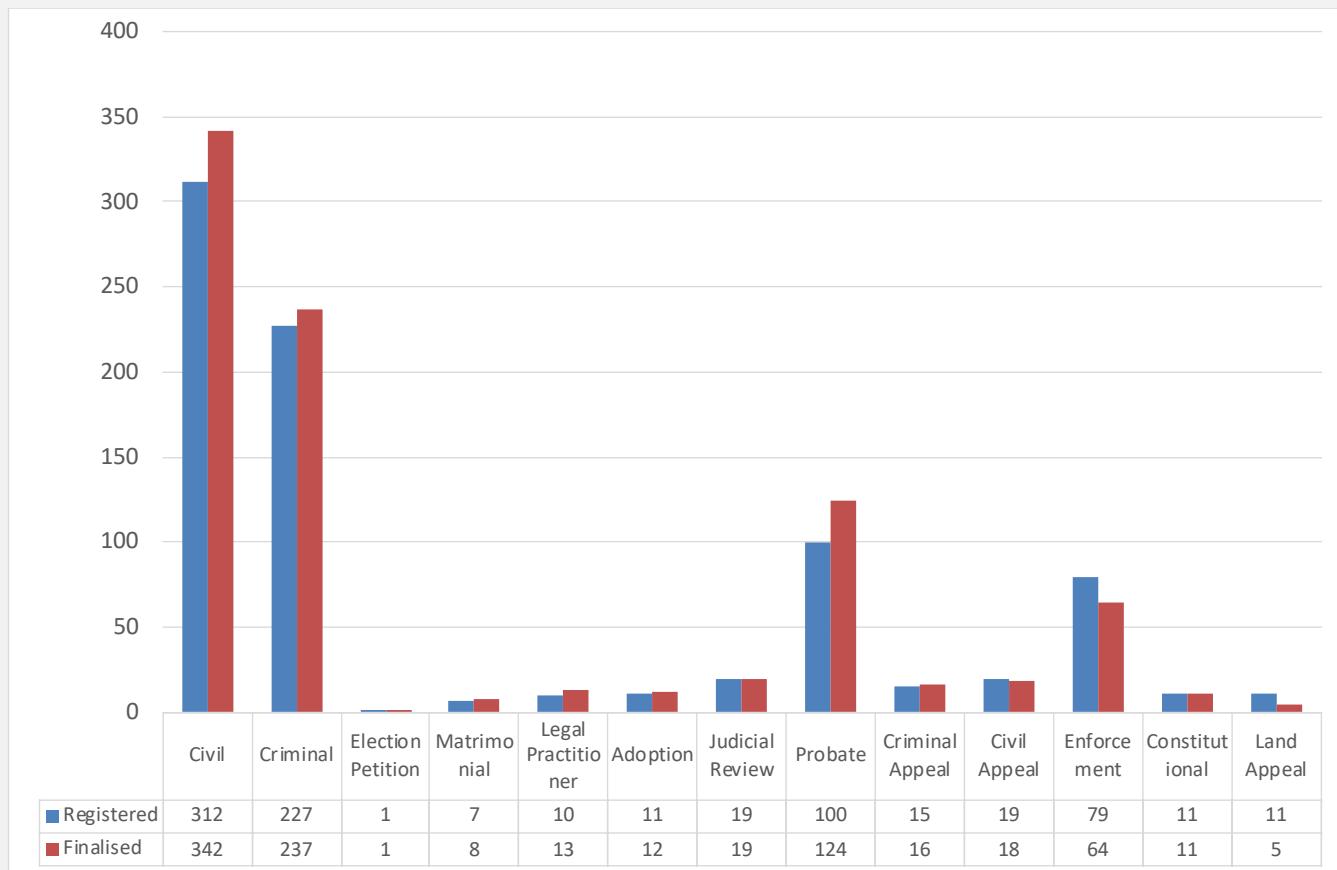
# SUPREME COURT CIVIL WORKLOAD



Civil cases being filed has increased from 290 in 2020 to 312 in 2021, and Clearance Rate still exceeded 100% at 110% in 2021. The overall average for the last 9 years is 108% - pending has reduced.

Ref: SCCiW

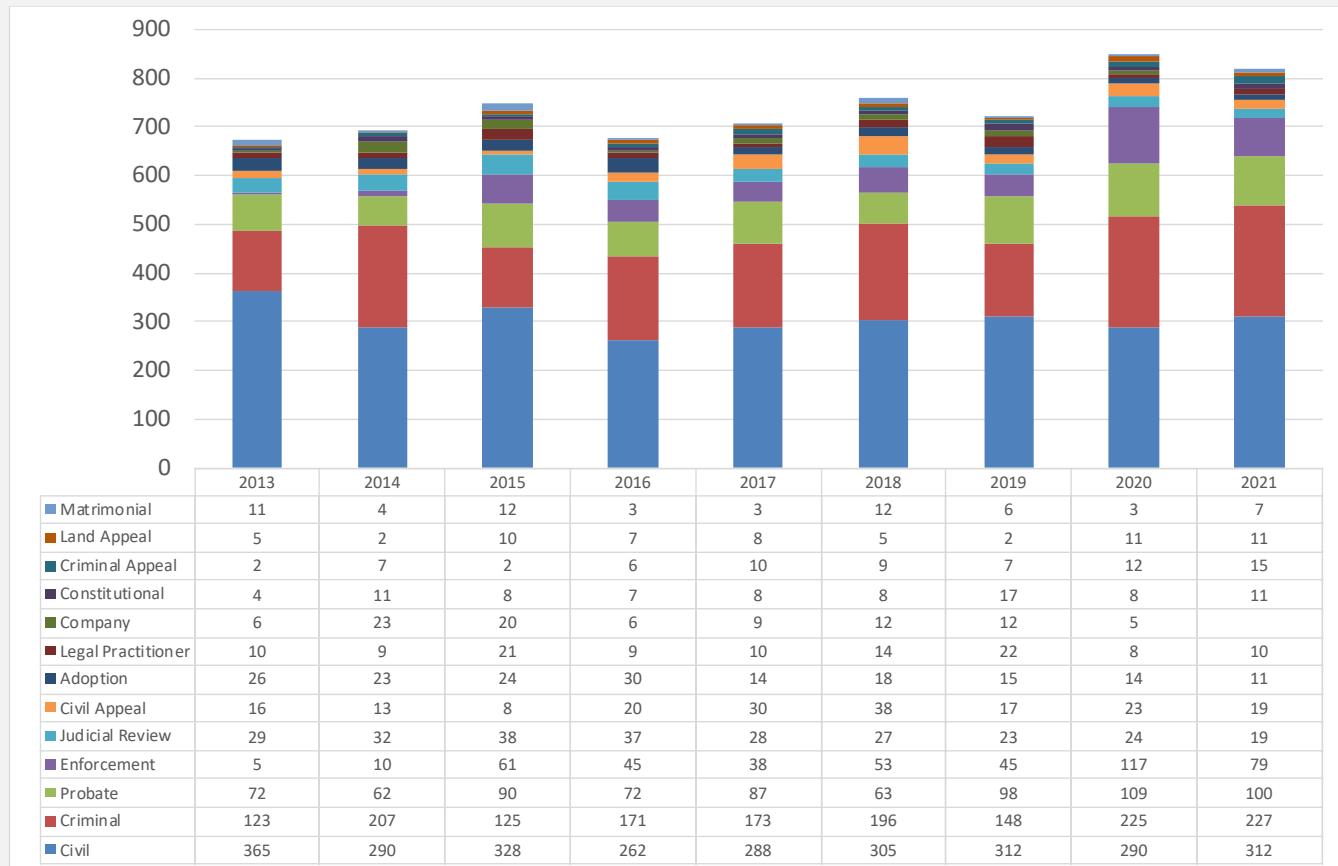
# SUPREME COURT ALL CASE WORKLOAD



Civil and criminal workload accounts for approximately 2/3rds of the Supreme Court filings.

Ref: SSCAllW

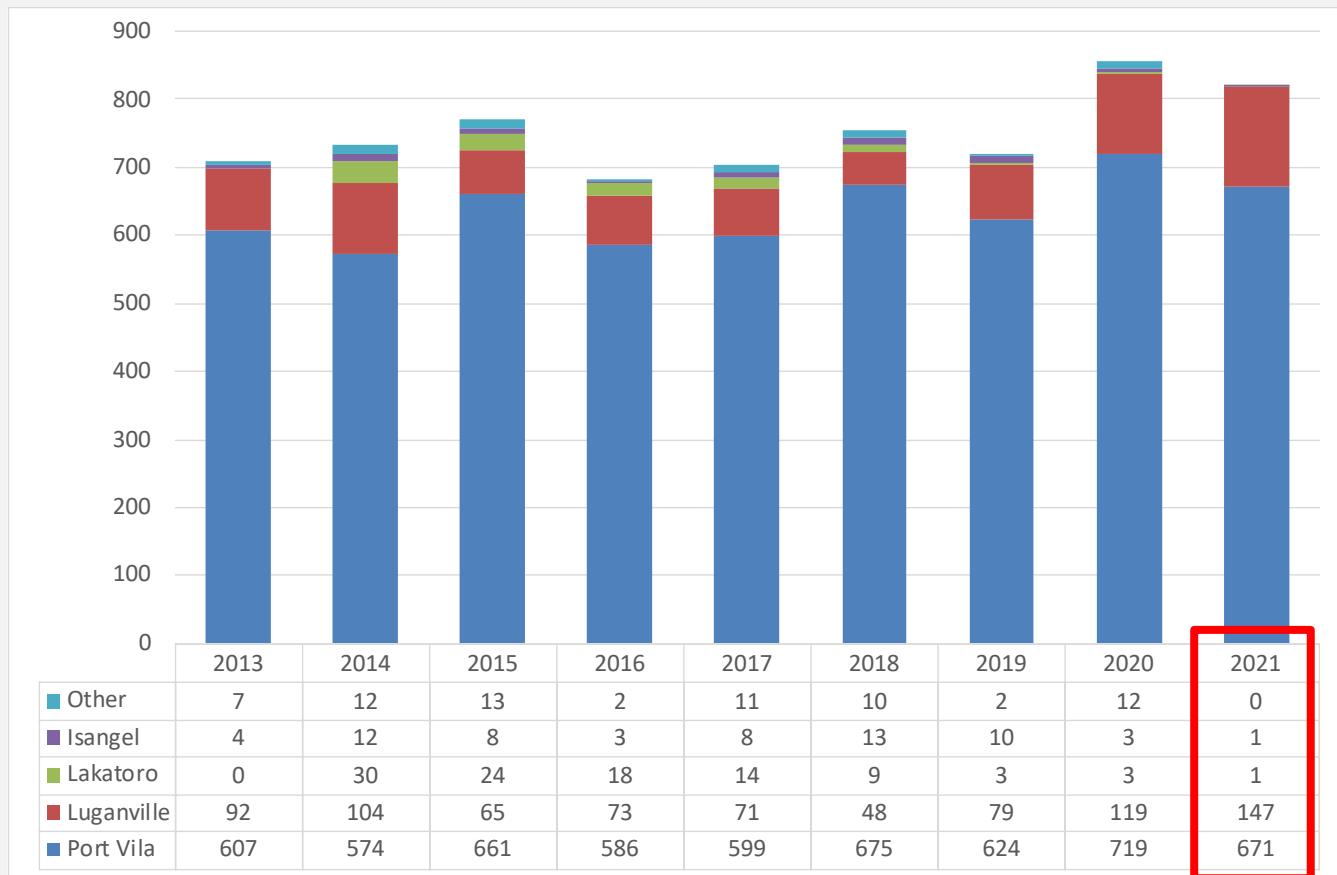
# SUPREME COURT WORKLOAD TRENDS



The mix of work remains fairly consistent with the exception of criminal matters increasing

Ref: SCTrendW

# SUPREME COURT LOCATION WORKLOAD

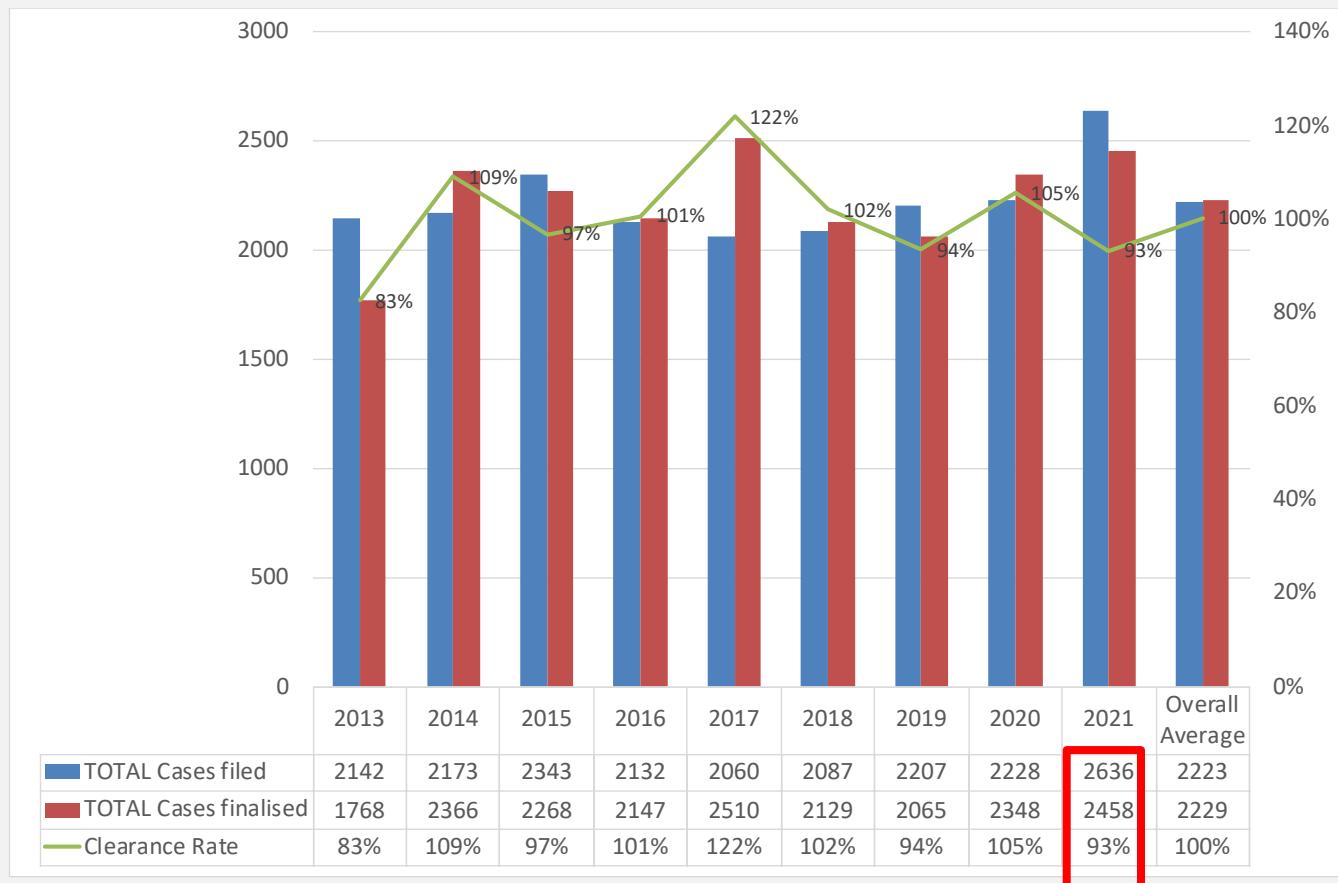


Case filings emanating from Lakatoro & Isangel has decreased over the years – warrants investigation.

Luganville filings continue to increase.

Ref: SCLocationW

# MAGISTRATES COURT TOTAL WORKLOAD

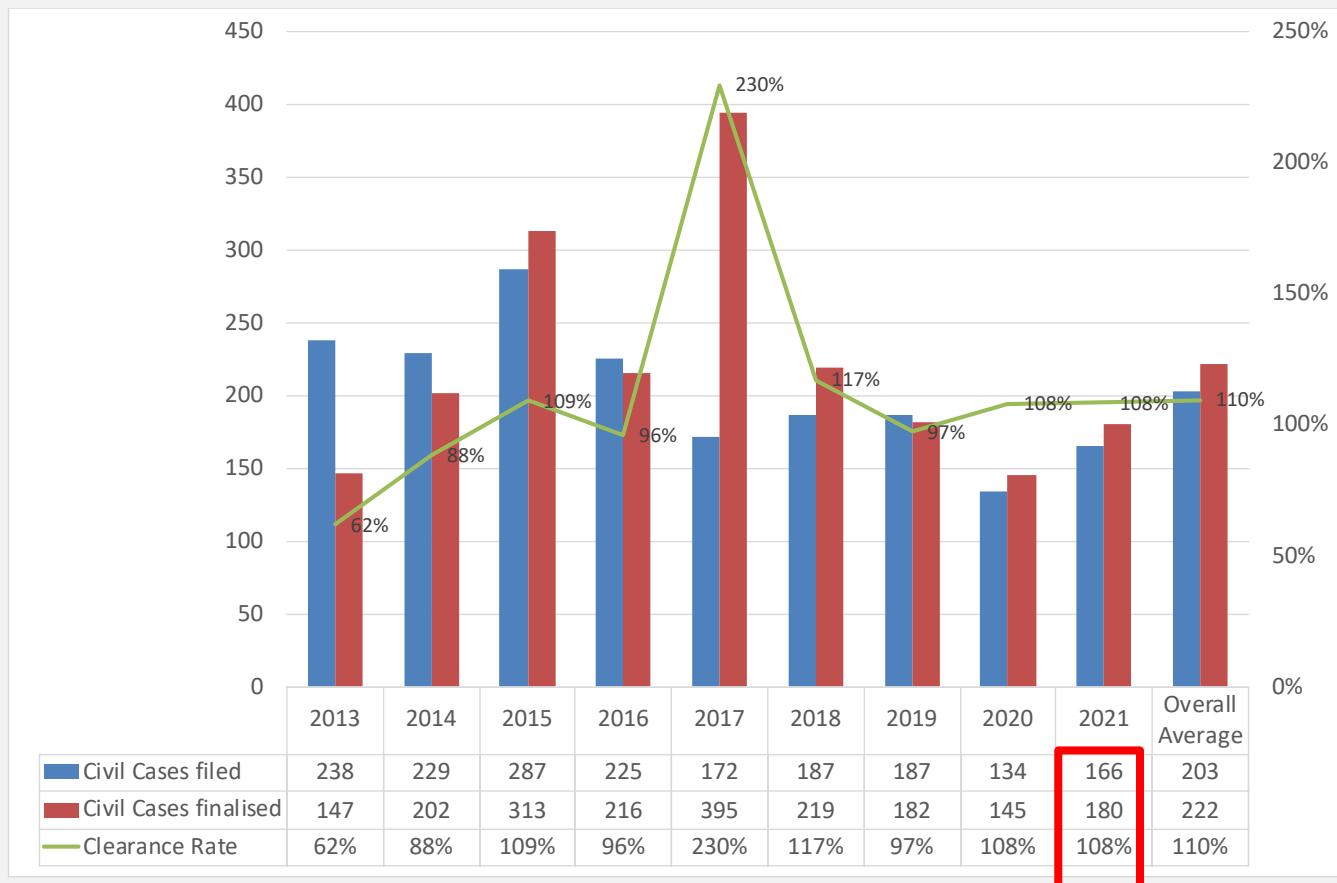


Cases filed were significantly up in 2021 - higher than ever seen since 2013 and disposals were up by 5% in 2021 and just now enough to see Clearance Rate exceed 100%.

The overall average for the last 9 years is 100% - a solid long term position.

