

Pacific Judicial  
Development Programme

Toolkit nuke Orekmakinyen Suwos &  
Kasru nusin met oasr case la

PJDP el fundiyuk sin Government lun New Zealand ac karinginyuk sin  
Federal Court lun Australia

Koanon book se inge kuh in copiyuk fin oasr ngisreyac ac eteyac sin mwet fal.

Toolkits el ekyek pacnacng ac kuh in oasr eklac oreklac kac ke pacl enenuh. Kom fin ke liye ac etuh kac eklac sasuc ke Toolkits, kom kuh in som nuhke website se inge:

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

Ma in eteyuck: Finne srikeyuck in arlacna kalem ac in yohk kasruh nuh selos suc ac readi book se inge, ac kuh in siena orekmakinyac kuh eisyac wiwi facsin kuh oiyacn moul luhn kais sie mutunfacl kuh acn.

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Oreklac sel Dr. Livingston Armytage nuh sin Federal Court luhn Australia.

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## Introduction

Loes liki yac 10, Pacific Judicial Development Programme (PJDP) el kahsrh yohk kain in mukuikui puhs luhn court ma in akkeye kapkapack lalos ke kain in Court ma akuhpahsri fin acn Pacific. Kain in mukuikui inge el som yohk nuhke leadership meetings luhn Court wi akuhpahsri lalos, training in akkeye ac akyohke etacack luhn mwet orekma, ac projects sasuc in kahsrh enenuh luhn kais sie Court ma oasr ke Pacific Island Countries (PICs).

## Toolkits

Mutawaack e ke infulwen 2013 me nuh misenge, PJDP el tuh sramteack u in toolkits nuhke kapkapack luhn Court nuhkewa ke puhluh acn se inge. Toolkits inge el srihke in akkeye Courts ma akuhpahsri inge in kuh in orekmakihn kain in mukuikui in ahkkeyelos ac ahkwoyelos sifacna. Elos sang mwe eteack ac elos srihke weluhlos in moklelos nuhke ma elos enenuh in oruh. Toolkits inge pa:

- Orientation Toolkit luhn Judge se
- Reporting Toolkit luhn Court ke yac nohfohn se
- Toolkit in sang nuhke Review of Guidance ke Judicial Conduct
- Toolkit luhn National Judicial Development Committee
- Toolkit luhn Family Violence ac Youth Justice Project Workshop
- Toolkit nuhke Time Goals
- Toolkit nuhke Access to Justice Assessment
- Toolkit nuh sin Trainers: Luhmahlah, Akfasryelah ac Evaluating luhn Program in Training kuh Akpah
- Toolkit nuhke ip luhn Court in oraclah sulelah la ke case
- Toolkit in ahksrihkyelah kuh ahkwacnginyelah elyah ke case ma oan patlac
- Toolkit nuhke projects ma enenuh in oreklac in eteyuck sin public
- Toolkit nuhke kahsrh in muhsahelah kuh nahwelah ohiyac kuh inkacnek in karihngihni elyah ma tuhkuh ke oraclah luhn Court.
- Enabling Rights & Unrepresented Litigants

Toolkit inge ma luhmeyucklac in kuh in sang kahsrh kuhtena eklac ke inkaneke in ahkkeye kuh pahtok orekmakihnyac ac karingihnyac ne tok fin acn uh ke kapkapack luhn Court lasr ke tuka fin acn Pacific inge. Ke ma inge naweyucklac ac akwucki in orekmakihnyuck ac karihngihnyuck, PJDP el ke liye in muhsaheack courts lasr fin acn Pacific in kuh in pacnacng in oasr akacsruhi luhn Courts ke Pacific in ahksrihkyelah luhlalfongi nuh sin Courts sayacn acn Pacific nuhke kain in kahsrh.

PJDP el ingena ahkyohkye ma oasr yorohl uh ke ma sasu se inge: Enabling Rights & Unrepresented Litigants Toolkit. Toolkit se inge ma oreklac ac srikasrak in kuh in kahsrh Court fin acn Kilbuht ye karihngihnyuck lal Chief Justice Sir John Muria, oacyapac ke kahsrh lal Chief Registrar (ag) Sister Bernadette Mee Eberi ac Senior Registrar Abuera Uruaaba luhn High Court fin acn Kilbuht. Ma se inge el sang kahsrh na wowo nuh sin Courts puhs ke Pacific in kuh in kahsrh suwohs luhn mwet ma wacngin kasreyac ke case ac oacyapac el sang inkaneke ac kahsrh in nuh selos suc suk suwos la ke communities lasr fin acn uh.

## **Orekmakinyac ac Kahsruh**

Toolkit inge el kuh in ituck on-line nuh sin partner courts ke address se inge:  
<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>. Finsrak lasr uh pa partner court inge in kuh in orekmakihn toolkits inge ke pacl ac oacna ke eneneyuck uh. Fin oasr enenuh sayac lom nuhke kahsruh, nuhnakmunahs kom kuh in sruok kuhti ke email se inge: [pjdp@fedcourt.gov.au](mailto:pjdp@fedcourt.gov.au).

## **Mwe fahk lom**

Kuht oacyacpac eis kuhtena mwe fahk in nawelah kuh kahsruh sin partner courts in kuh in nahwuh ac ahkwo toolkits inge.