Ref: MCTW

# MAGISTRATES COURT CIVIL WORKLOAD

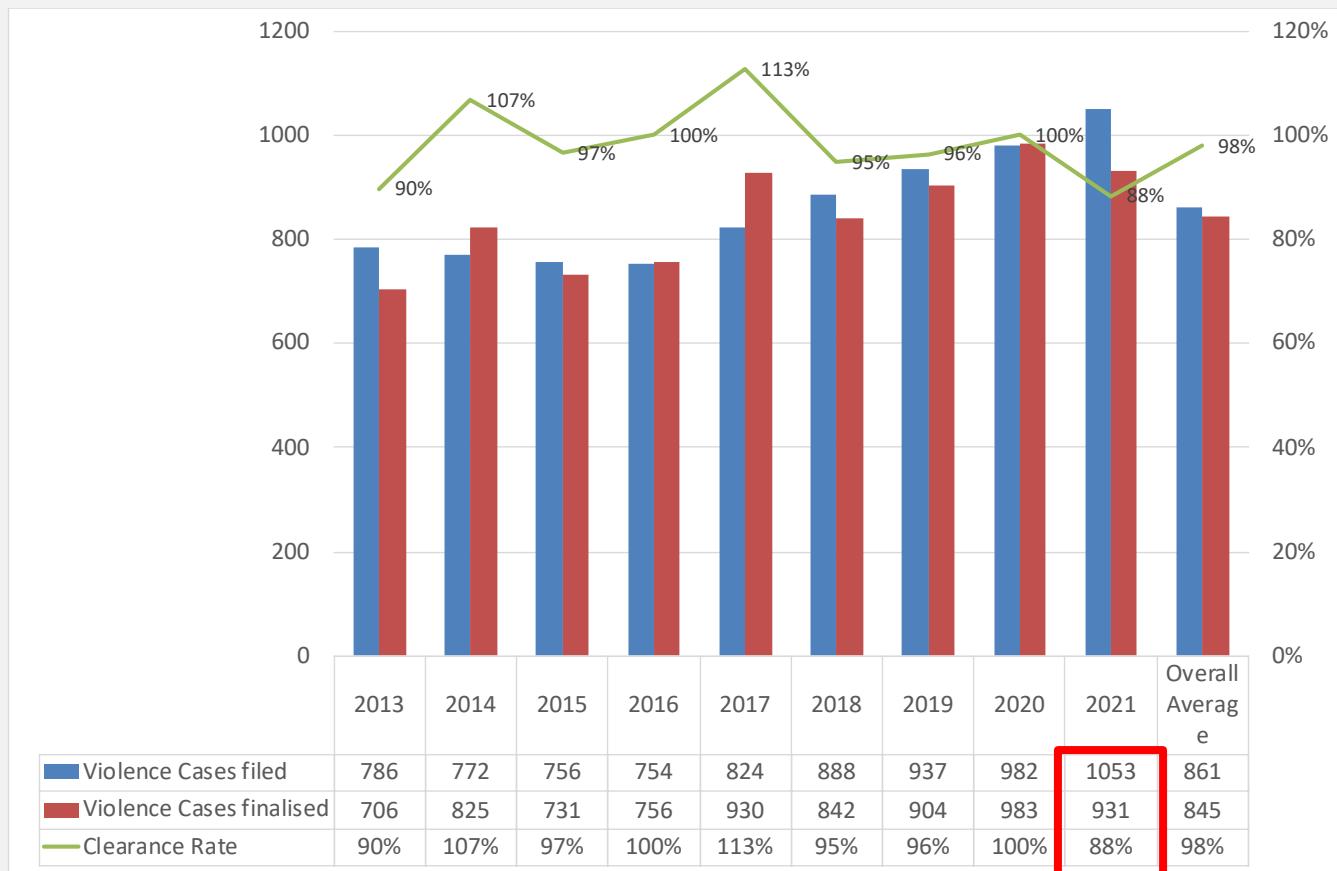


Civil workload & disposals were slightly up from 2020,

The overall average for the last 9 years is 110% - tracking well.

Ref: MCCiW

# MAGISTRATES COURT DV WORKLOAD



Protection orders (non-criminal) are increasing quite markedly over the years, highest seen but disposals did not match the incoming work in 2021 – which warrants investigation.

The overall average for the last 9 years is 98%.

Ref: MCDVW

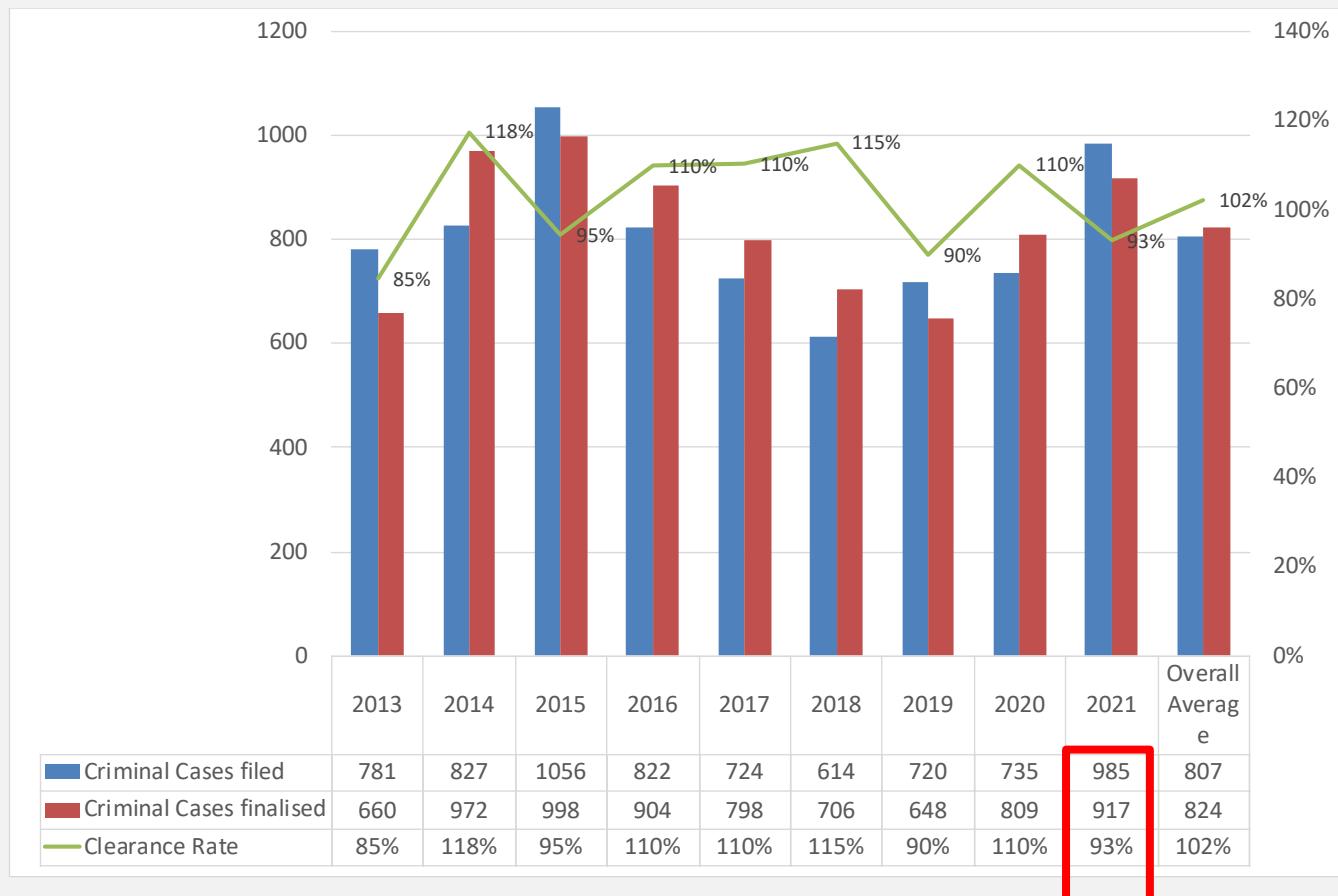
# MAGISTRATES COURT PI WORKLOAD



Since 2015, PI matters filed by the OPP continue to increase. Disposals have increased & Clearance is 102% in 2021. Average clearance rate over the last 9 years is 97%.

Ref: MCPIW

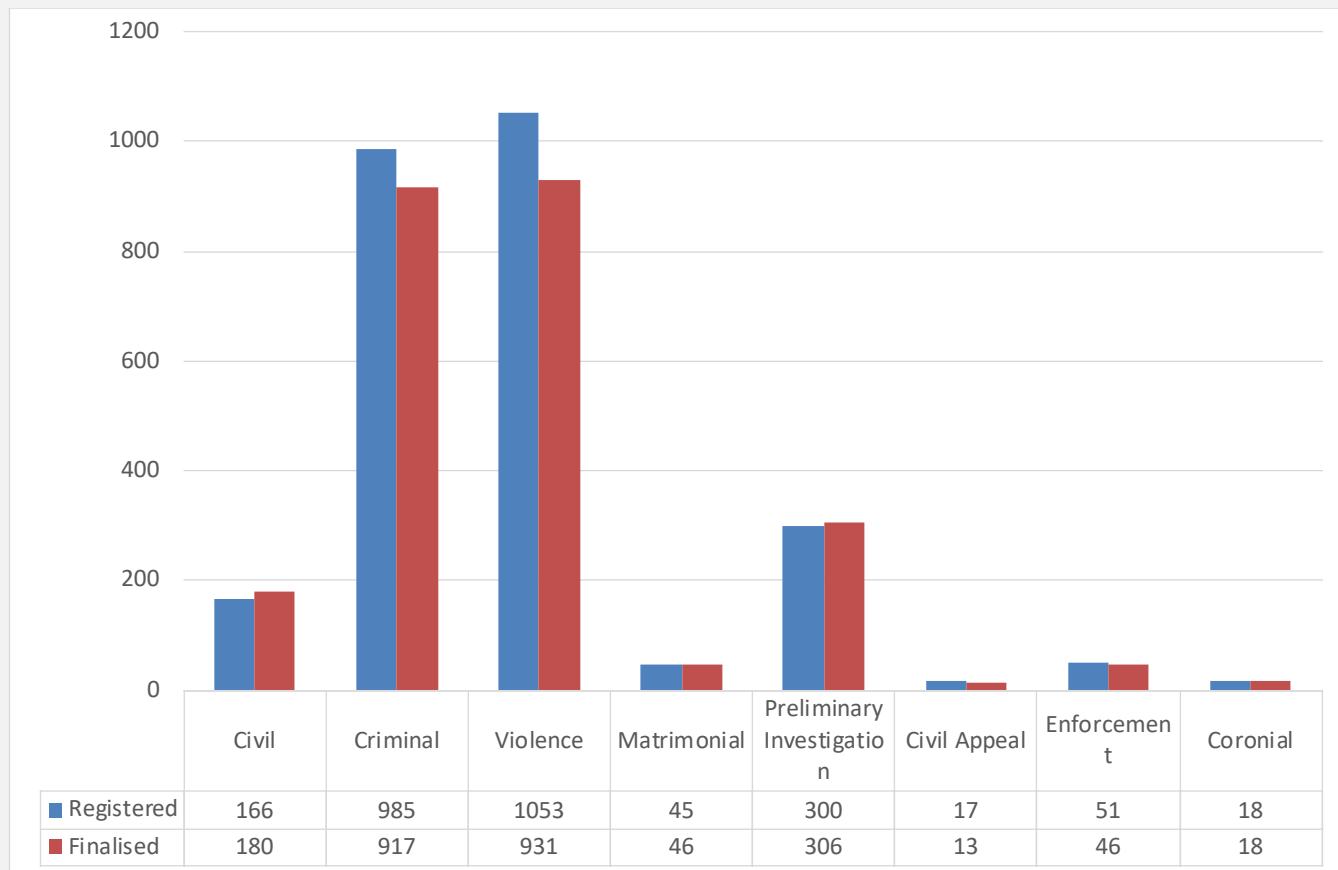
# MAGISTRATES COURT CRIMINAL WORKLOAD



The filings emanating from VPF/SPD has increased significantly in 2021 compared to 2020. Clearance Rate has dropped to 93% - but disposal #s are up but just not enough to get clearance to 100%. The overall average for the last 9 years is 102% - tracking well.

Ref: MCCW

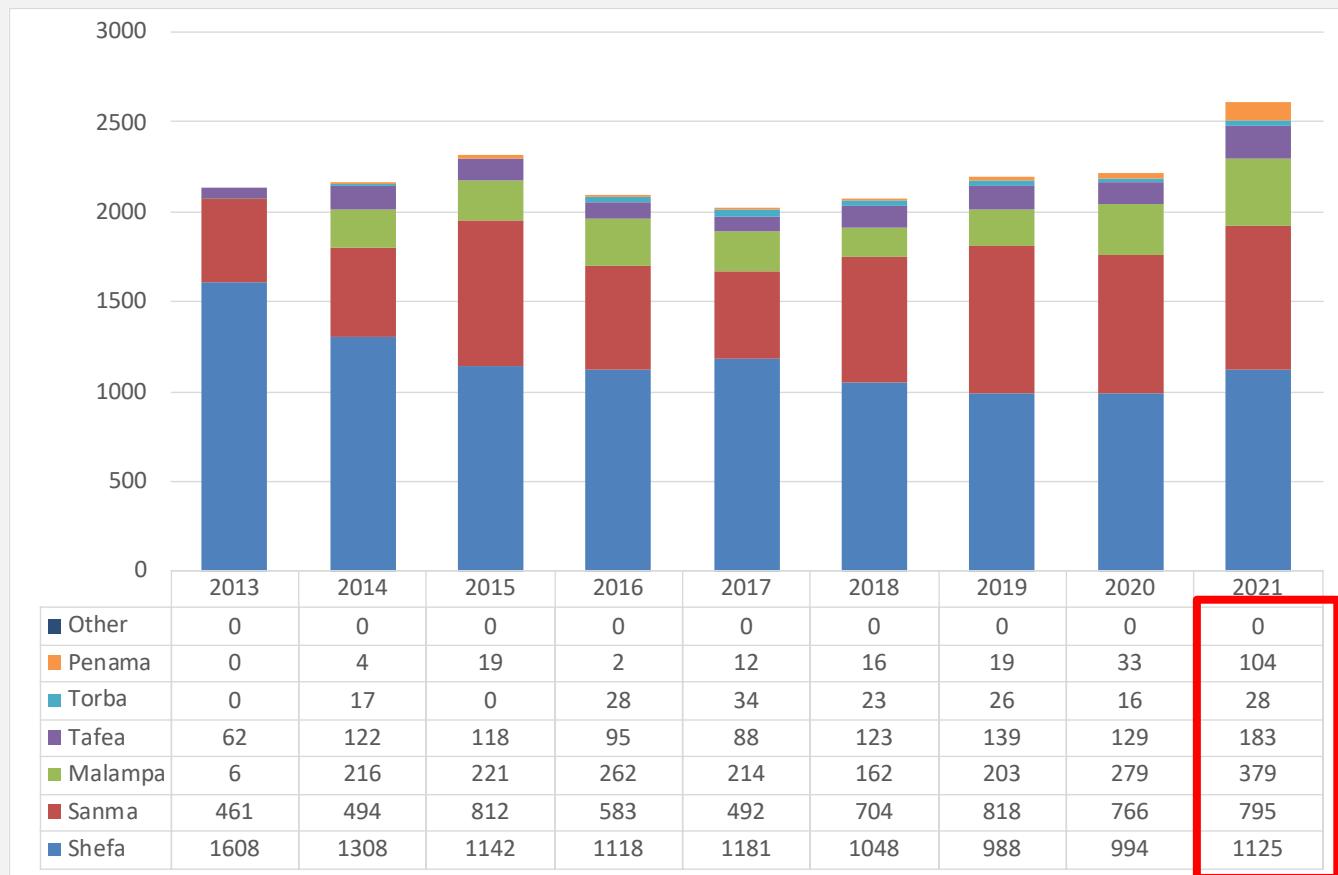
## MAGISTRATES COURT ALL CASE WORKLOAD



Violence (protection orders) and Criminal continue to be the biggest case filing types in the MC.

Ref: MCAIIW

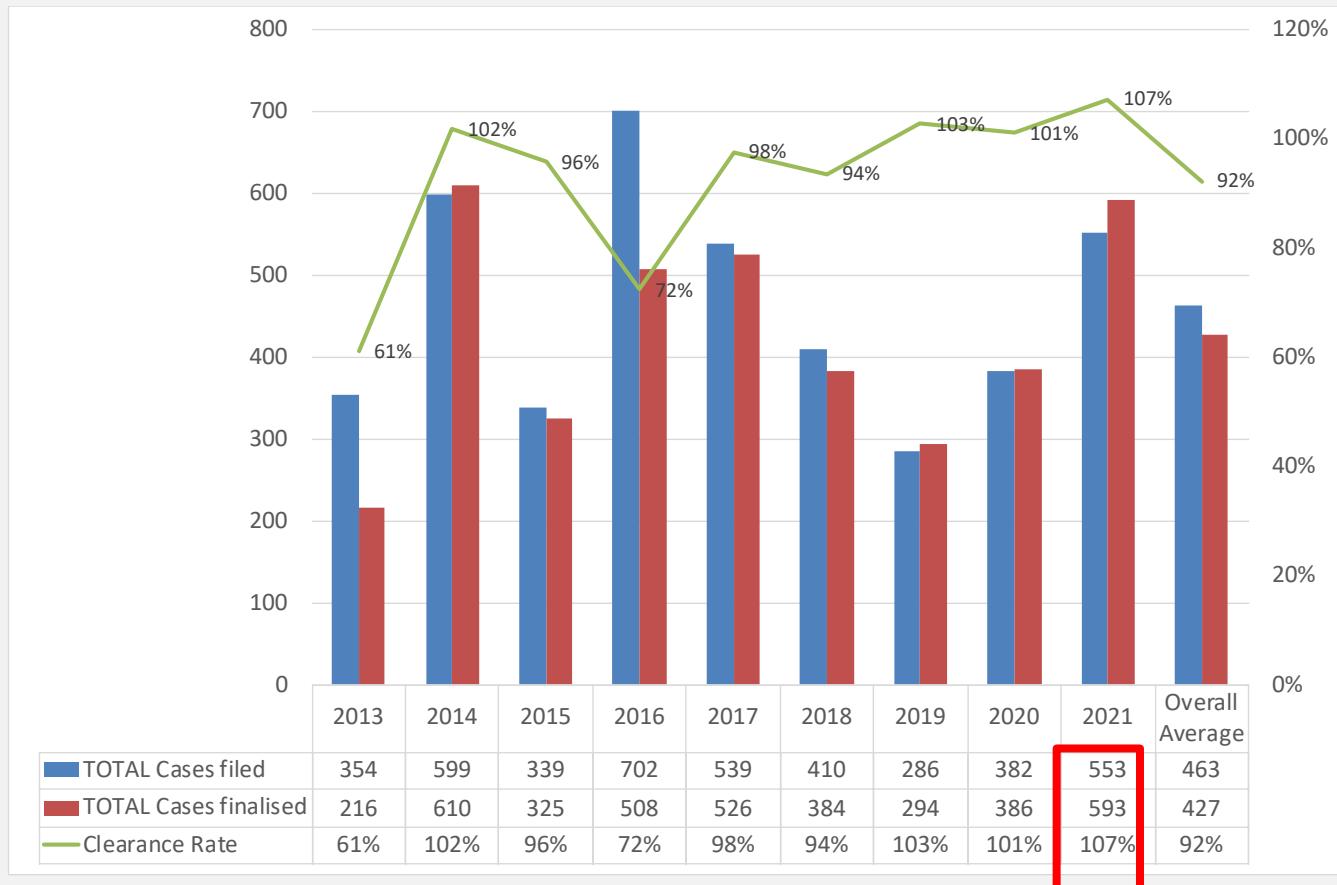
# MAGISTRATES COURT LOCATION WORKLOAD



Ratio of filings between Luganville and Port Vila has shifted dramatically over the years, with Port Vila now less than 50% of the total MC workload. This may need reconsideration of resource allocations of magistrates between Santo and Efate and elsewhere.

Ref: MCLocationW

# ISLAND COURT TOTAL WORKLOAD



Cases filed has increased by over 40% in 2021, and disposals were also up from previous years. Clearance rate at 107% highest it's ever been, a positive improvement, showing signs of confidence to the role and service of the Island Court to the communities.

Ref: ICTW

# ISLAND COURT MAINTENANCE WORKLOAD



Maintenance matters has increased by 90% from 2020. Clearance rate over the last 3 year has been over 100% - a great improvement. Clearance rates have an average of 96% over the last 9 years.

Ref: ICMW

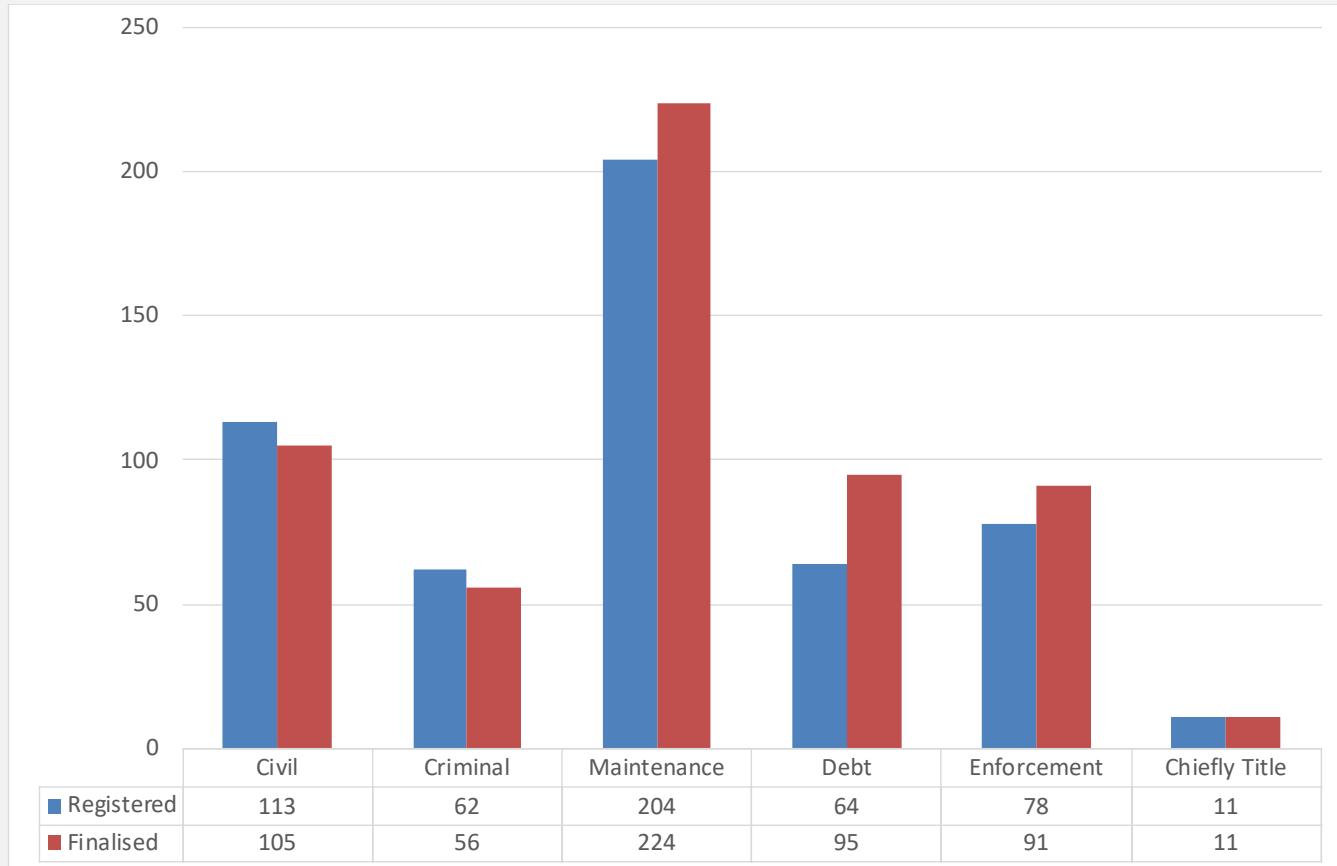
# ISLAND COURT CRIMINAL WORKLOAD



Criminal cases filed is up on last year. Average clearance rate is 97%.

Ref: ICCW

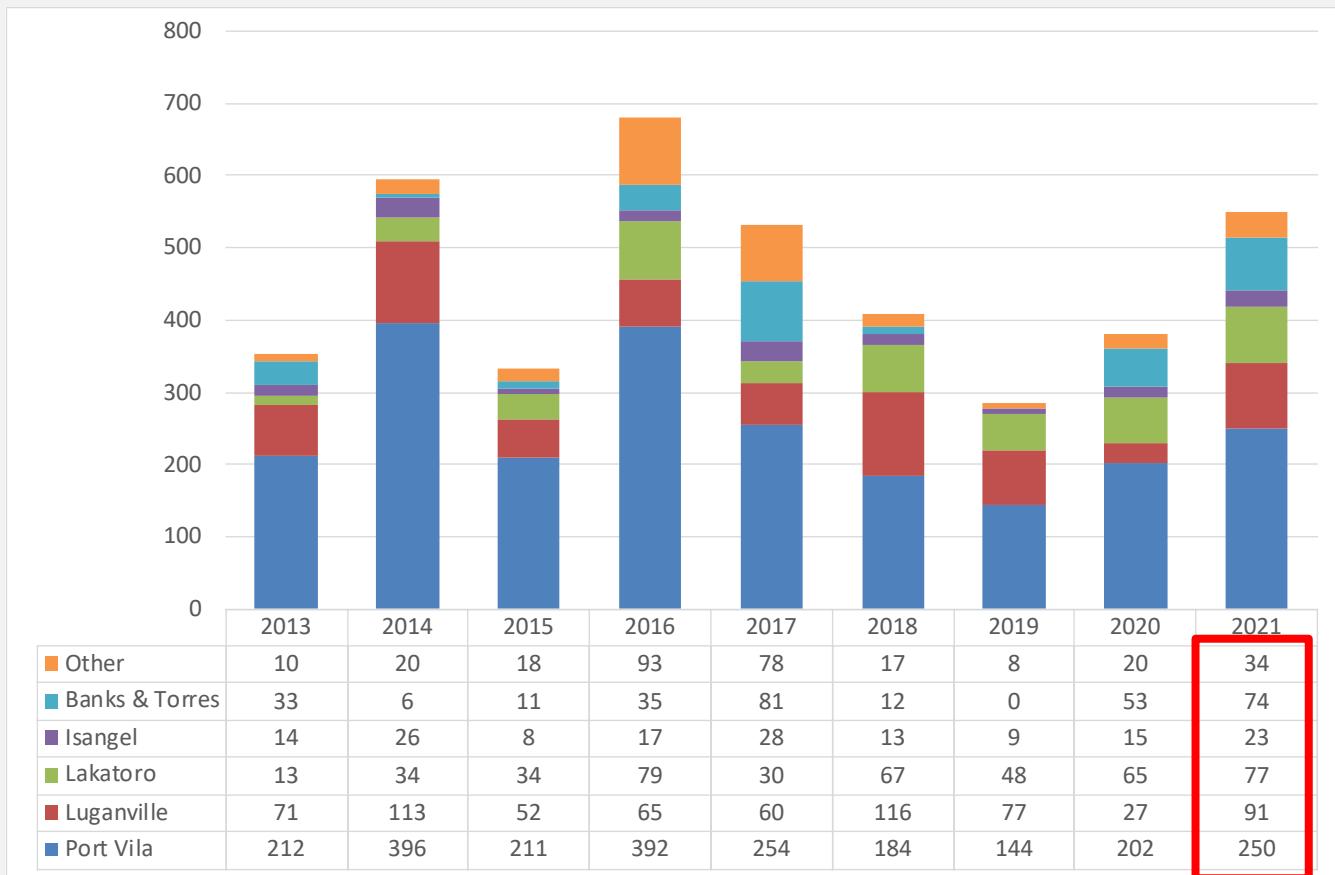
# ISLAND COURT CASE WORKLOAD



Maintenance matters is by far the biggest caseload on the Island Court.

Ref: ICAllW

# ISLAND COURT LOCATION WORKLOAD

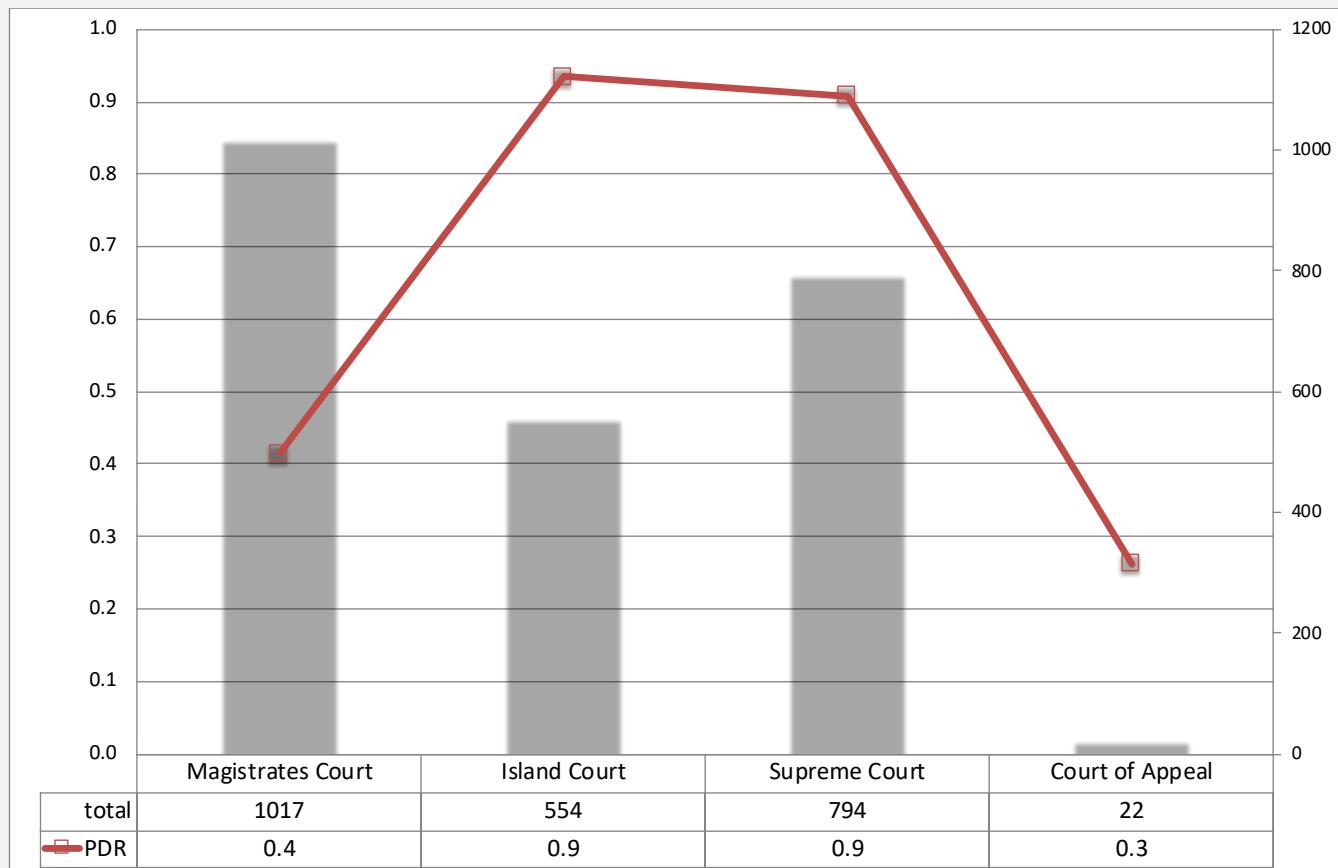


In 2021, all areas have seen an increase in cases being filed.

Ref: ICLocationW

## **2. PENDING CASES**

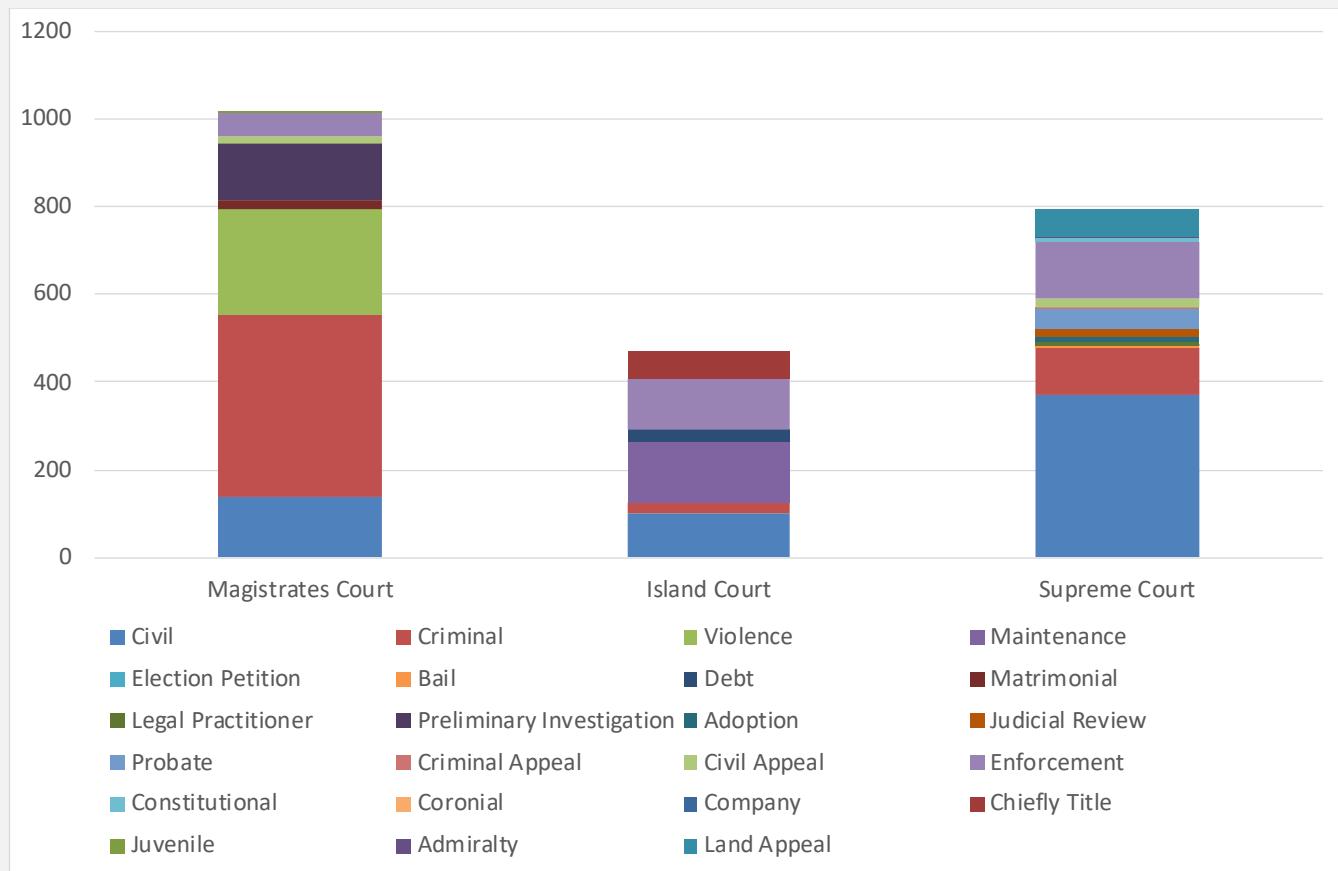
## PENDING CASES BY COURT



2,387 cases are now pending across the four jurisdictions, with 33% in the Supreme Court. Of concern is the high Pending to Disposal Ratio (PDR) in the Island Courts. The lower the PDR, the better - and ideally under 1.0 for the Supreme Court and 0.5 for the lower courts.

Ref:AllPending

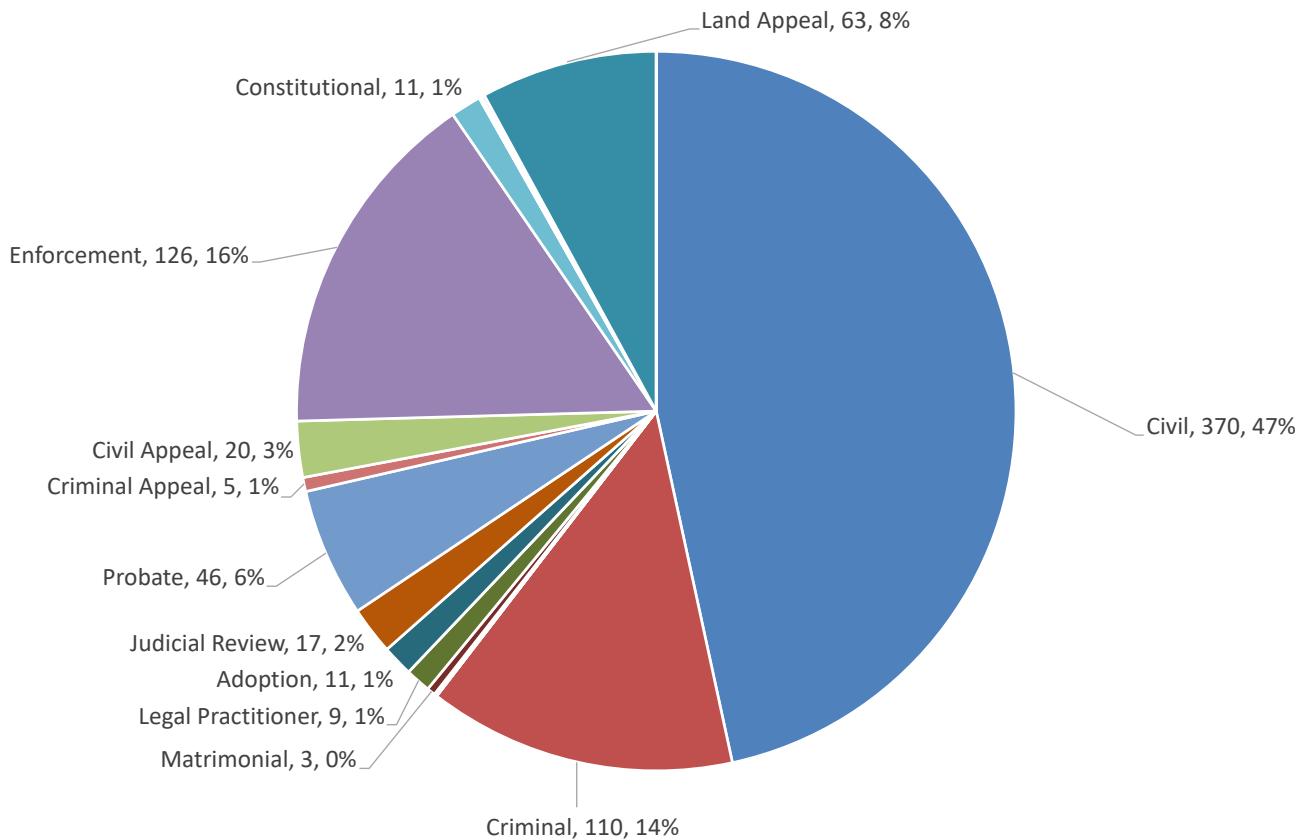
# PENDING BY COURT BY CASE TYPE



Each court has its own mix of case type pending ratios as shown in detail in the following charts.