Dr. Livingston Armytage  
Team Leader,  
Pacific Judicial Development Programme  
January 2015

Chief Justice Sir John Muria, welul Justice Vincent Zehurikize, ikaslah ‘Court-Community Access to Justice Workshop’, e South Tarawa

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**CHIEF JUSTICE’S FOREWORD**

Pa inge sie case ma sesaalah in sikyak. Ke case se inge, mokul se nge el ongaiyac ke ikihlyucklac luhn ma sap orekmakihnyuck sin Court ac oacyapac ke wacngihn inkanek wowo se in ahkwoyelah elyah se ma oasr uh. *Attorney General v Mbwe [2006] KICA 3; Civil Appeal 02 of 2006 (26 July 2006)*

Mwet ma sifacna aollah nuhke longyuck Court uh kuh mwet ma wacngihn mwet kahsrh ke case la nuh yurin Court uh elos wacna sun elyah ke elos tiacna eis kewa suwos lalos ke longyuck lalos kuh nuhke suwos ke ahkfasryeyacn case lalos uh ke sripen tiacna kalem lalos ke suwohs lalos nuhke case lalos uh.

Mbwe el example na wowo se ke kain case se ma wacngin mwet kahsrh luhn sie mwet nuh yurin Court. Mbwe el lainyuck ke Magistrates Court ke offense se ke common nuisance ac el utuckyak nuh in Nikunau Magistrate’s Court. Case se inge el tiacna ahkfasryeyuck ke srihpen wacngihn luhn mwet loh (witness) luhn State kuh prosecution. Tuhsruhktuh, ke elos sano case ah, Magistrates el oraclah sap lal nuh sin mwet se utuckyak ah muh el contempt sin court ac el sang sentence se lal ke malem onkohsr kaclpous meyen (oacna ke ma minutes luhn Court el ahkkalemye uh) Magistrates ah liye muh mokul se ingacn sruhi ac tiacna ahkfuhtlatyaclos. El kaclpous yurin Police fin acn Nikunau ne kena el utucklac nuh Tarawa tukun malem luo kuhtuh. Wacngin lawyer fin acn Nikunau in kasrel Mbwe ke suwohs lal pacnacng wacngin na paye inkanek lal in kuh in suk elacn tifoklac ne kena el tuku sun acn Tarawa. Kewana Magistrate ah kuh officers luhn court elos tiacna sang kahsrh nuh sel Mbwe nuhke suwohs lal in appeal kuh in bail. Ke Mbwe el sun acn Tarawa tuhfeh el eis kahsrh ke suwohs lal nuhke appeal ac in suk bail tuhpan longyuck lal ke appeal lal lain Contempt order lal ah. El ngihstre ke bail ac ituckyang nuh sel sin court. El bail tuhpan longyuck lal ke appeal se el ngihstre suc kalem pac muh fahlac oacna finsrak lal.

Enabling Rights Toolkit el oreklac in kuh in orekmakihnyuck sin Courts ac officers luhn court. Toolkit se inge el kahsrh Court ac officers luhn court ke inkanek in kahsrh mwet som nuh yurin court in kahsrh ke case, yokna, mwet ma wacngin mwet kahsrh la ke case lalos kuh elos suc sifacna aolah in oruh case lalos yurin court, in kuh in kahlem ke ac in orekmakihn suwohs lalos. Ke sripen suhpuhs lawyers kuh mwet kahsrh nuhke case yurin court, Court ke acn srihsrihk fin acn Pacific inge, kain acn Kilbuht, elos wacna sun elyah ke ma elos in oruh in kahsrh mwet ma sifacna aolah kuh mwet ma wacngin mwet kahsrh la ke case lalos yurin Court, in akihlenyuck suwohs lalos ac in orekmakihnyuck suwohs lalos ke case lalos inge.

Acn Kilbuht el tarilac in kuh in orekmakihn Enabling Rights Toolkit se inge emeet. Finsrak lasr uh pa Toolkit se inge in kuh in sang nuh sin Court ac officers luhn Court sie inkacnek suwos ac wo ma in kahsrh ahkwoyelah elyah ma sikyak ke mwet luhn case ingacn sifacna aoluhlos ke case ingacn kuh ke pacl wacngihn mwet in kahsrh case luhn mwet.

Sir John Muria  
Chief Justice  
High Court of Kiribati

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## KEY MESSAGES

Toolkit se inge el kahsrh in ahkkeye suwohs luhn sie mwet e court ke:

- (i) el oruh tuh citizens in kuh in eis ac orekmakihn suwohs nuhkewa lalos ke court
- (ii) ahkkeye mwet wacngin mwet kahsrh la ke case lal in kuh in suwohs ac wo ahkfasryeyacn longyuck lalos.
- (iii) in ahkuhteye ma enenuh in eteyuck ac ma enenuh in orekmakinyuck pacl nuhkewa ke nuhnuhkuh suwohs.

Nuhnuhkuh suwohs el ma na oa se nuh sin sie mwet suc el yohk srihpac nuhke muhtacngacsr ke kewana health lasr ac oacyacpac moul lasr nuh sin sie sin sie. El karihngihn kuht liki fohs meyen el ahkkkeyekuht in use suwohs lasr ke masap. Suwohs lasr ke case lasr yurin court el srihke in ahkyokye ke suwohs nuh sin kewana parties ac el srihke in orekmakihn ma paye suc tuhkuh ke masap, oiyac suwohs suc tuhkuh ke pusren Constitution luhn kais sie muhtuhfahl.