Ref:AllPendingCase

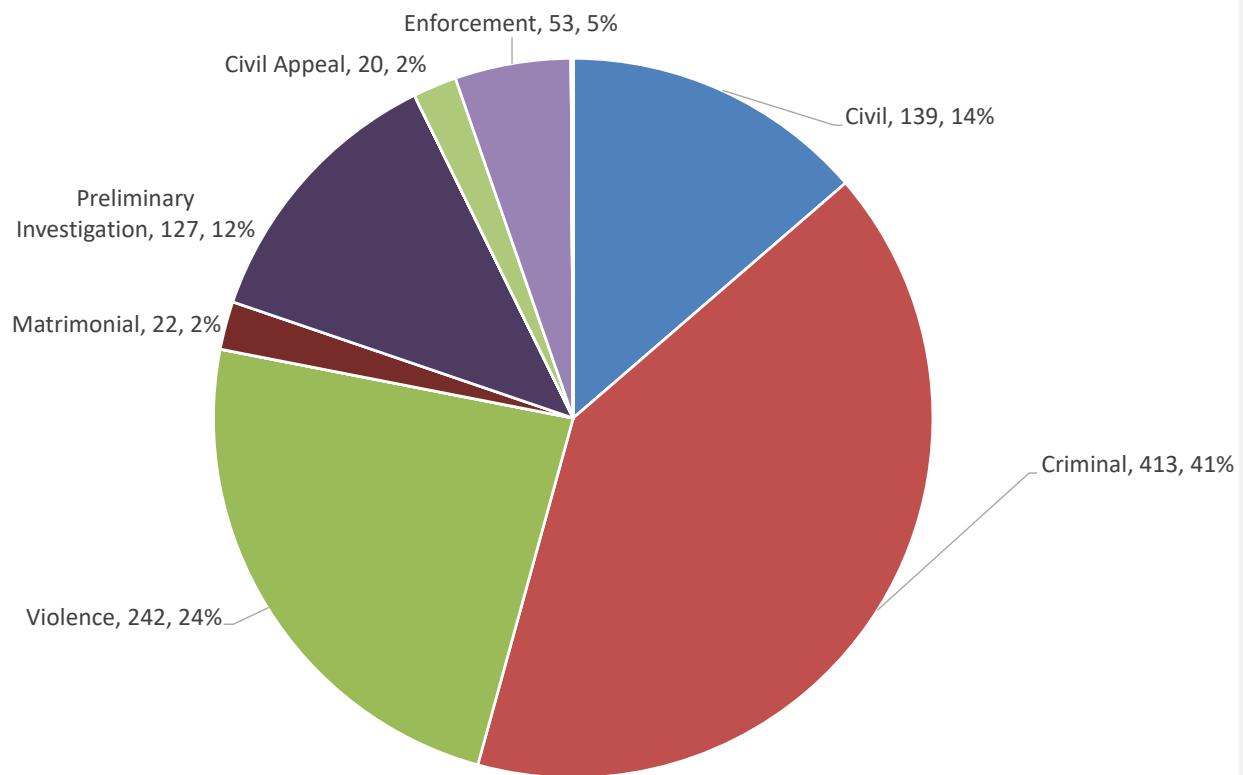
## PENDING SUPREME COURT BY CASE TYPE



Clearly shows the significant % that Civil cases make-up the largest % of the Supreme Court workload. The Enforcement pending #s had grown and should be investigated.

Ref: SCPending

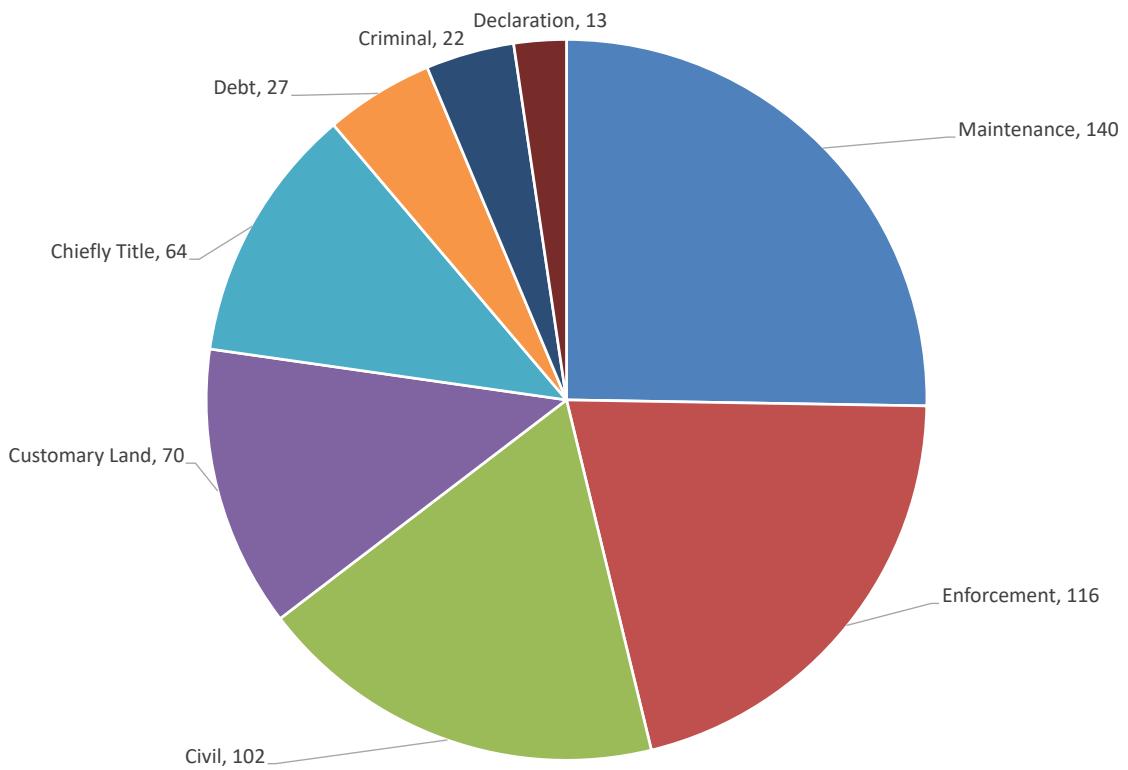
## PENDING MAGISTRATES COURT BY CASE TYPE



Criminal cases make up the largest component of MC Pending workload. Violence (Domestic protection orders) have grown due to the clearance rate of 88%, but PDR remains low at 0.2.

Ref: MCPending

## PENDING ISLAND COURT BY CASE TYPE

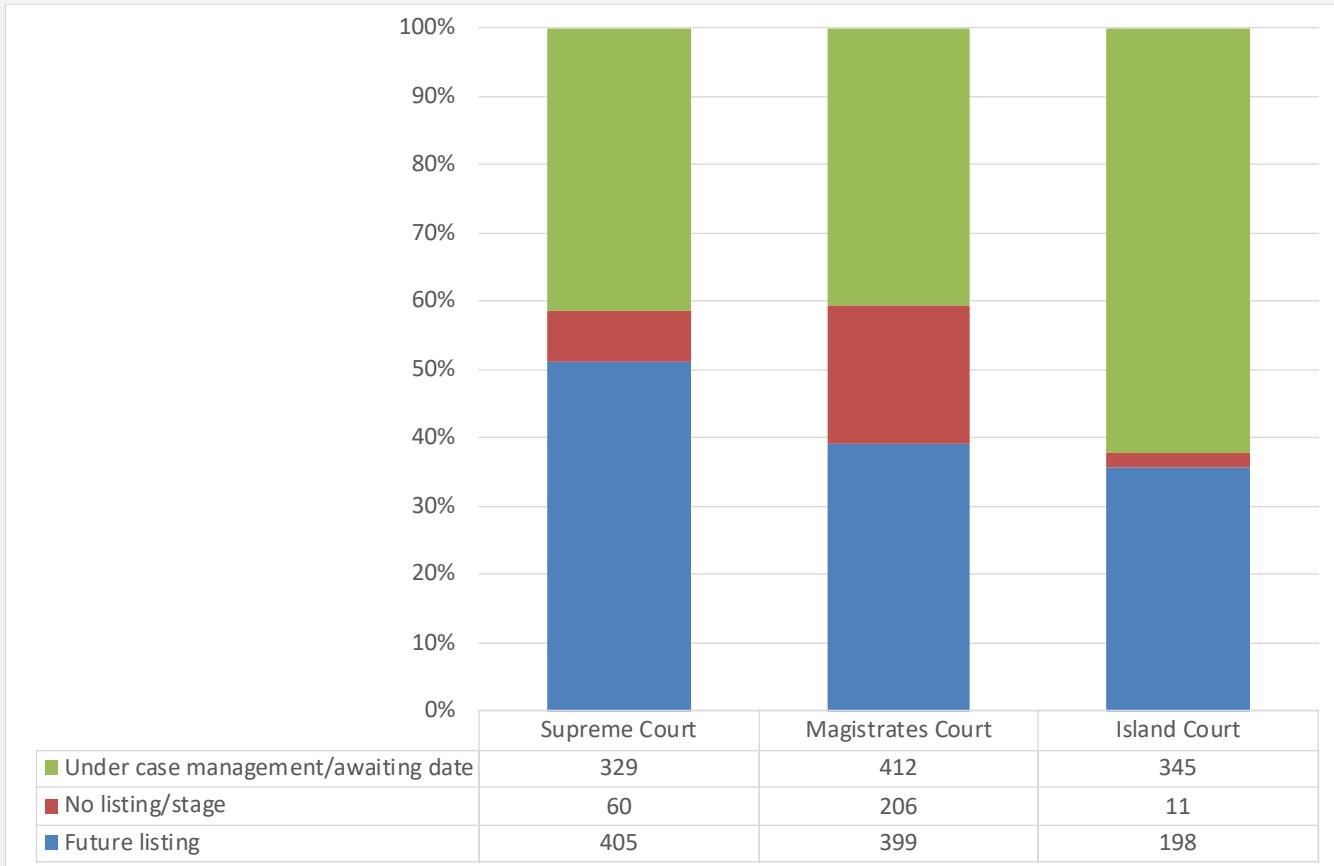


The overall # of pending cases in the Island Court are evenly spread across the major case types of the Court.

NOTE :The 70 Customary Land cases – 50 cases are Application for Review and 20 cases for Customary Land Dispute.

Ref: ICPending

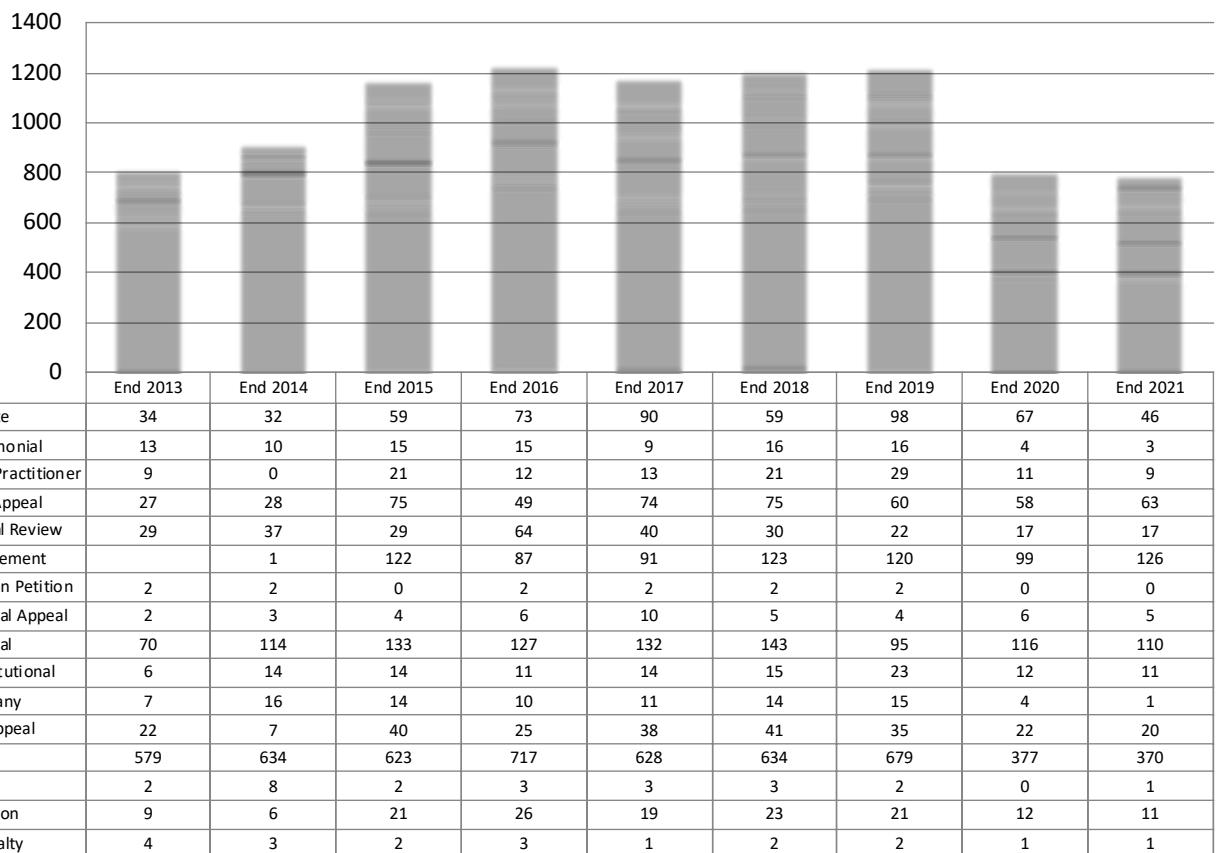
## PENDING BY COURT BY LISTED OR NOT LISTED



Cases with a future listing (shaded blue) should typically be approximately 80% of the pending case load. Each court has a significant challenge to address the high % of cases without future listings, e.g., Island Court. The impact on the parties cannot be under-estimated by this low % of listed matters.

Ref:AllPendingListed

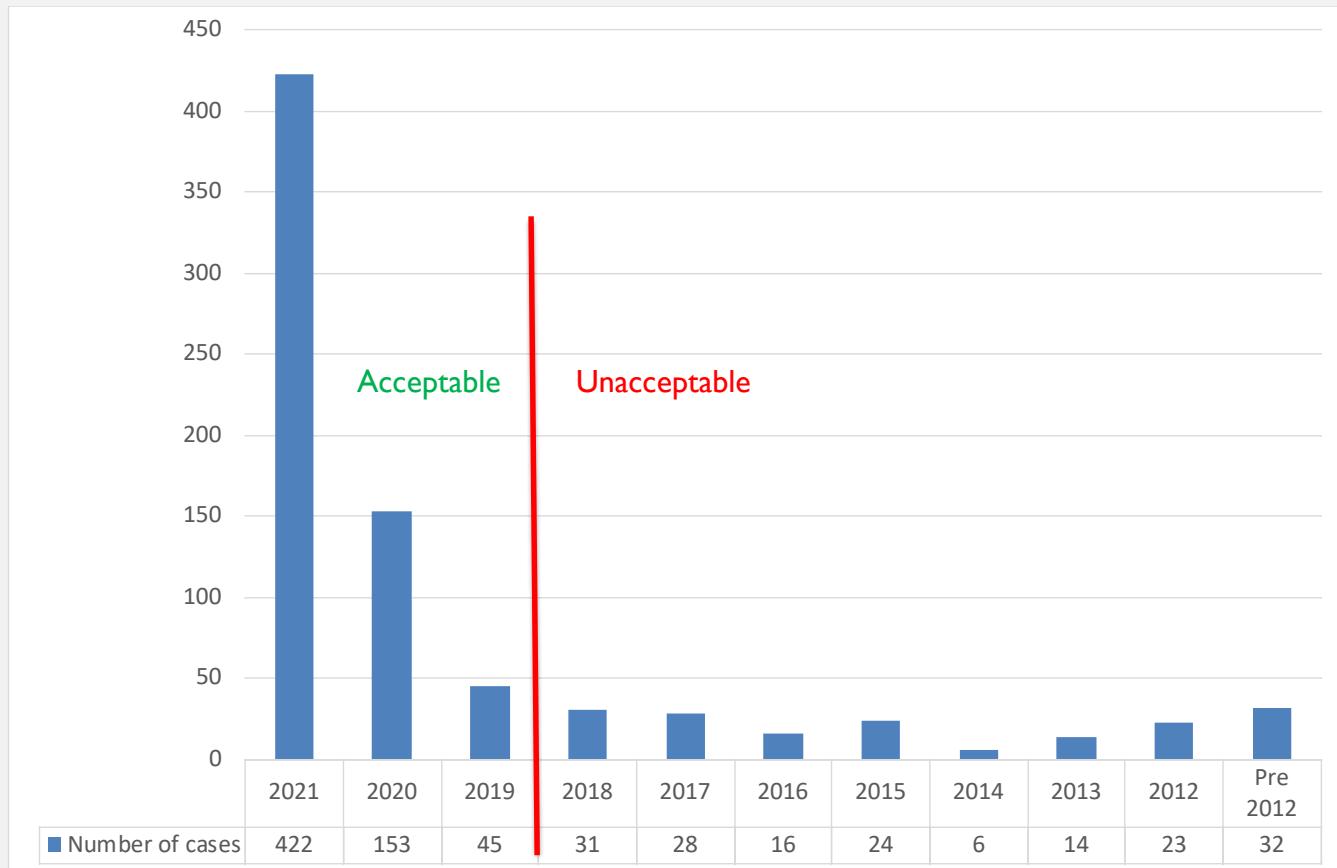
# PENDING TREND SUPREME COURT



Clearly shows the decline in pending cases in recent years due to strong clearance rate in 2021 and 2020. However, a slight increase # for enforcement cases should be investigated.

Ref: SCPendingYear

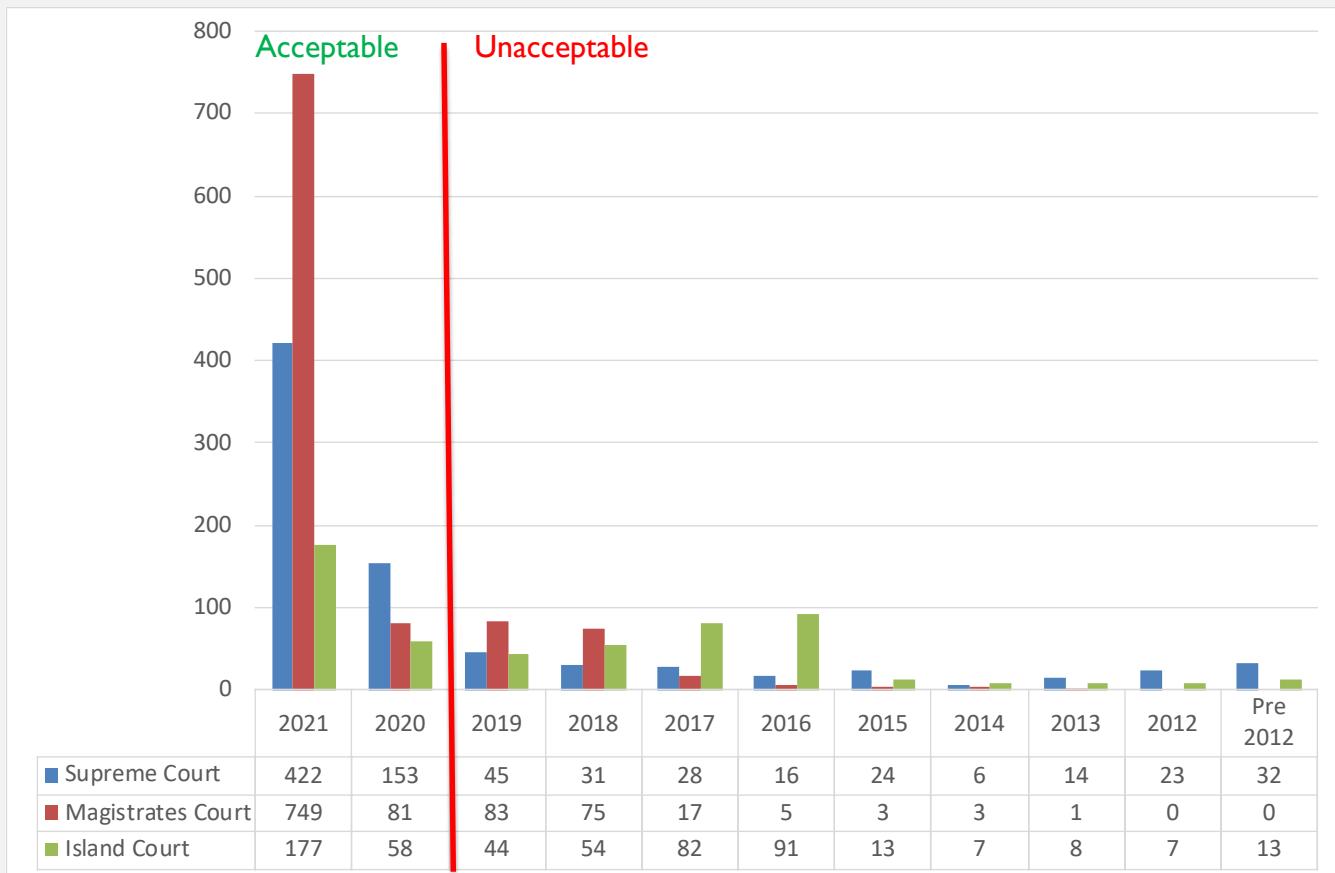
## PENDING AGE SUPREME COURT



Approximately 22% of cases are older than 3 years (2018 and earlier), equating to 174 cases. Further work on addressing these specific old cases needs to be undertaken.

Ref: SCPendingAge

# PENDING AGE MAGISTRATES & ISLAND COURTS

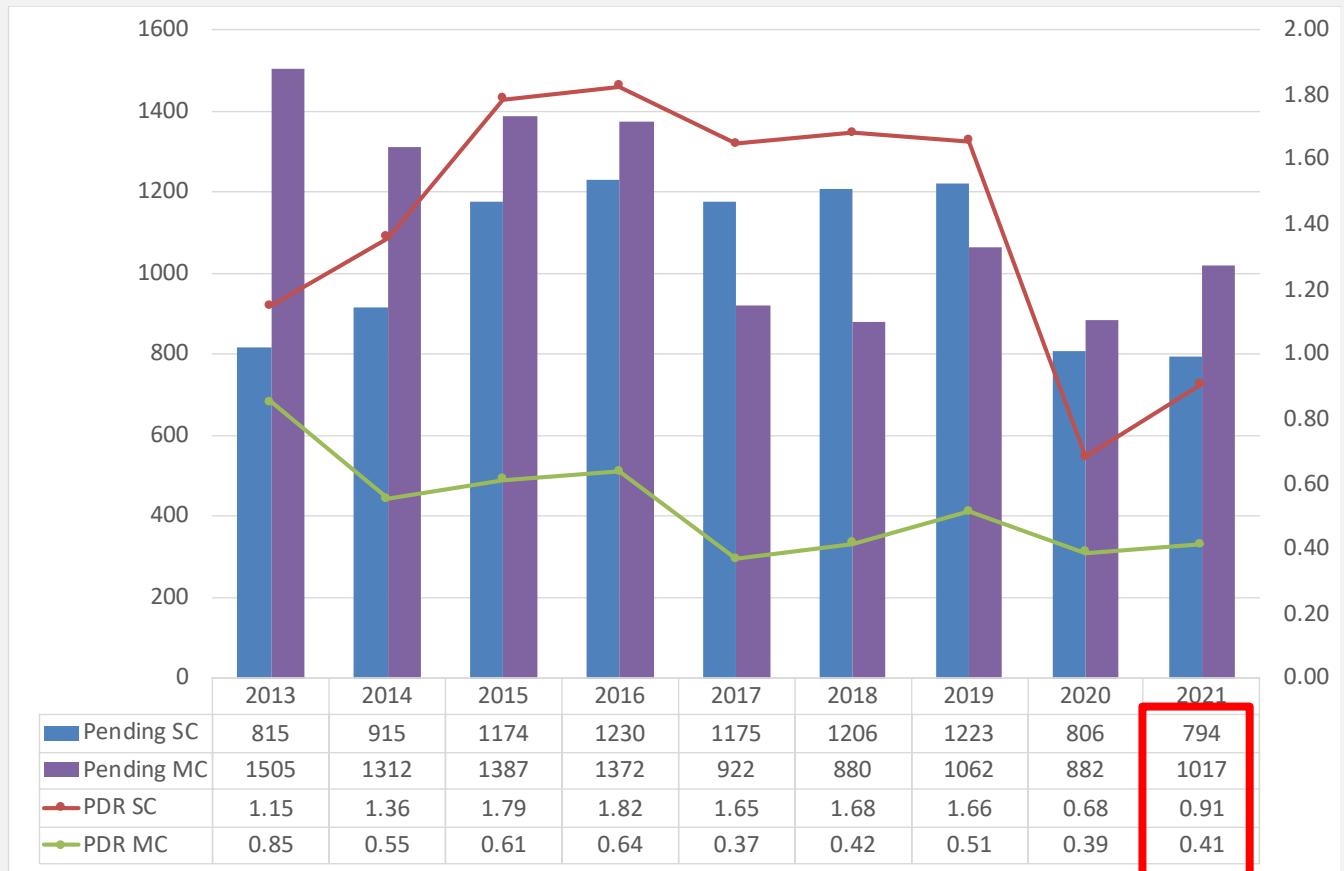


Approximately 58% of cases are older than 2 years (2019 and earlier) for Island Court, reallocation of resources need to be reconsidered to support IC to deal with these cases which equate to 319 cases.

A further 18% of cases are older than 2 years for MC, work equating to 187.

Ref: AllPendingAge

## PENDING TRENDS AND PDR

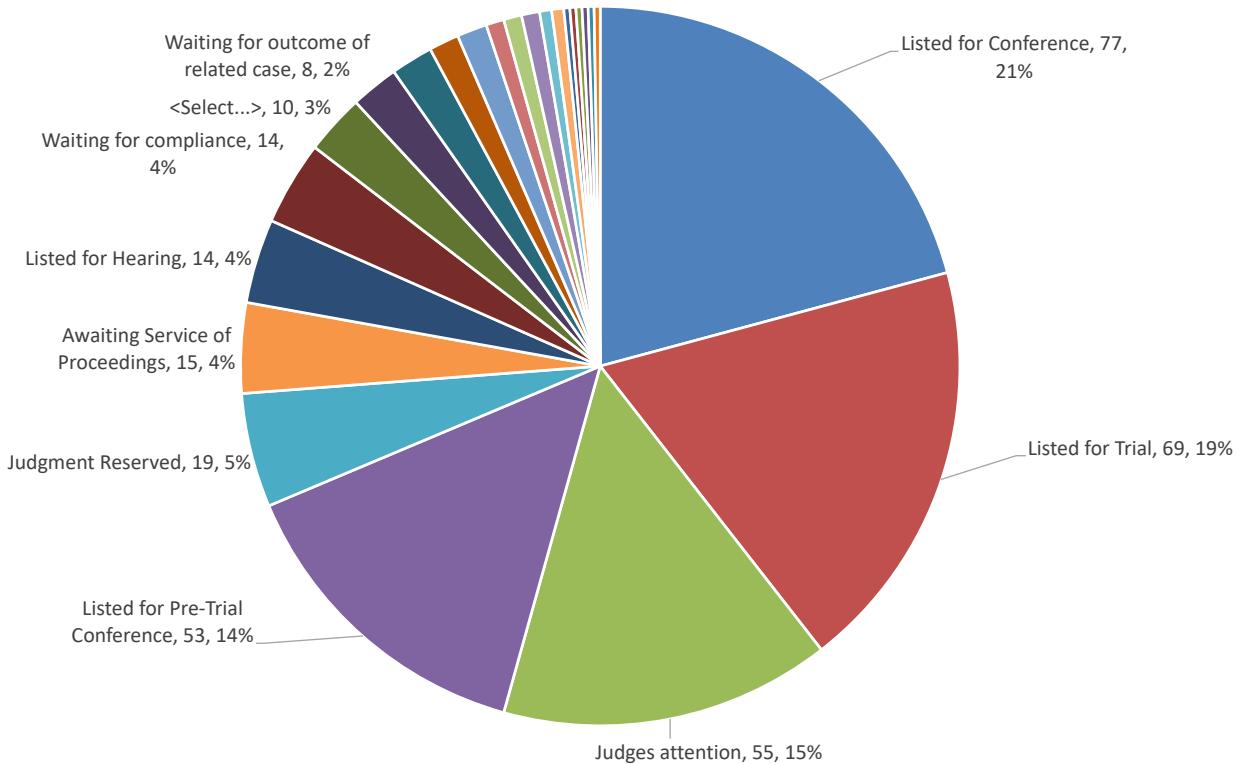


The lower the PDR (Pending to Disposal Ratio) – the better. Supreme Court has seen a PDR to approximately 0.9 which equates to a year worth of outstanding cases.

Magistrate Court has a PDR of 0.4 which equates to less than half a year's work.

Ref: SCMCPendingPDR

# PENDING STAGE SUPREME COURT CIVIL

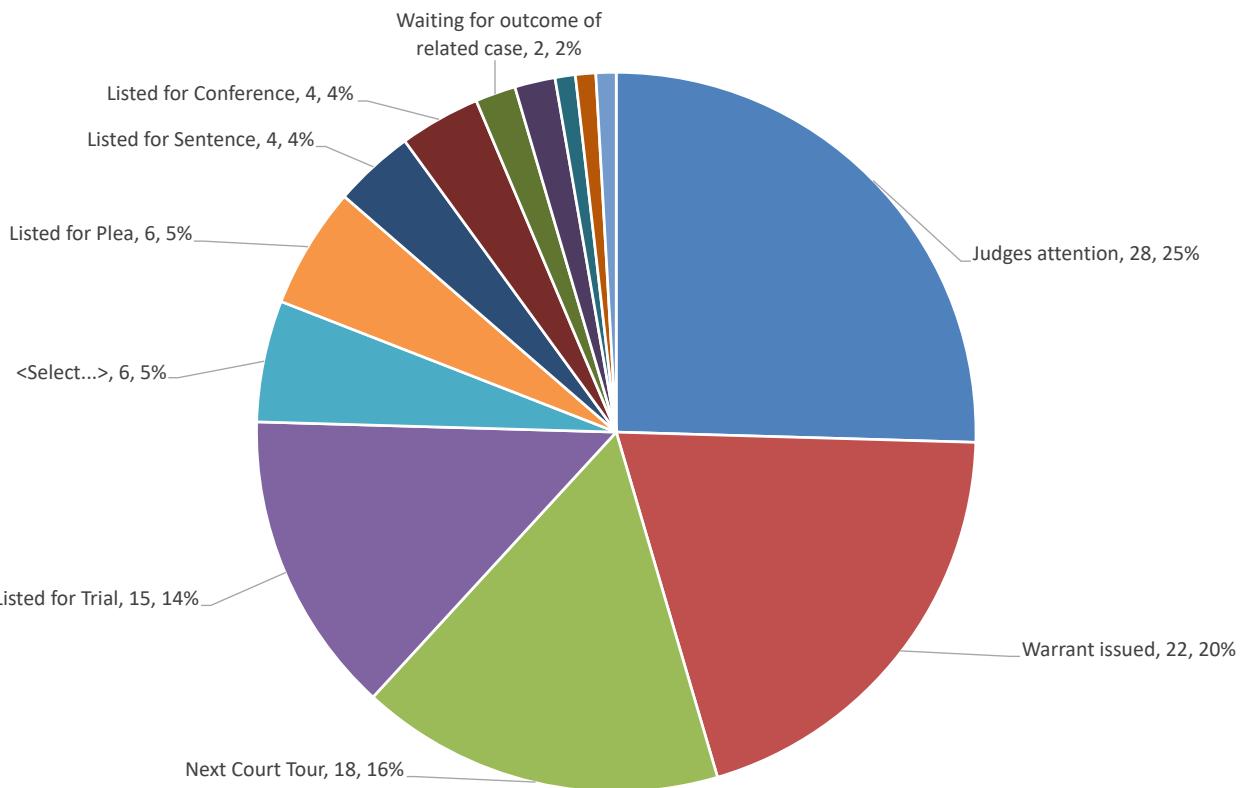


A very low % of the overall pending caseload is listed/ready for trial/hearing— at 19% (benchmark is 80%).

Emphasis needed to ensure cases can be listed and prepared quickly for trial.

Ref: SCPendingCi

# PENDING STAGE SUPREME COURT CRIMINAL

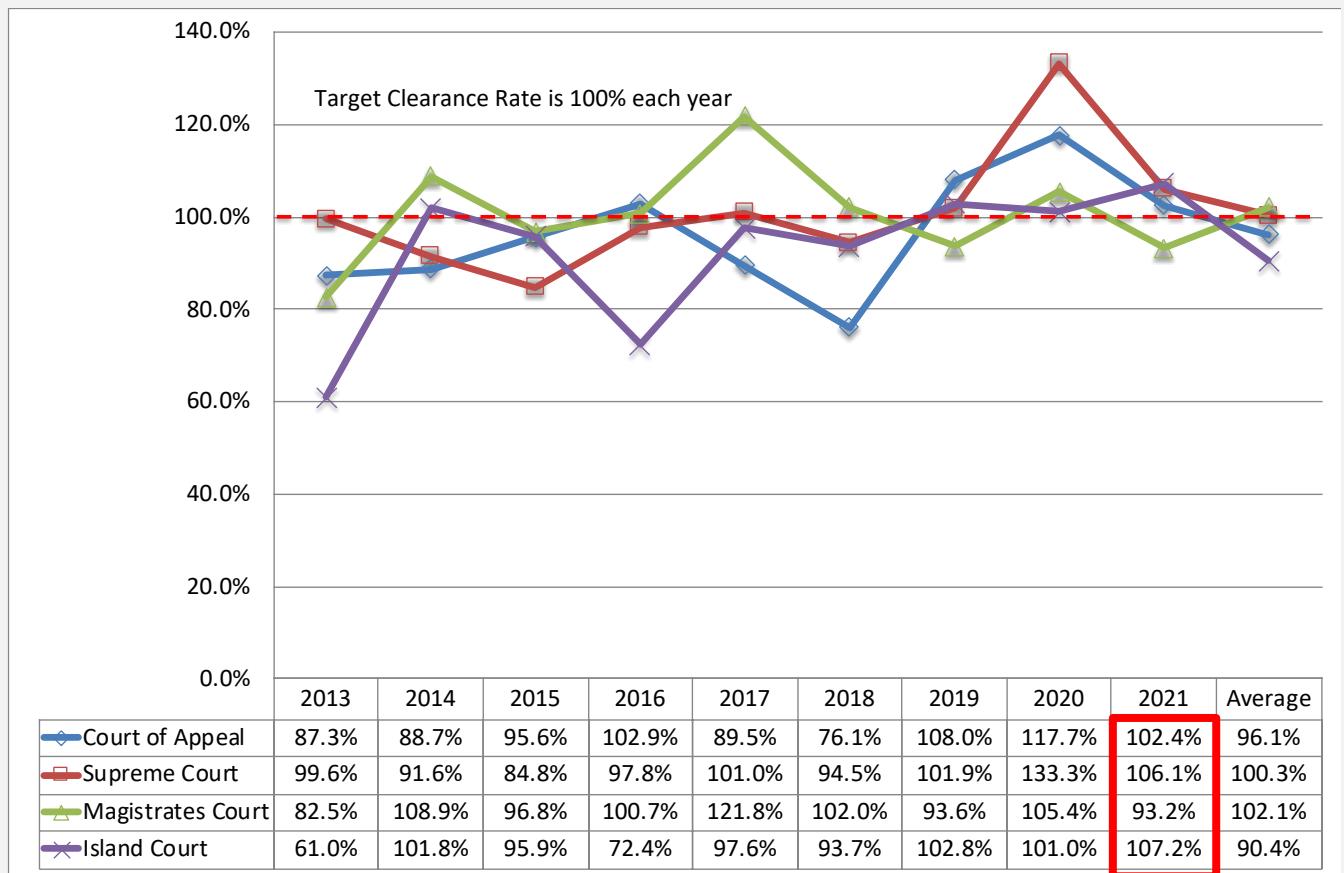


Almost 70% of the criminal pending matters have no valid stage (<Select...>) or Judges attention – needs investigation.

Ref: SCPendingC

### 3. CLEARANCE RATES

# CLEARANCE RATE TRENDS



Clearance Rate just over 100% for all courts except for Magistrate Court at 93.2%.

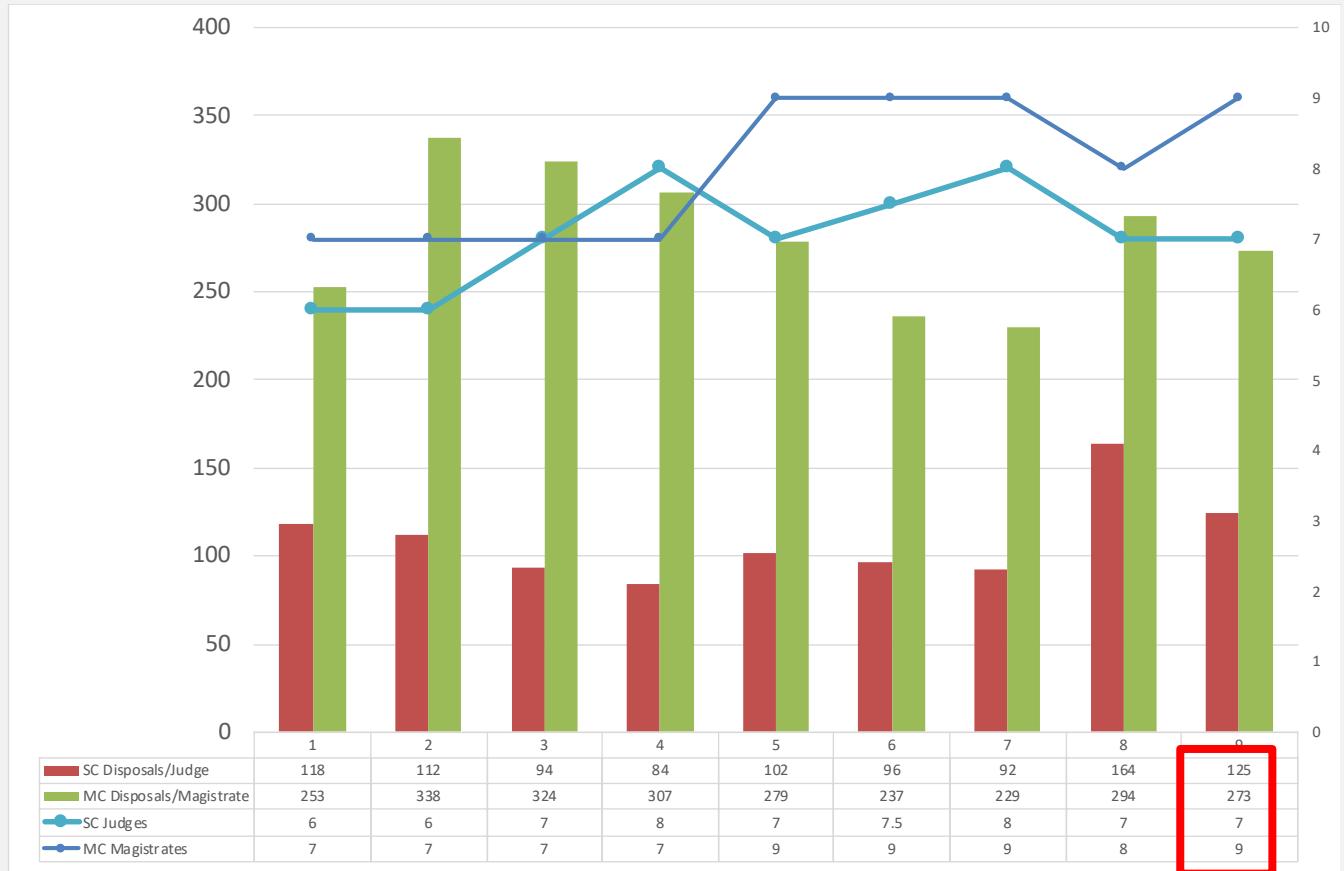
Magistrate Court registering the highest # of cases since 2013, just fell short to closing cases.