Ke acn Pacific, Constitution lalos uh wacna luhmeyuck nuhke Bible uh. Constitution el ekihn “masap luhn masap” – kihn lah, el use lah fuhkah oakiyac luhn government ke kais sie muhtuhfahl. Constitution luhn kais sie muhtuhfahl el ahkyohkye nuh sin court – kuhnohkohn se in kuh in sang suwohs kuh oraclah nuhnuhkuh suwohs la ke kain in case. Court uh el oruh kunohkohn se lal inge ke el sang suwohs ac ma in orek ke masap uh ke inkaneke suwohs muhkewa.

Masap uh ac inkacnek in ahkfasrye masap uh ke justice system lasr uh el puhs ac el utuftuf, tuhsruhke oasr masefanna ma orekmakihnyuck ac ukeyuck ke justice system nuhkewa. Ma se inge pa suwohs nuh sin kewana. Ma se inge el sruokyac kuh ma suc enenuh na in ukweyuck in pacl nuhkewa in masap uh in kuh in suwohs nuh sin kewana mwet ma tuhkuh suk suwohs la yurin Court.

Mwet uh tuhkuh nuh yurin Court in suk suwohs la ke elos orekmakihn suwohs lalos ke masap uh, suc ma inge tuhkuh ke puhsren Constitution ac masap luhn acn uh. Suwohs inge el tuhkuh yohk ke kena lasr ac mukuikui ma karihngihnyuck ye masap uh. Sie mwet nuhnuhkuh suwohs kuh magistrate se el orekmakihn masap uh ke el ac lohng sie case in kuh in sulaclah suwohsiyacn case sacn.

Ke yac tiac puhs somlah, oasr elyah tohuyak sin muhtuhfahl fin facluh ke kuhtuh oruh luhn Court ma ahkkalemye lah Court inge tiac oruh nuhnuhkuh suwohs la ke case ma som nuh yorohlos. Ke pacl meet ah, oasr eteyac ac liyeyac muh Court nge enenuh in sreltahllah liki mwet uh in kuh in tiac ekuhllah nuhnuhkuh suwohs lalos ke case elos muhta kac. Nuhnuhkuh suwohs luhn Court el arlacna fal ac el yohk srihpac. Tuhsruhktuh, ke elos oruh oinge, elos ahkloesyaclihke inmasrololos nuh sin mwet ke acn selos ma elos muhta we ac kuhlacnsapuh. Oasr elyah muh karihngihnyacn nuhnuhkuh suwohs luhn Court el pacnacng Court in tiacna sang fal suwohs nuh sin mwet suhkahsrup, mwelna, pihlacsr ac muhnas – in muh sang karihngihnyuck nuh sin mwet ma enenuh. Court el wacna suhfanyucki muh el arlacna srellah, el sifacna, sang yohk kaiyuck ac patlac ac el sang kahsrh kuh pacl lal nuh sin mwet kahsrup ac wal suc kuh in orekmakihn wo luhn Court inge in sang ahkwoyellah ke case lal uh – suc ma inge tiacna suwohs.

Fin sie mwet el tiac kuh in eis kuh orekmakihn suwohs lal ke masap, na Court el ac koflah in oruh ma kunacl in kuh in sang nuhnukuh suwohs ke inkanek suwohs. Fin acn Pacific, oacna acn sayac fin facluh, puhs mwet puhlakihn ma upac ac kohsrkohsrlah nuh se in eis ac orekmakihn suwohs lalos sifacna. Ac kuh in ekyek ke kain in elyah luhn mwet tuh wacna sikyak ke sripen:

- Acn el muhta we
- Molo
- Facsin ac oiyac luhn mwet fin acn se
- Etacack ac kalem ke suwohs lasr ke case lasr yurin Court, sayacn ma puhs pac sayac.

Ke ohsun ac aetui inmasrlon un mwet se in lolngohk kac kuh in soklah koanon toolkit se inge koneyukyak tuh mwet puhs ma moulkihn facsin yohk ke moul lalos ke acn selos ma srenglah liki acn sayac elos wacna tiacna kahlem, mwekihn ac sepuhlaik ke sukyen suwohs lalos ke masap, oacyacpac elos tiacna kahlem ke ma kunen Court ac lah fuhkah orekma lalos. Mwet oinge uh, elos tiacna srihke in soklah Court in kuh in eis kahsruh yohrohlos – finne elos enenuh – wacngin kahsruh nuh selos.

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In kuh in sang suwohs nuhke lohngyuck ahkfasryeyuck yurin Court, Court el enenuh in pal ngetngt lalos in muh mwet uh kuh in eis ac orekmakihn suwohs lalos ke oiyac se na ma wo ac fal emeet. Court el tilac eis luhlalfongi sin mwet uh ke pacl se el tiac sang kewa, ahksrihkyelah kuh tilokihnyac mwet uh in tiac orekmakihn suwohs lalos ke masap. Finne som loes liki ma kunen Court kuh kuh ma oasr yurin Court pa in kuh in ahkwanginyelah elyah nuhkewa ma sikyak ke sripen tiacna fal suwohs ma itukyang nuh sin sie mwet, yohk ma kunen Court in kuh in liye lah itukyang kewa suwohs luhn sie mwet ke suwohs lal ke case lal yurin Court.