Both the Supreme and Magistrates Court have been able to achieve an average Clearance Rate of over 100% over the last 9 years. If less than 100% - a court's pending workload naturally increases.

Ref:AllCRate

## 4. JUDICIAL PRODUCTIVITY

# DISPOSAL RATES PER JUDGE & MAGISTRATE

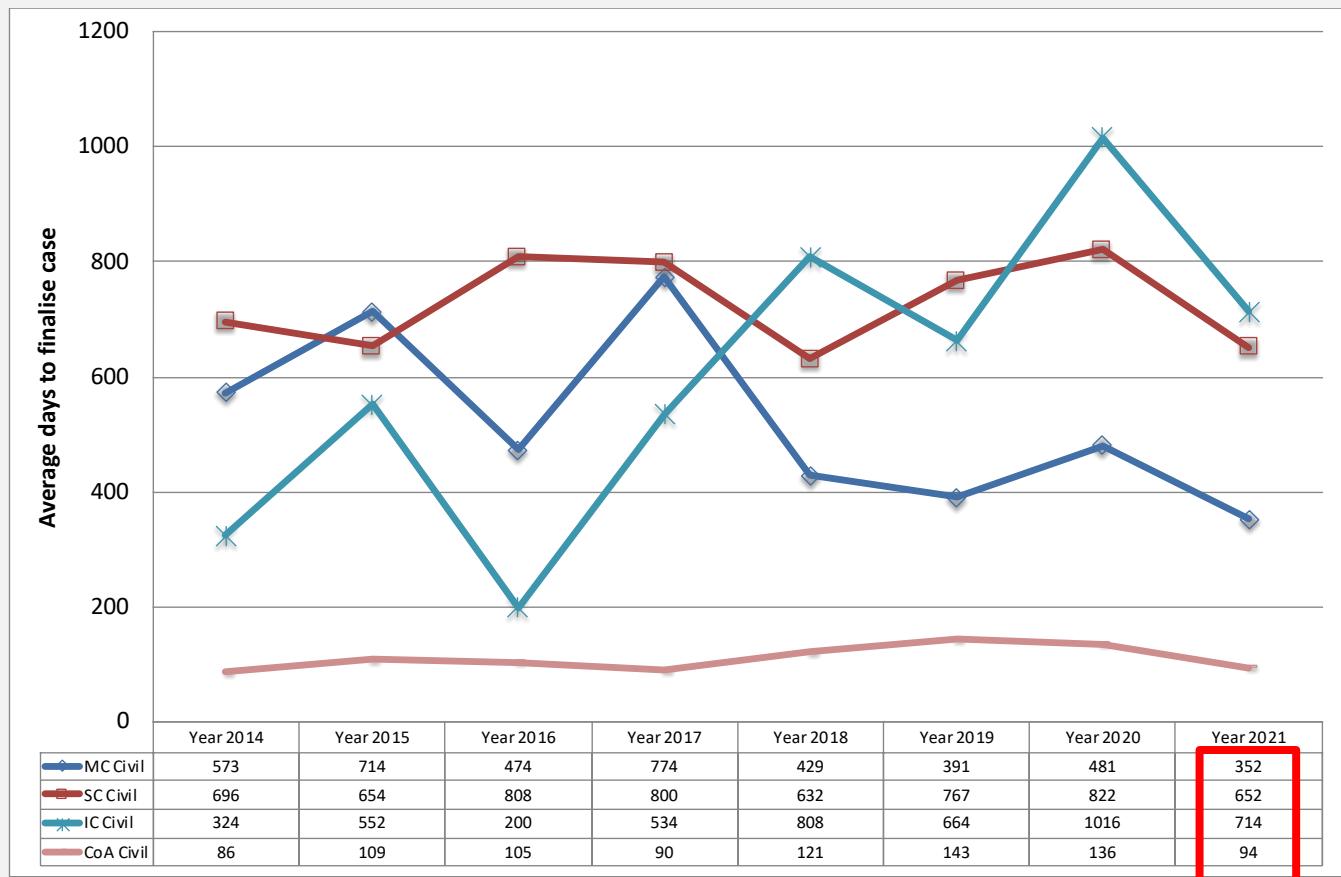


Despite restrictions imposed by COVID-19 on work of Judges and Magistrates and other factors including case complexity, case mix and attendance rates, tracking this indicator is vital. The productivity of the both Judges and Magistrates is still strong.

Ref: SCMCProductivity

## 5. TIMELINESS

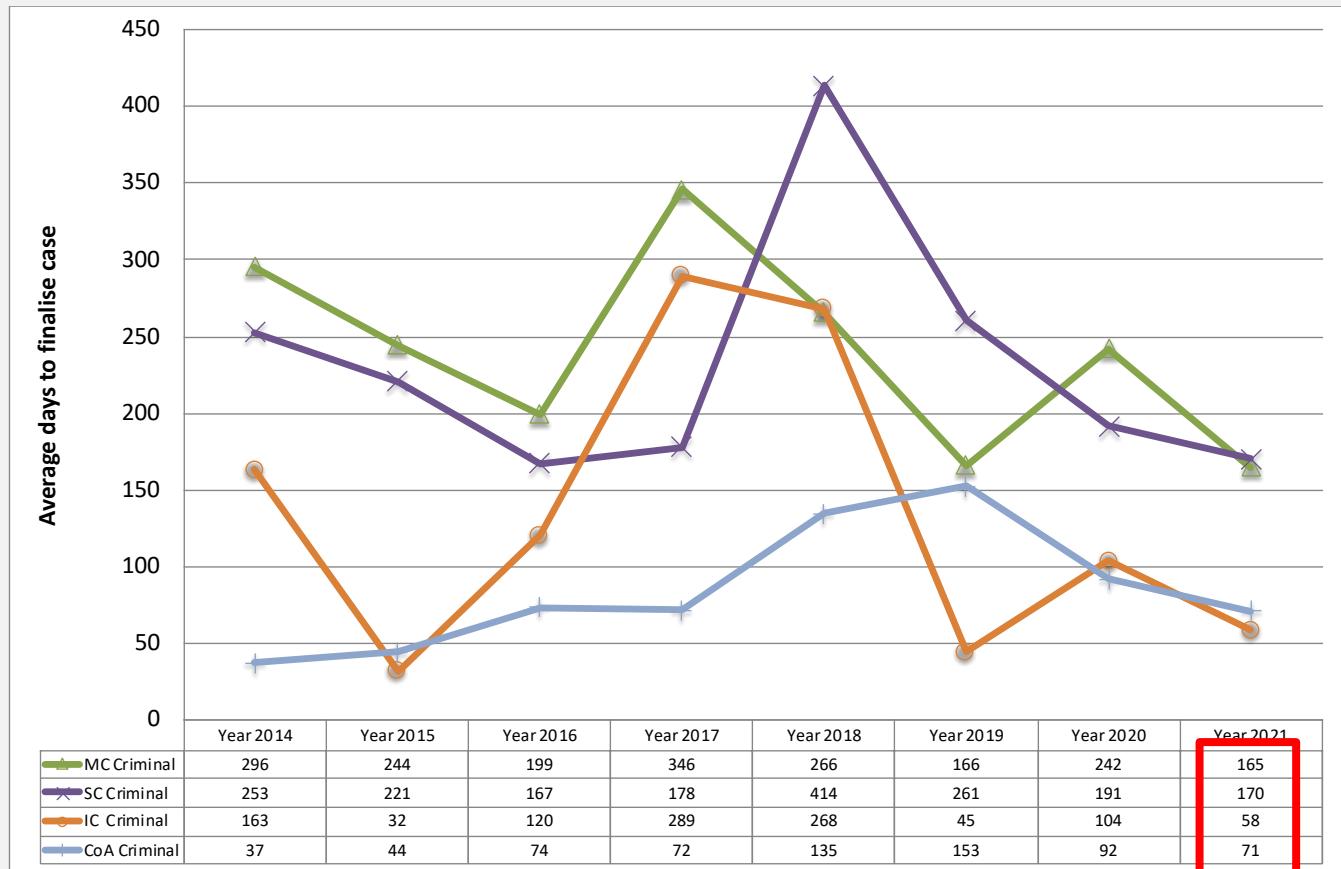
# TIMELINESS DISPOSED CIVIL CASES



Civil cases in the four Courts have decreased in 2021 compared to 2020, with Supreme Court matters take on average less than 2 years to dispose.

Ref:AllTimeCi

# TIMELINESS DISPOSED CRIMINAL CASES

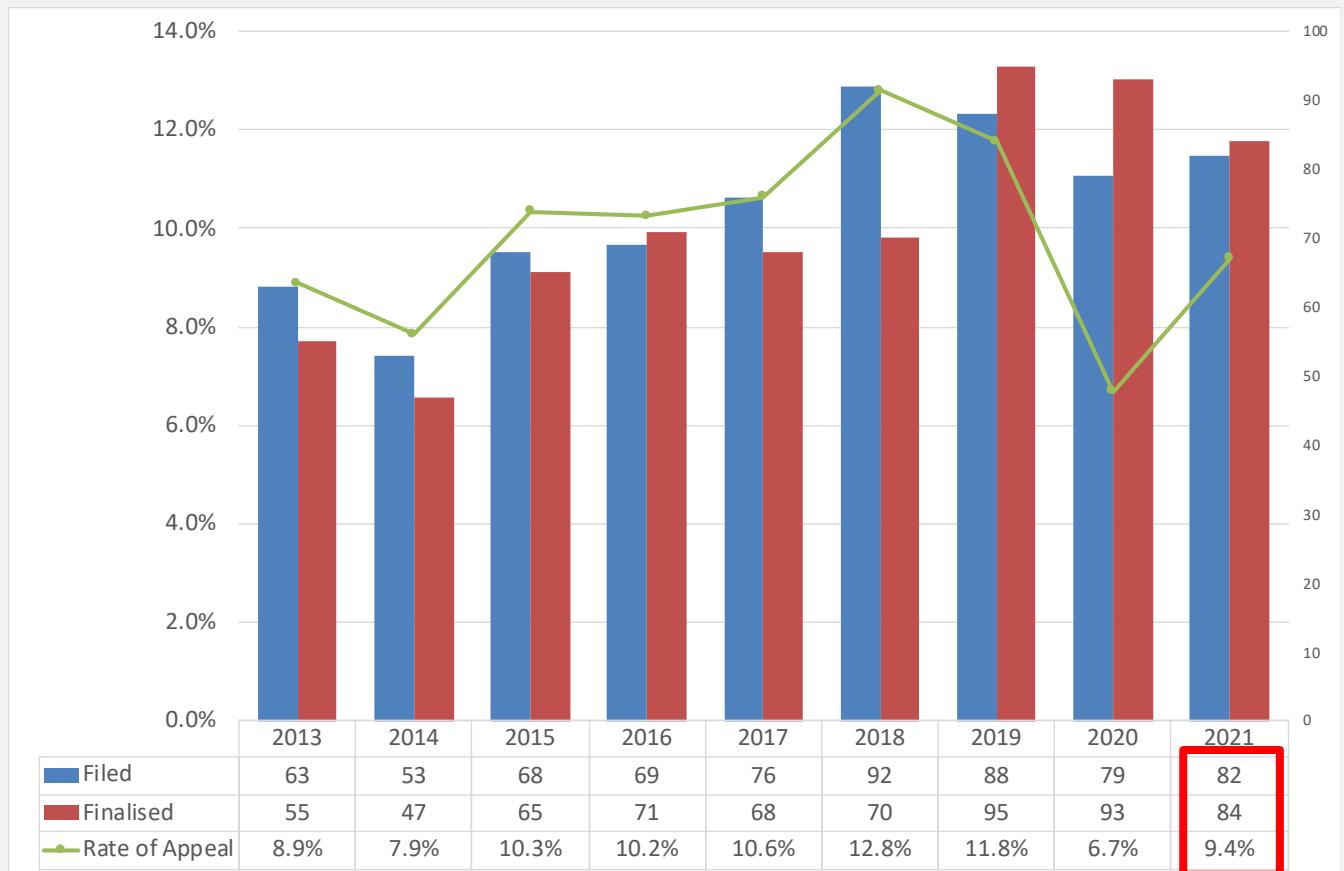


Criminal cases average days to finalize case have decreased in 2021 compared to 2020 – a very strong performance for all courts.

Ref:AllTimeC

## **6. COURT OF APPEAL**

# COURT OF APPEAL WORKLOAD TRENDS



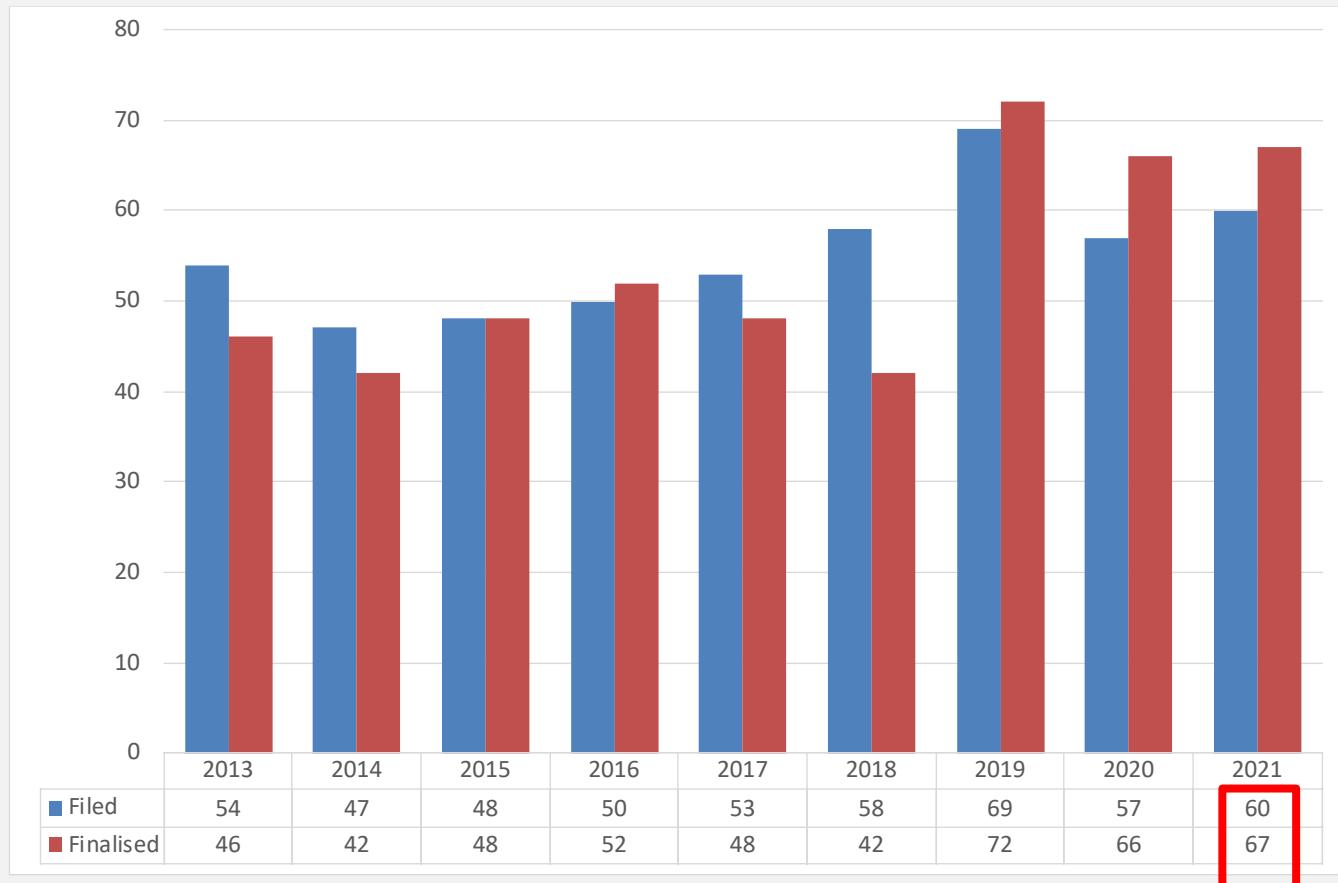
CoA workload is consistent over the last 3 years, similarly, finalized cases are consistent over the last 3 years.

Of note is the decreasing % of 1<sup>st</sup> instance matters finalized that are appealed, now running approximately 9% of first instance matters finalized.

Ref: CoAWTrend

# COURT OF APPEAL

## CIVIL

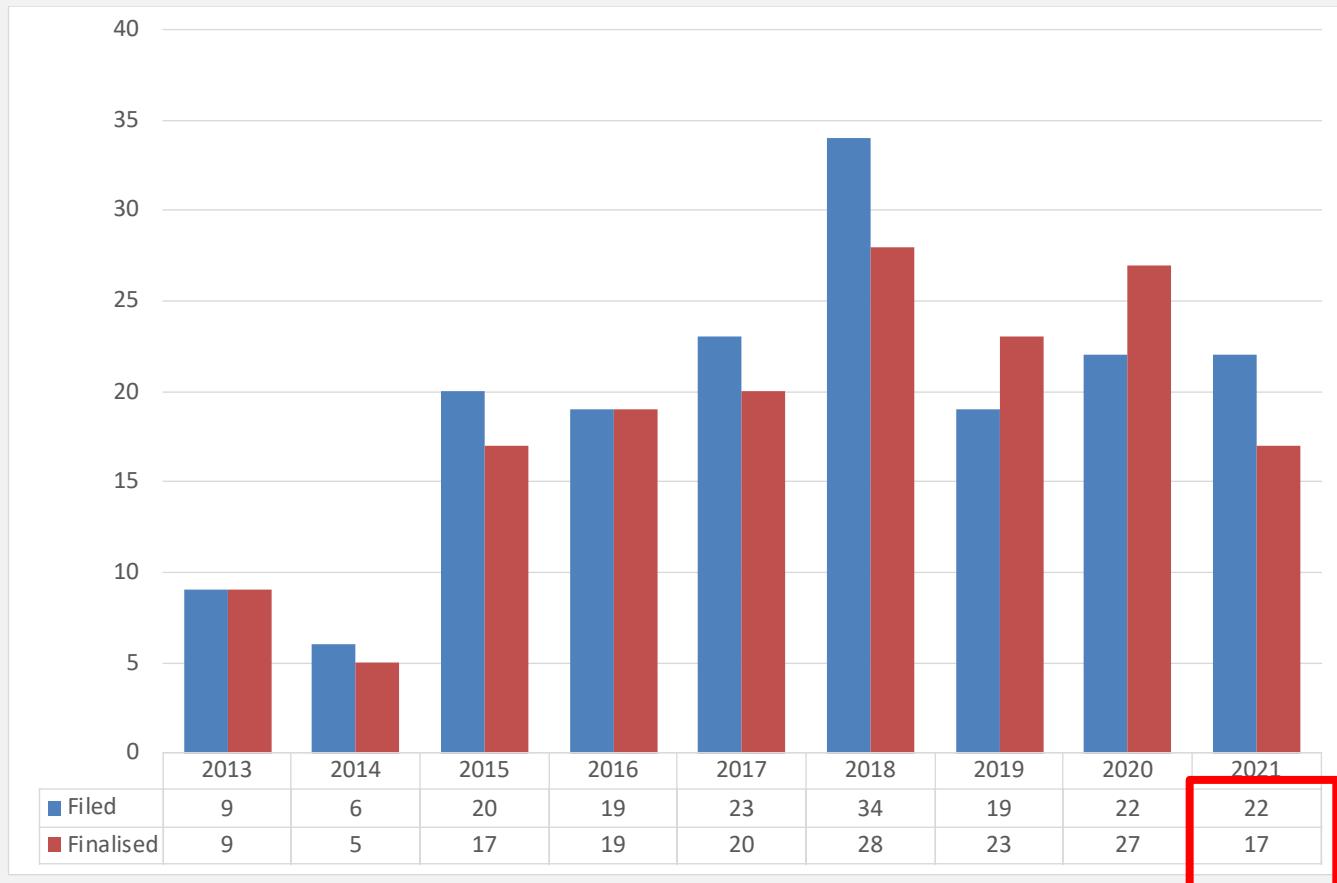


Civil Appeals workload in 2021 is consistent over the last 3 years.