Apuhnlah fin acn Pacific, oasr kohtoh tolu ke officers luhn Court (mwet nuhnukuh ac magistrates) ac apkuhran pac in inkaiyacn officers luhn Court sayac elos “lay” – kalmac pa tiacna eis ahkpah (training) ke law. Tuhsruhktuh, finne oingacn, oasr pac kutuh selos suc ekihn mwet kahsruh nuh yurin Court kuh lawyers ma oruh na orekma kunac ye muhtuhn Court ke pacl puhs, yohkna nuh selos suc muhta fin tukah ah. Kalmeyac pa ke inkaiyacn longyuck ma ahkfasryeyuck yurin Court, wacngin mwet suc liksreni fal kuh eis etacack yok la ke masap ma fal in kuhlacnsapuh longyuck yurin Court. Sacsin mwet in kahsruh ke longyuck yurin Court inge el oraclah elyah yohk nuhke ahkfasryeyacn suwohs luhn mwet ke case lalos yurin Court meyen ac kuh in oraclah elyah nuhke suwohsiyacng ahkfasreyeyacn longyuck se ingacn – sie na sin mwet kahsruh sacn el tiacna sang kewa kuhiyacn in lain party se sayac ah kuh el fuhlela party se sayac ah in oruh kuh lal ke longyuck sacn ac el tiac lain kuh tahfonglac puhs ke masap kuh ahkfasryeyacn longyuck sacn ac kuh in sikyak.

Chief Justice luhn an Kilbuht el ngisre PJDP in kuh in sramteack toolkit se inge in muh kuh in kahsruh lay (kalmac pa mwet kahsruh ma tiacna eis training lalos ke law) officers luhn Court in

kuh in liye enenuh luhn mwet ma wacngin mwet in kahsrh ke longyuck lalos yurin Court. Fin acn Kilbuht, suhpuhs pac mwet ma fal kuh mwet ma eis etacack fal ke masap in kuh in kahsrh mwet ke case yokna nuhke fin tuhka lalos ah, ac inkaiyacn case lalos uh mwet uh tuhkuh wacngihn mwet in kahsrh lalos ke case lalos uh. Yohk elyah acn Kilbuht pulakihn ke wacngihn mwet in kahsrh ke case lalos uh, tuhsruktuh elyah se inge tiac ma na fin acn we mukena a el oacyacpac elyah se nuh fin acn Pacific nofon. Elyah se inge el yohk pac nuh fin acn atalani nuh Pacific, yokna nuh Australia, New Zealand ac United States. Ke acn inge srihksrihkeni na sacn in sang kahsrh enenuh luhn mwet uh ke case lalos yurin Court. Toolkit se inge el oreklac in kuh in sang kahsrh Court inge in kuh in liye elyah se inge ke pacl se elos oruh nuhnuhkuh lalos fin acn Pacific.

Toolkit se inge el ahkuhteye ma enenuh in eteyuck-ma enenuh in ahkfasryeyuck ke suwohs luhn sie mwet ke longyuck lal yurin Court nuh sin lay magistrates ac officer luhn court suc oacyacpac ma nuhke:

- Sripac luhn Constitution ac Rule of law (masap) luhn sie society kuh un mwet.
- Ma kunen Court in ahkfasrye suwohs lun sie mwet ke longyuck lal yurin Court.
- Ma yohk sripac onkosr (6) ke nuhnuhkuh wo se: independence ( in kuh in sifacna), impartiality (in wacngin srisri), integrity (in suwohs), propriety (in wo oiyac/elah), equality (in fal nuh sin kewana), competence (in kuh in oraclah wo ac paye)
- Ma yohk sripac ke “natural justice”, masap nuhke suwohs luhn ahkfasryeyen longyuck ac ma kunac in liye tuh longyuck sacn in ahkfasryeyuck ke sie oiyac suwohs ma ac fal nuh sin kewa parties ke longyuck an.
- Suwohs 10 ma enenuh in orekmakinyuck ke sie longyuck in pangpang sie longyuck suwohs ac wo nuh sin kewana – suwohs in eis kahsrh sin counsel el enenuh in oasr kac.
- Ma sie lacna ke “burden”(elyah) ac “standards”(ma enenuh in ukohk) luhn proof (mwe ahkpayeye) ke longyuck ke kewana criminal ac civil (case ke acn el wi).
- Conflict of interest (Elyah ke kuhpahsr la) – ac sripac oruh kom enenu in eiskomlac (recuse) ikowi liki case sacn.
- Ma kune in karihngihn mwet enenuh, mwet mwelna ac mwet suhkahpahs, sayacn ma puhs pac sayac.

Kuht suhmuhslah toolkit se inge nuh sin lay magistrates ac officers luhn Court suc muhta fin acn Pacific in kuh in kahsrelos in sang suwohs luhn mwet ke case lalos yurin Court in wo ac in fal nuh sin mwet ma yohk enenuh la nuhke case la ac yohkna mwet ma wacngin mwet in kahsrh la ke case lalos.