Ref: CoAWTrendCi

# COURT OF APPEAL

## CRIMINAL

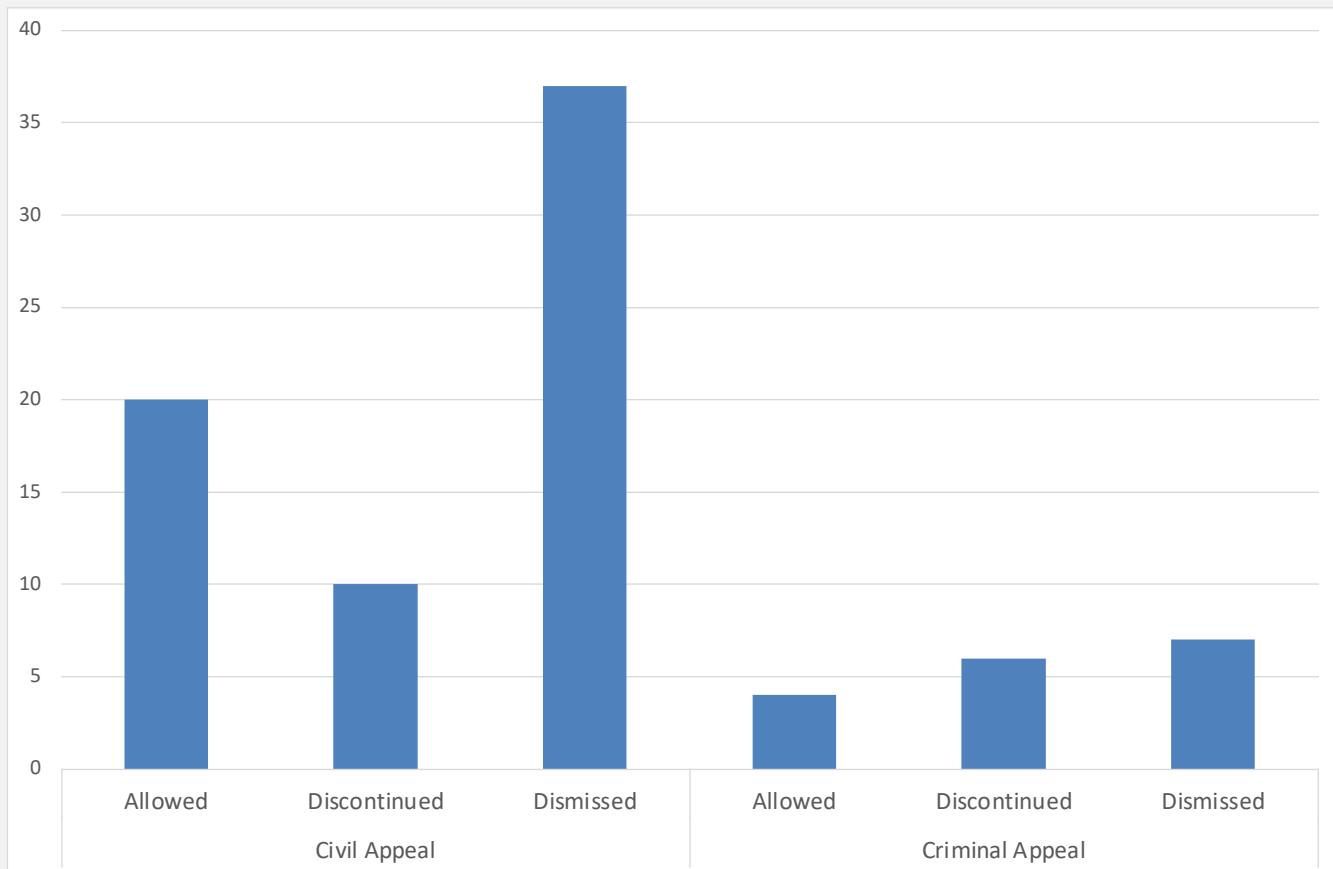


CoA workload in 2021 is similar on last year.

Ref: CoAWTTrendC

# COURT OF APPEAL

## OUTCOMES



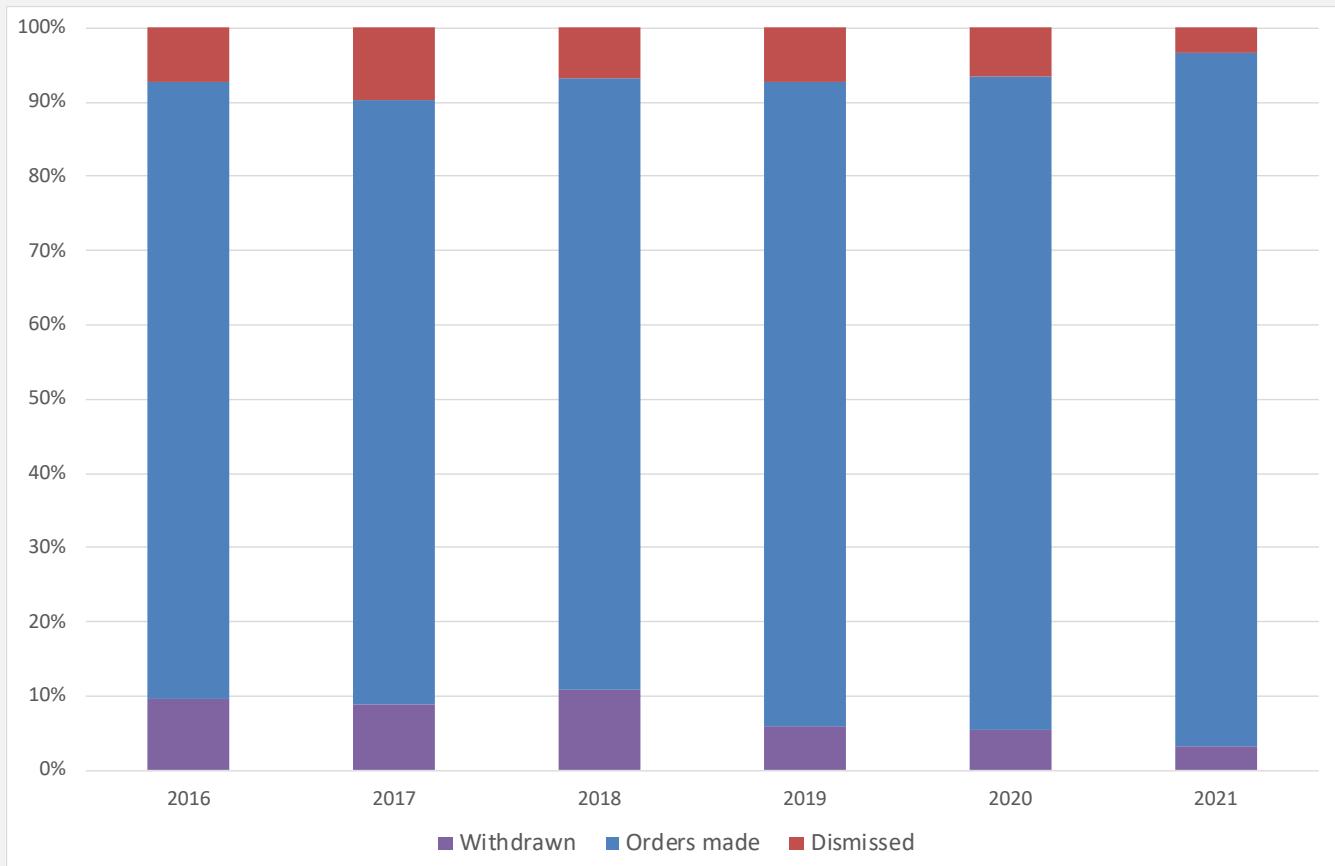
In Criminal Appeal matters, 24% allowed and 41% dismissed – remaining discontinued (withdrawn).

In Civil Appeal matters, 30% of appeals were allowed and 41% dismissed – remaining discontinued (withdrawn).

Ref: CoAOutcomes

## **7. CRIMINAL CASE OUTCOMES**

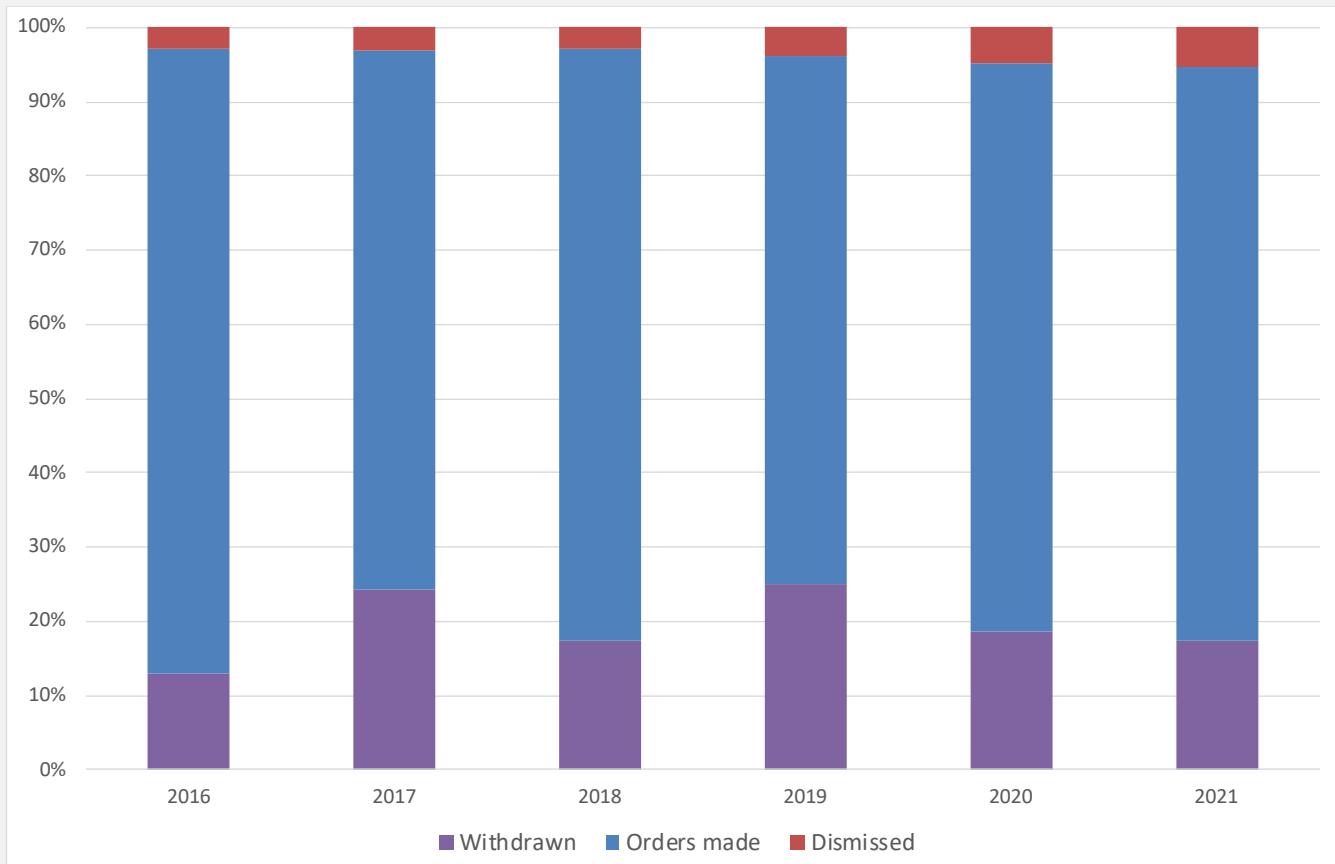
# SUPREME COURT CRIMINAL CASE OUTCOMES



In SC Criminal matters over 90% of cases filed received an order as outcome - # being Withdrawn and Dismissed continues to reduce.

Ref: SCOutcomesC

## MAGISTRATES COURT PI CASE OUTCOMES

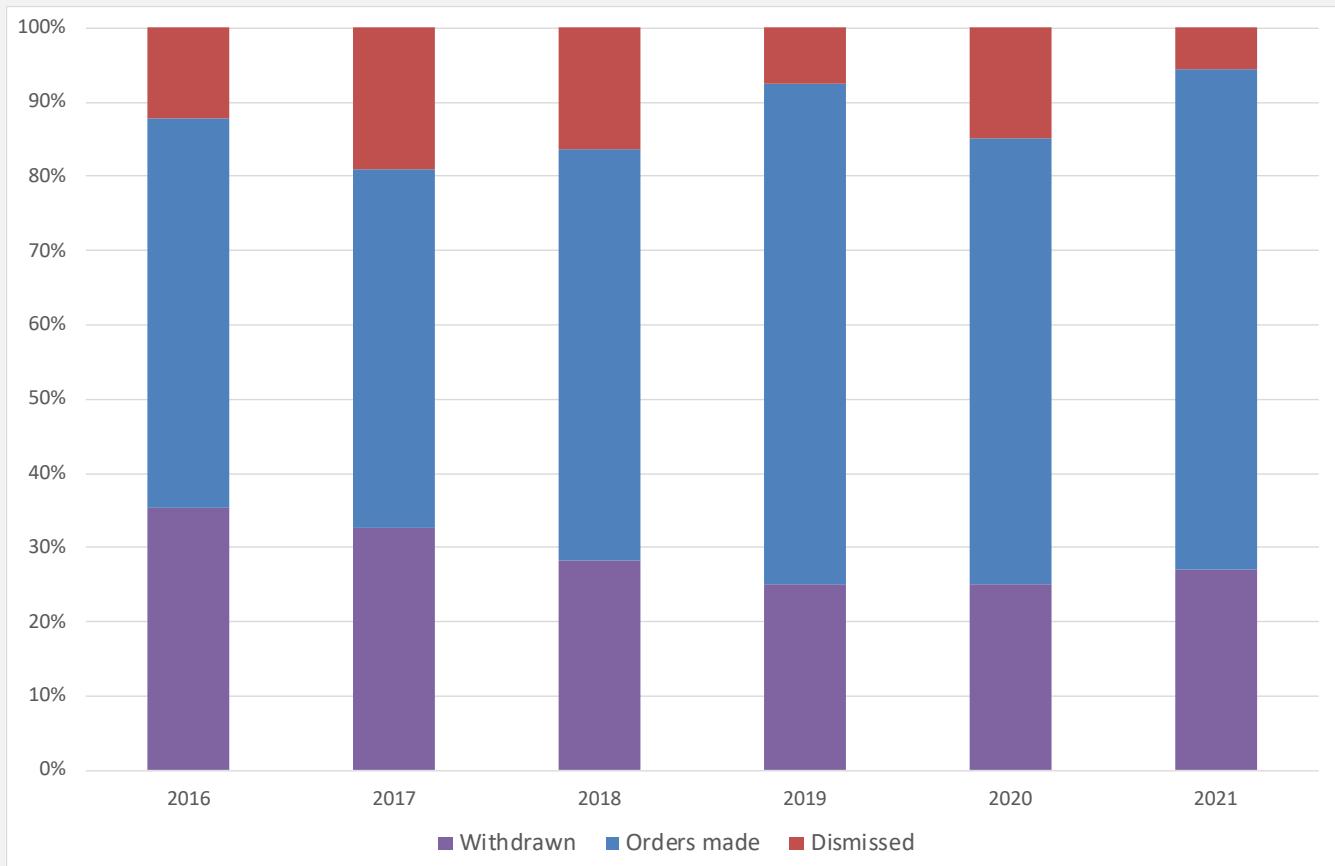


In PI matters, approximately 5% dismissed and 18% withdrawn, and the remaining 77% committed.

#Withdrawn continues to drop.

Ref: MCOutcomesPI

# MAGISTRATES COURT CRIMINAL CASE OUTCOMES

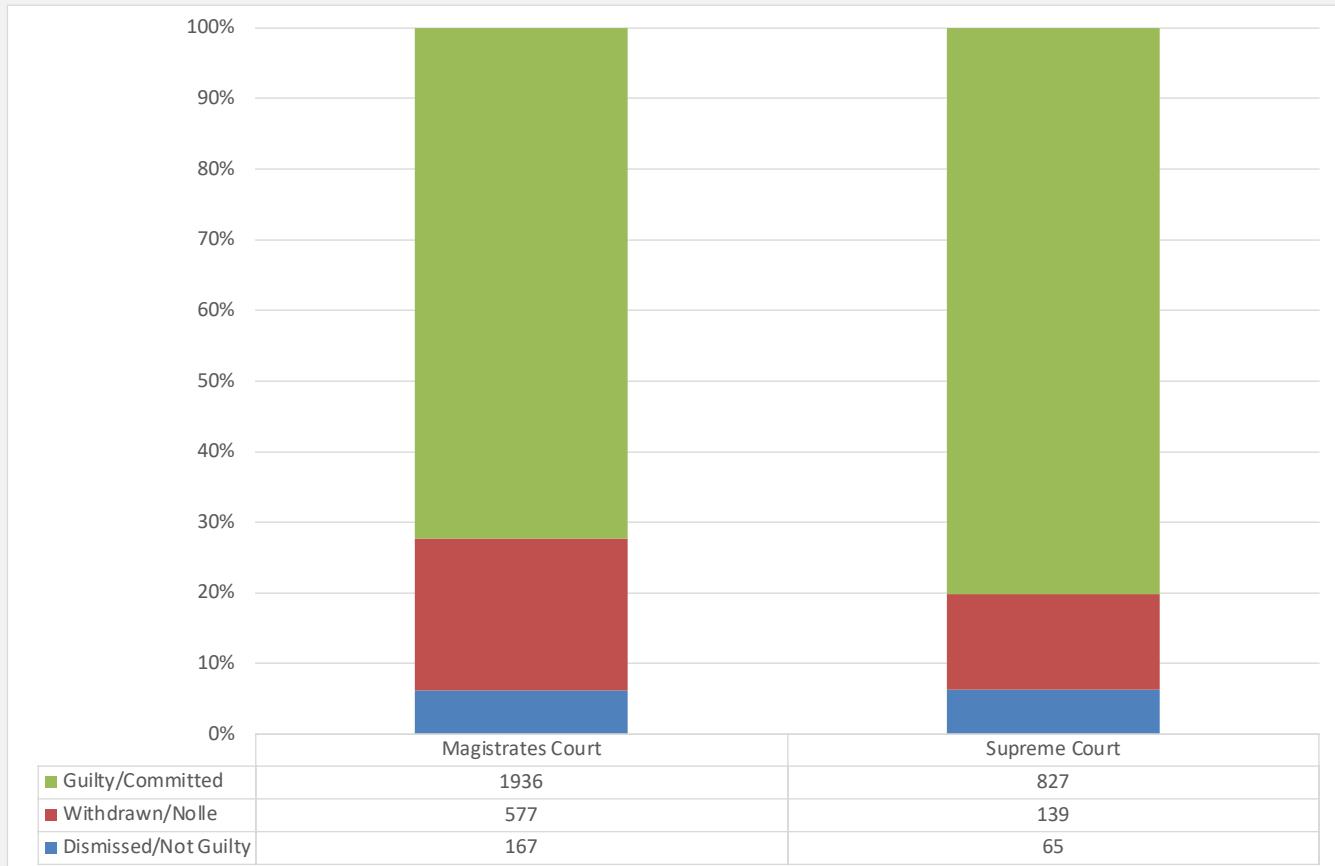


In MC Criminal matters approximately 28% cases are withdrawn while approximately 5% dismissed (a good reduction).