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### KAS YOHK MA OREKMAKIHNYUCK

Nuhke sripac luhn toolkit se inge, pa inge kalmacn kuhtuh kahs inge:

- Beneficiary – sie mwet kuh un mwet suc eis ma wo se ke sie ma – beneficiary ke eklac se el eis wo ma tukuh ke eklac sacn; sie mwet kuh un mwet ma oreklac in eis ma wo (money/acn/property) ke eklac se.
- Claim-maker – mwet se ma nuhkuh muh ma el pa mwet se ma fal emeet in eis ma se (tuh kuh pac in tiac paye)



- Court service – Oasr kain in kahsrub ma Court el kuh in sang nuh sin mwet uh, kuhtuh pa: in orekmakihn masap ke criminal ac civil case; ahkwoyelah fohs; ac ahkfasrye koanon sap luhn Court ke case, mwe kaiyuck ke case ac mwe ahkwoye
- Formal system – el som nuhke orekmakihnyacn masap uh sin Court.
- Inclusion – el opposite luhn exclusion (kuh ma tiacna orekmakihnyuck) sin Court kuh ke system luhn Court.
- Informal system – facsin kuh oiyac mahtuh ma orekmakihnyuck in sang ahkwoyelah inmasrlon mwet ma oasr fohsack la ac kaiyuck ma ituckyang nuh sin sie mwet puhtatyang nuhke nuhnuhkuh ma orekmakihnyuck (wacna ke acn srenglah) ke community se kuh un mwet se ma tuhkeni muhta ke acn se, suc el ma sayacn system luhn sie Court.
- Judicial leadership – oru lun judicial officers in liye muh kunokon lalos uh som yohkliki ku loal liki enenu nuselos in orek sulaclah ke cases in konacack ac orekmakin ohiyac ma e akwoyelah usyen justice in ku in kalem sripac lun nunku uh sin met ma orekmakin court ac in akwoyelah fahkon nununku.
- Judicial officer – Sie mwet nuhnuhkuh kuh magistrate suc srihsrngiyucki in karihngihn ac ahkfasrye masap uh ke Court.
- Judicial outreach – inkanek se ma ac musahelah eteack ac luhlalfongi luhn mwet uh ke Court ma orekmakihn oiyac suc Court ac kuh in wi mwet uh in kahsrub ke ma mwet etuh ke etuh ke mukuikui luhn Court kuh ke ma Court kuh in kahsrub kac.
- Lawyer – sie mwet ma eis eteack fal ac el passelah test in kuh in wi kahsrub case luhn mwet nuh yurin Court.
- Legal empowerment pa orekmakihnyacn masap uh yokna in ahkkeye mwet ma sun elyah. El som kahsrub in ahkkeye kuh ac eteack oasr yurin sie mwet in kuh in orekmakihn suwohs la ke masap, lah el sifacna kuh u in mwet se. El ahkuhteye ke inkanek ma kuh in ahkyohkye eteack luhn sie mwet in kuh in eis suwohs la yohk nuh sin mwet nuhkewa nuhke kewana ma oasr yurin ac ma oasr sayacn Court.
- Officer of the court – met orekma se lun lah lun judicial ke government, suc pa kalem ke judge, magistrate, ac court officer ma ekin registry ac counter-staff
- Para-legal – met se ma train iyuck ke level se ma mutawaak ku srike in oasr etaak la ke legal matters suc ma inkaiyen pal uh orekma ke community-level, tusruk tiac ekin lawyer se.
- Right – Suwos se lun met se ma akilenyuck ac karinginyuck ye masap, ac right-holder pa met se ma oasr la suwos se ingan
- Stakeholders – met ma oasr kusrpar la nuke justice system, suc kalem ke: Chief Justice, jduges, magistrates, court officers; met orekmakin court, lawyers; community ac, ac government ac non-government organizations (NGOs) ma kasru community.
- Unrepresented litigant (kutu pal u pangpang pac mu ‘self-represented litigant’) pa met se ma tuku nu in court ekin sie met ku party ke court proceeding se suc ma tiac kasreyuck sin lawyer ku attorney.

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## ABBREVIATIONS

ADR – Alternative Dispute Resolution  
CBO – Community Based Organisations  
CEDAW – UN Convention for the Elimination of Discrimination against Women  
CROC – UN Convention on the Rights of the Child  
MFAT – New Zealand Ministry of Foreign Affairs and Trade  
NGO – Non-Government Organisation  
PIC – Pacific Island Country  
PJDP – Pacific Judicial Development Program

### 1. IP SE EMEET: INTRODUCTION

#### 1.1. MA YOHK SRIHPAC

Finsrak yohk luhn toolkit se inge pa in kahsruh Court in kuh in sang suwohs luhn sie mwet ke case lal yurin Court ke oiyac inge:

- (i) in kuh in sang mwet uh in kuh in eis ac orekmakihn suwohs nuhkewa ma elos sonna eis kuh orekmakihn ke case lalos yurin Court.
- (ii) in sang kahsruh nuh sin mwet ma wacngin mwet in kahsruh kuh counsel la ke case lalos yurin Court ac in kuh in ahkfasrye longyuck uh ke inkahnek suwohs.
- (iii) in ahkuhteye ma enenuh in eteyuck ac ma enenuh in ahkfasryeyuck ke pacl se sie mwet el suk suwohs lal yurin Court.

In kuh in sun finsrak inge, toolkit se inge el kahsruh Court in kuh in ahkfasrye (kuh in sang) suwohs luhn sie mwet ke case lal yurin Court ke inkahnek se ma wo emeet suc ac akihlen mwet se ma suwohs uh an se – yohkna nuh sin mwet ma wacngin counsel kuh mwet in kahsruh la ke case la – in kuh in eis ac orekmakihn (kuh sapkih) enenuh lalos kuh finsrak lalos ke claim lalos in ahkolah nuh selos. Ke ahkfasryeyuck oinge uh, ke ituckyang kewa kahsruh nuh sin kewana Court ac mwet ma suwohs an oasr yohroh – nuhke kewana ma ituckyang ac ituck luhn suwohs uh – toolkit se inge el srihke in ahkwoye in sahflah tuh na suwohs uh ituckyang fal nuh sin mwet ma fal in eis suwohs an suc ma inge ac kuh in safla tuh kahlem ke moul luhn mwet uh ke ahkwoyeyuck ac ahkfisracsryeyuck inkahnek luhn mwet uh nuhke eisyacn ac orekmakihnyacn suwohs lalos uh ke Court.

**Mwet ma suwohs uh oasr yohroh → Mwet ma oruh claim an → Kahsruh → Suwohs**

Pacific Judicial Development Programme (PJDP) el sramteack toolkit se inge fin acn Kilbuht suc kuhpahsryang nuhke project se luhn “Enabling Rights”. Finsrak yohk luhn project se inge pa in

kuh in muhsaheack eteack ac ahkwoyelah top luhn Court in kahsrh enenuh luhn mwet ma srihklac kahsrh nuh se uh. Project se inge el nacnack resources (kuh kahsrh) inge:

- a) In oraclah sie toolkit ah nuhke puhluh acn se ke Pacific in kahsrh in sang suwohs nuh sin mwet ma srihklac kahsrh nuh se uh.
- b) Sramteack sie toolkit ke puhluh acn sefanna ke acn Pacific (Pacific Island Country).
- c) In suhmuhslah kewa ac in ngetacng liye ma tukuh ke ahkwoyeyuck toolkit se nuhke puhluh acn se ke Pacific.
- d) In sulkackuhnelihk toolkit se luhn puhluh acn se ke Pacific inge nuh sin kewana Pacific Island Countries (PICs) elos in orekmakihn.

Finsrak yohk luhn project se inge pa in nawelah ac sramteack orekmakinyacn sie inkanek in kahsrh Court ke sie PIC (Kilbuht) tuh mwet ma suk suwohs lal uh in kuh in eis kahsrh nuhkewa ma elos kuh in eis ke elos orekmakihn toolkit se inge. Project se inge suk in kuh in ahkwoye ac ahkfisracsrye nuh sin mwet in kuh in eis ac orekmakihn suwohs lal ke masap nuhke pacl meet ma elos tiacna eis kewa kahsrh ma fal elos in eis ke pacl se tuhkuh nuh yurin Court ac ahkwoyeyuck yurin Court, kuh tiac suhpuhs liki Court se ke PIC tiac path liki infulwen yac 2015.

Chief Justice luhn acn Kilbuht el ngihstre toolkit se inge in kuh in sramteyukyak orekmakihnyac uh fin acn Kilbuht in kuh in ahkwoyelah enenuh se ke mwet ma wacngihn counsel la kuh mwet in kahsrh ke case la. Yokna, toolkit se inge el lumeyucklac yohk in kuh in kahsrh magistrates ac court clerks ke Magistrate Court (yohkna nuh sin mwet ma tiacna eis training la ke law) elos in kuh in kahsrh enenuh yohk ke mwet ma wacngin counsel la kuh wacngihn mwet in kahsrh ke case la. Kena sripac se inge pacnacng toolkit se inge el srisrielihk nuhke ip luo (a) in sang inkacnek se kuh oiyac se in sang suwohs luhn sie mwet ac (b) in ahkwoyelah enenuh yok ke mwet ma wacngihn counsel la kuh mwet in kahsrh ke case la suc sikyak yohk fin acn Pacific.

## **1.2 FAFASRU LA: COURTS FIN AN PACIFIC**

Fin acn Kilbuht, ke sie toolkit el tufah sramteyukyak in orekmakihnyuck, puhs na mwet wacngihn counsel la elos sikyak ye muhtuhn Court. Srihklac kahlem luhn mwet uh ke masap, yohk nuhke ip luhn kahlem lalos ke akwuck luhn Court kuh ahkfasryeyacn case yurin Court, ma kunen Court ac suwohs lalos ke masap uh. Oasr u in mwet na suhpuhs suc orekma ke masap ac suc kuh in kahsrh case luhn mwet yurin Court ac arlacna sesacnah sie counsel in kuh in som nuh ye muhtuhn Court sayacn acn South Tarawa (capital luhn acn Kilbuht) kuh ke annual court circuit. Nuhnukuh luhn acn Kilbuht el ahkfasryeyuck sin ip 3 ke Court lalos uh. Finne ke acn South Tarawa, apkuhran na in wacngin counsel kuh mwet in kahsrh ke case luhn mwet ke Magistrate Court lalos, Intermediate High court ac el wacna kuh in oasr ke Court luhn Appeal. Inkaiyacn magistrates elos tiacna eis training lalos ke masap. Ke sripac se inge pacnacng kewana mwet nuhnukuh ac mwet la case an wacngin kuhtena training lalos ke masap. Kalmac pa wacngihn mwet fal kuh mwet yohk etuh la ke masap oasr ke inkaiyacn longyuck luhn Court. Suhpuhs luhn mwet yohk kalem ac etuh la ke masap uh pacnacng in yohk elyah pac luhn mwet ma nuhnukuh case ingacn.