Ref: MCOOutcomesC

## **8. CRIMINAL CHARGE OUTCOMES AND ORDERS**

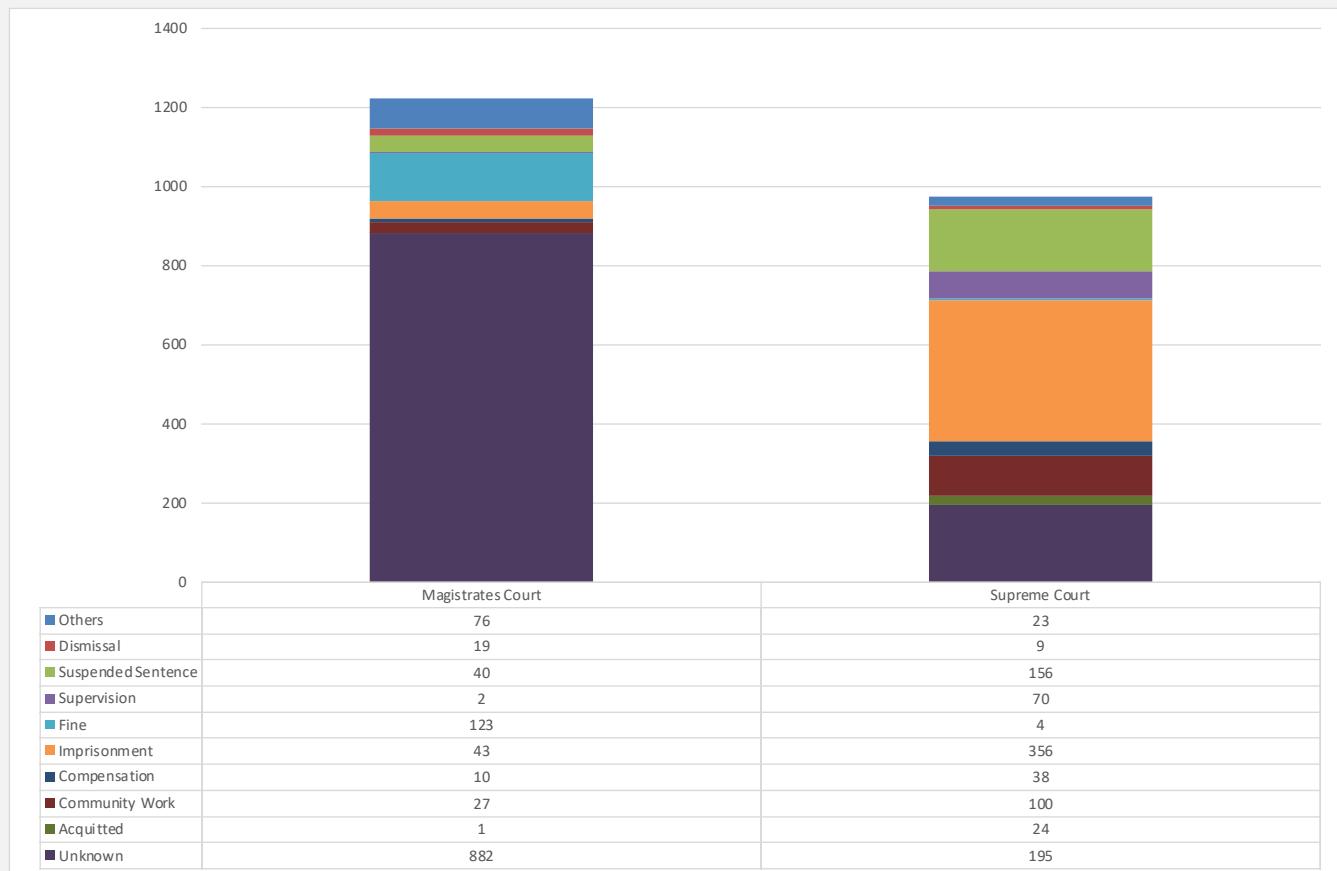
# CHARGE OUTCOMES



Provides an insight into the results of individual charges as brought before the respective courts during 2021. Analysis of each court reflect outcome of charges in each court.

Ref: COutcome

# CHARGE ORDERS



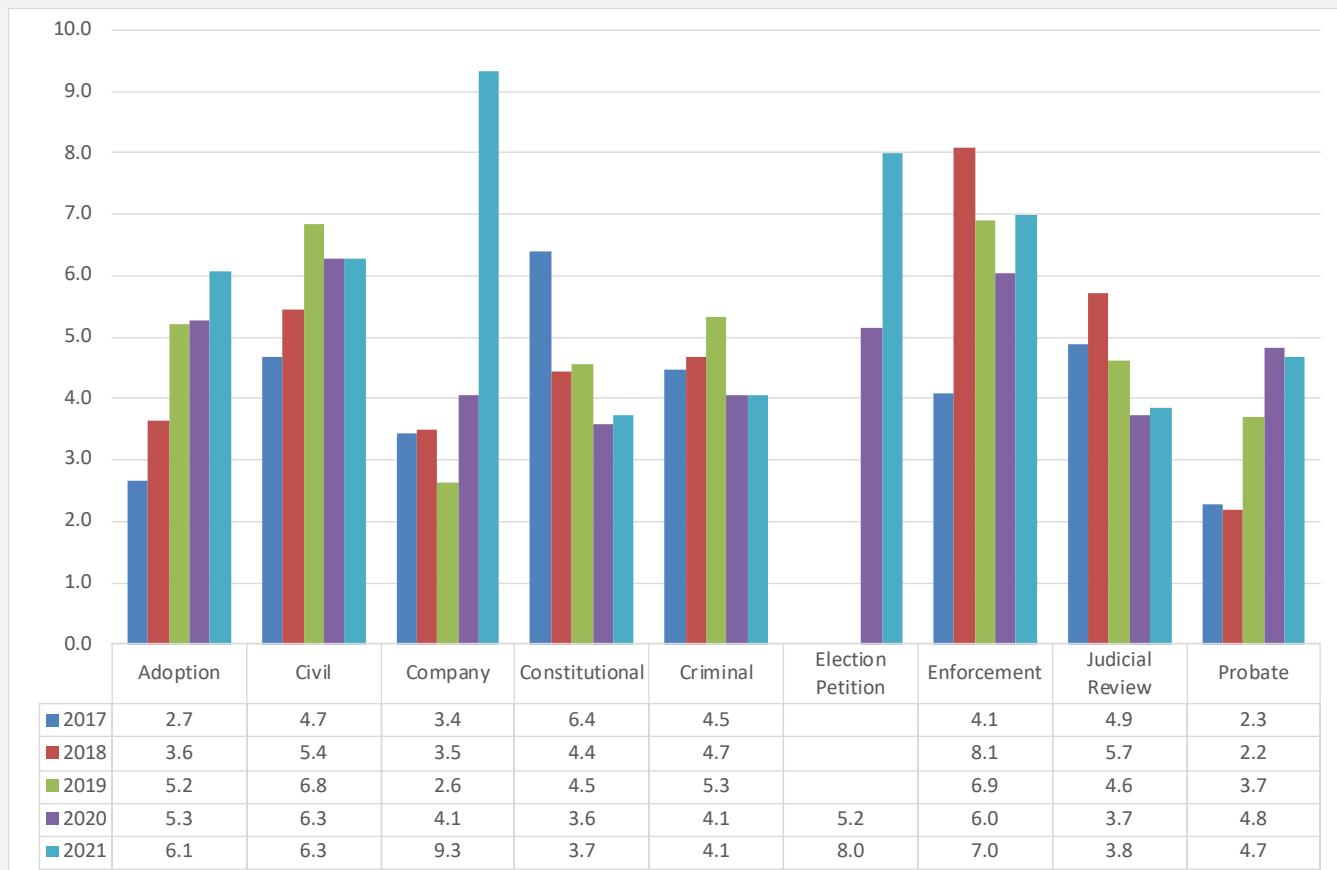
More and more entries are being made of the specific orders made by the judiciary e.g., imprisonment or fine, but in 2021, still many orders had no entries (unknown) e.g., in Magistrate Court. This data entry practice needs to be rectified in 2022.

Ref:COrder

## 9. ATTENDANCE RATES

Attendance rates, as measured by the number of visits/appearances at court to dispose a matter is now being tracked.

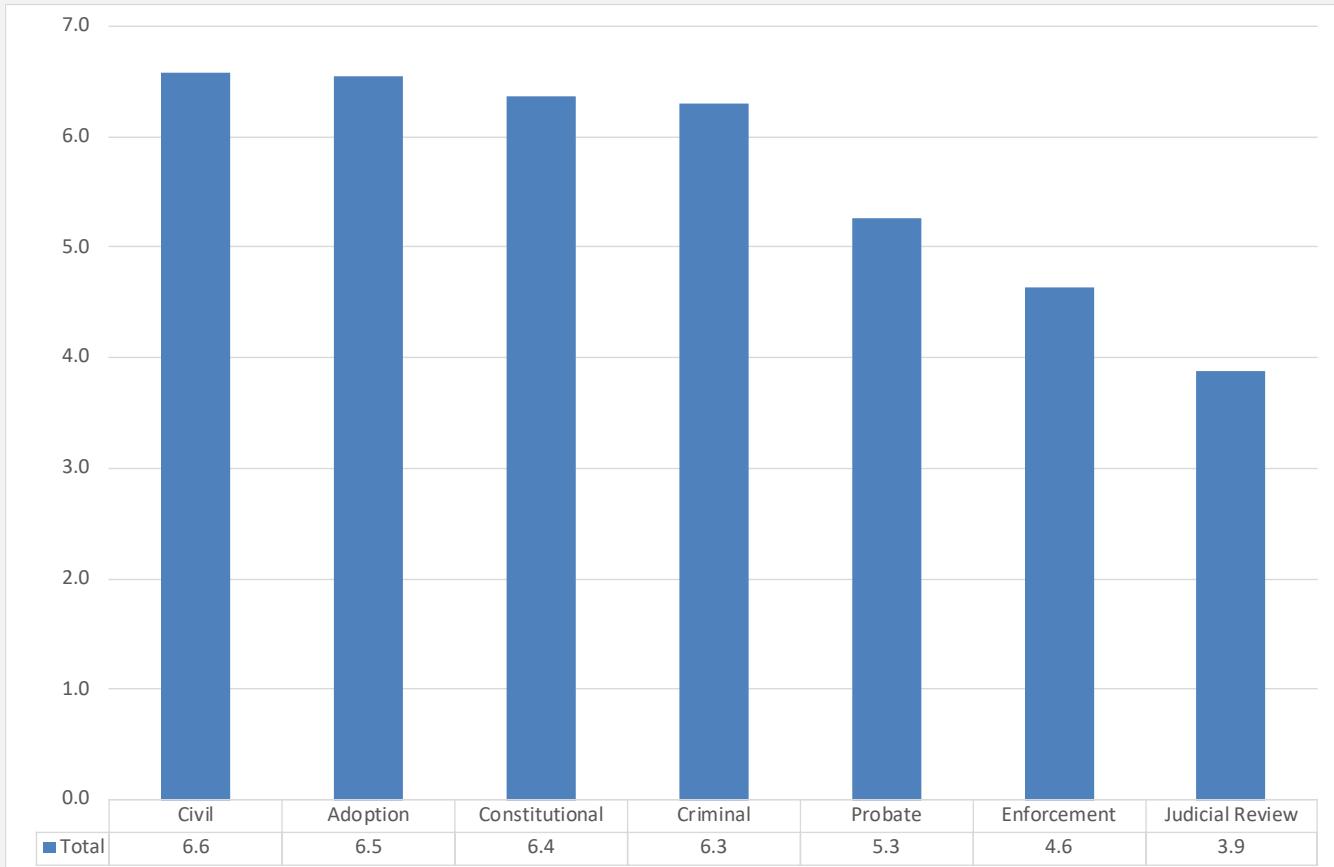
# SUPREME COURT COMPLETED ATTENDANCE RATES



Of concern is the high number of attendances for Enforcement and Civil, which has direct impact on inconvenience and costs to parties. This is to be reviewed.

Ref: SCAttendanceC

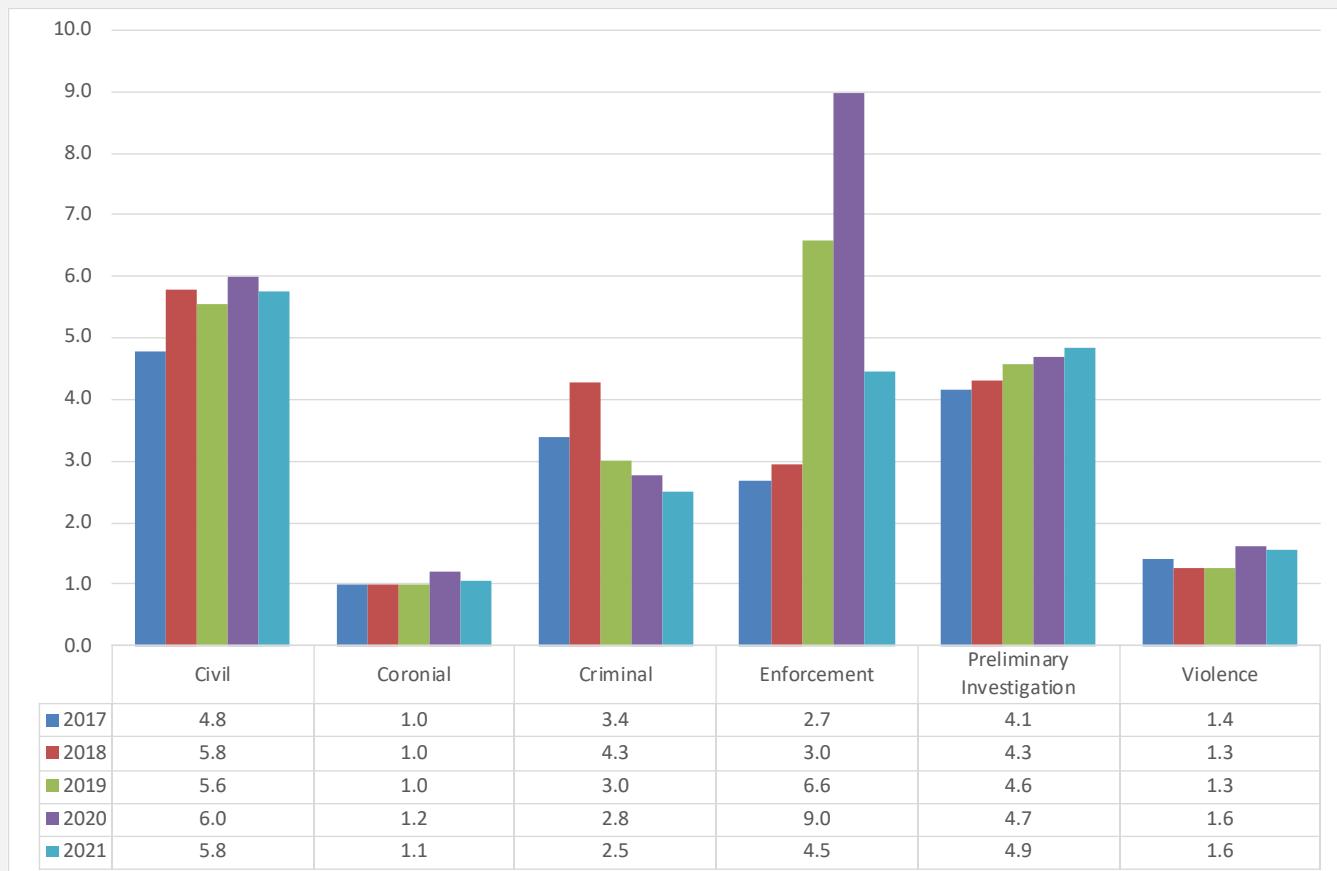
## SUPREME COURT OPEN ATTENDANCE RATES



For the currently open/pending cases, again, the high attendances civil matters will be investigated.

Ref: SCAttendanceO

# MAGISTRATE COURT COMPLETED ATTENDANCE RATES

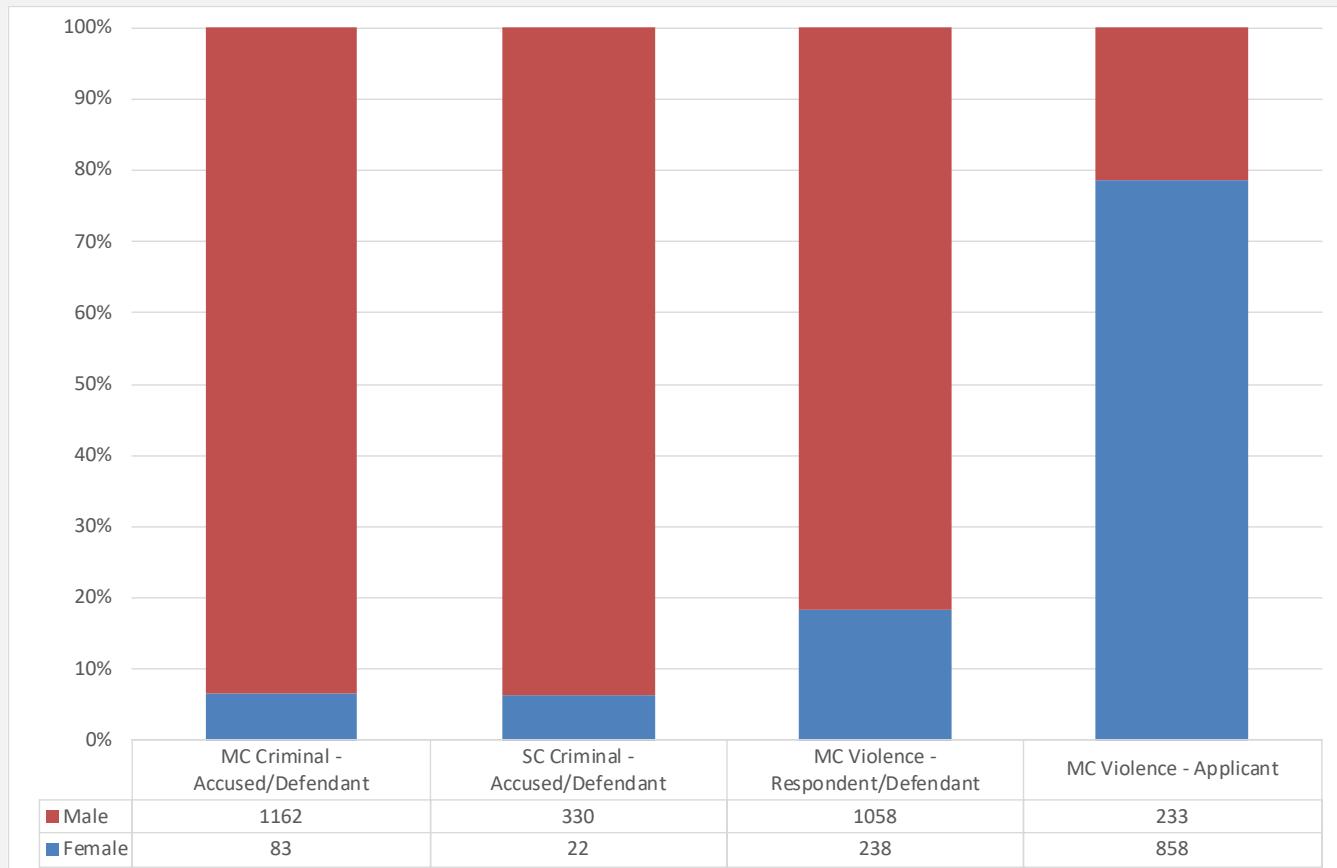


For the main case types, Criminal, PI and Violence (protection orders) – the attendance rates are generally in-line with good practice for Magistrate Court.

Ref: MCAttendanceC

## 10. PARTY DETAILS

# GENDER ANALYSIS



For Criminal cases in Supreme and Magistrate Court, and Violence (protection matters) – filed in 2021, analysis by gender can now be undertaken for key roles such as the accused/defendant and applicant (violence matters).

Ref: SCMCGender