Oiyac se inge sahp ac elyah na yohk fin acn Kilbuht, tuhsruhk el tiac eklac nuh sin acn puhs pac sayac – fin tiac inkaiyacn – Courts fin acn Pacific. Ke sripac se inge pacnacng sripac yohk luhn toolkit se inge pa in kuh in sang kahsrüh ma enenuh sin mwet ma wacngihn counsel kuh wacngihn mwet in kahsrüh la ke case lal yurin Court. Mase inge arlac yohk srihpac ac yohk eneneyac fin acn Pacific.

### **1.3 SUC FAL (KUH SUC TIAC FAL) – IN WI RITI TOOLKITS SE INGE?**

**Toolkit se inge el sihmlac nuh sin mwet nuhnuhnuhkuh kuh mwet orekma ke nuhnuhnuhkuh suc ma kunac pa in kuh in sang nuhnuhnuhkuh suwohs ke masap.** Mwet inge pa mwet nuhnuhnuhkuh, magistrates, registrars, mwet traini mwet orekma ke nuhnuhnuhkuh kuh mwet orekma luhn Court. Puhs sin mwet inge elos tiacna eis training lalos ke masap ac ma kunaclos uh som yohk nuhke in sang nuhnuhnuhkuh suwohs ke case yurin community yohk nuhke acn ma srenglah liki acn ma puhs sin mwet uh muhta we. Kunohkohn inge arlacna yohk srihpac meyen el enenuh in yohk kahlem, etuh ac kuh la in kuh in oraclah nuhnuhnuhkuh se ma suwohs emeet ac ma kuh in orekmakihn masap uh yurin kain in acn ma orekmakihn kain in facsin ac oiyacn mou. Toolkit se inge el tiacna oreklac nuh sin mwet nukewa; ac el tiac pac oreklac in orekmakihnyuck ekin sie handbook nuh sin mwet ma wacngihn counsel la kuh mwet in kahsrüh ke case la. Nuh sin mwet ma wacngin counsel la kuh mwet in kahsrüh case la ac enenuh kahsrüh ke ma suhmuhslah, oacna ke: *A Handbook for Litigants in Person, London 2013*. Toolkit se inge tiac pac oreklac in tuh orekmakihnyuck sruhluhkihn mwe kahsrüh nuh sin sie mwet ke attacn nuhnuhnuhkuh suwohs.

### **1.4 NACNACK SIE ELYAH MA OASR: COURT LOM UH ENENUH TOOLKIT SE INGE?**

Fin oasr mwet wacngihn counsel la yorack nuhke Court lom uh, na kalem lah kom ac liye muh toolkit se inge ac mwe kahsrüh nuh sum. Kom ac kuh pac in konacack muh toolkit se inge ac kuh in kasruh in ahkwoyelah elyah luhn mwet sayac suc ac kuh in – kuh tiac- yorack nuhke Court lom uh. Ac ma pac nuh sin mwet ma upac nuh se in kuh in eis kuh orekmakihn suwohs la nuhke kain in sripac puhs: ac kuh in oasr elyah nuh selos ke pacl se elos suk suwohs lalos uh suc pa kuh in kahlem ke molo kuh lusen acn selos nuhke Court, kuh elyah ke tiac kahlem lalos kuh sruhnga lalos in kuh in orekmakihn suwohs lalos ke masap uh. Elyah luhn kais sie muhtuhnafac tiacna oacna sie, tuhsruhk toolkit se inge el srihke in usot nuh sum inkacnek se kuh ohiyac se in kahsrüh enenuh lom an.

Acn Pacific el akihlenyucki ke siena lal – kais sie Pacific Island Country (PIC) el tiacna oacna sie, oacna ke enenuh luhm mwet ac Court ke Pacific Island Country inge tiacna oacna sie. Puhs sin PICs inge eltahl tuhkeni puhlakihn pac elyah sefanna. Sie sin elyah ingacn pa in sang suwohs nuh sin mwet ma wacngihn counsel ke case la in muh ituckyang nuh selos suwohs lalos nuhke sie longyuck ma ahkfasryeyuck ke inkaneke suwohs.; sie pac pa in kuh in ahkfalyelah enenuh luhn mwet suc ac kuh in upac nuh se in orekmakihn suwohs lalos ke kain in sripac puhkanten.

Ke sripac inge, ac kuh in yohkelihk kuh puhseni pacl ma ac sikyak sesuwohs ke nunuhnuhkuh sin Court finne yohk srihke lalos suc srihsrihsr nuhke mwet nuhnuhnuhkuh luhn Court kuh office luhn Court. Kain oiyac inge finne yohk fin acn Kilbuht tuhsruhktuh tiacna sikyak yohk ke acn sayac fin acn Pacific. Oacyacpac, ke mani in sang kahsrüh mwet ke case la (kuh kahsrüh nuh sin mwet

uh kuh lah mac ine uh) el srihksrihkeni, oruh pac elyah se in sang suwohs ke nuhnuhkuh luhn Court ke case luhn mwet ma wacngihn mwet in kahsrüh case la uh el arlacna yohkelihk sikyak kac uh – ac el elyah yohk se – ke acn atuhlani suc kalem ke acn Australia, New Zealand ac acn Merike. In kuh in ahkwoyelah ac kahsrüh elyah se inge pa sripen oreklac luhn toolkit se inge.

Kom kuh in sulelah in tohpohklah kisensiyuk soko inge “Court luhk uh enenuh toolkit se inge?” fahk muh tiacna enenuh. Ac kuh in pa nge, Court lom uh el srihke tari in usot kahsrüh kuh oruh orekma lal uh ke oiyac se ma wo emeet uh. Oruh ac kuh in kalem fin kom ke use top pihsrpihsr ke kisensiyuk soko inge muh “moh”. Tuhsruhktuh fin pa ngan, meet liki kom oraclah top lom uh, eis sie pacl ah in kuh in siyuk sin community lom uh ma elos nuhnuhkuh kac. Oinge, ke sripen Constitution uh sang kunen Court in kuh in ahkfahsrye masap uh, tuhsruhktuh tiacna kuh Court in kuh in neutral ke elos ac srihkeyac woiyacn orekma lalos kuh kahsrüh lalos sifacna. Mwet na ma eis kahsrüh ke orekma lalos uh – ac oacyacpac yohk pac srihpac oacna, pa pac mwet ma tiac eis kahsrüh ke orekma luhn Court suc ac kuh pac in oasr enenuh lalos ke masap tuh elos koflah in orekmakihn suwohs inge – in sang liye lalos uh ke elos ac tohpohklah kisensiyuck soko inge.

Fin pa ngan, mase emeet kom in oruh in sang suwohs luhn kewana mwet wacngihn mwet in kahsrüh ke case la kuh community an kewa pa in siyuck selos lah: *Mac kom nuhnuhkuh: kom falkihn inkanek utokoht nuh sum in kuh in orekmakihn suwohs lom?* Kut ac fohlohk nuhke kisensiyuck soko inge piacnguhl. Tuhsruktuh, oasr pac kuhtuh ma kuht enenuh in som nuhke meet.

## **1.5 KAHSRUH KOM KU IN EIS KE TOOLKIT SE INGE**

Toolkit se inge el luhmeyucklac in kuh in kahsrekom in karihngihn ac ahkwoye kom liki elyah ke kuanuclac luhn suwohs ma ac sikyak ke sripen wacngihn luhn mwet kahsrüh kuh counsel nuhke case se kuh kuhtena elyah sayac luhn mwet ke tiacna itukyang enenuh lalos ke case lalos yurin Court.

Toolkit se inge el sang nuh sin mwet nuhnuhkuh kuh mwet orekma luhn Court kain in kahsrüh in karihngihn elyah se inge. Tools inge kuh in kahsrüh Court in kuh in akihlen enenuh luhm mwet uh ac el oacyacpac sang kain in inkanek in ahkwoyelah elyah kuh enenuh inge. Mase emeet toolkit se inge el ac usot nuh sum tools in kahsrüh akihlen kuh ahkwoyelah pac enenuh ma ac kuh in oasr ma sonna oasr kasruh nukac na fah el som yohk nuhke in akihlen kuh ahkwoyelah enenuh luhn mwet ma wacngihn kahsrüh ke case la yurin Court. Ke oinge uh, toolkit se inge el tiac suk na in ahkwoyelah kuhtena elyah a el srihke in usot nuh sum sie inkahnek ah ma ac kuh. Kain mwe ahkwo inge ac kuh in pa kahsrüh nuh sin mwet wacngihn mwet in kahsrüh ke case la yurin Court kuh kain elyah luhn mwet, kuh in kahsrüh in sang suwohs lalos, kuh ac kuh in orekmakihn training nuh sin mwet nuhnuhkuh kuh mwet orekma luhn Court. Ac tiac oacna sie orekmakihnyac uh pacl nuhkewa, ac kuh in eklah wiwi na enenuh an. In kuh in sang kahsrüh nuhke enenuh inge, ahkeyeyuck Court in kuh in oraclah sie lemlem ah in kuh in ahkyokye mwet uh in eis suwohs lalos ke case lalos yurin Court ac suwohs nuhkewa ma enenuh in itukyang nuh selos suc Court ac kuh in ahkfasrye ma inge ke el srihke in eislah liye luhn mwet ke oraclah luhn Court in sang suwohs nuh sin mwet ke ke case lalos yurin Court, in oraclah ma simuhsrah ke mwe fahkack ke ma enenuh in eteyuck sin mwet nuhkewa, ahkfasrye mwe eteack nuh sin mwet kuh un mwet ke ma elos enenuh in etuh ac kalem kac, ahkkeye eteack ac kahlem luhn mwet uh ke masap ac suwohs lalos, in kuh in sang enenuh luhn mwet nuhke kahsrüh elos enenuh ke masap sin mwet fal in kasrelos ke masap, kuh kain in kahsrüh puhspuhs pac sayac ma ac ahkuhteyucki pac yohk ten inge.

## 1.6 MEAC TOOLKIT?: SRIHPAC LA UH AC KOANO UH

Toolkit se inge el luhmeyucklac in kuh in kahsrh Court kuh mwet orekma luhn Court in kuh in pwepalah, luhmahlah, karihngihn ac ahkfasrye sie project nuh yurihn PIC lom an, suc ac kuh in lelah tuh mwet ma wacngihn mwet in kahsrh ke case la yurihn Court na yohk ac oacyacpac mwet ma oasr suwohs yuroh in kuh in orekmakihn suwohs lalos ke masap uh ke oiyac se ma ac kuh in ahkolah wo nuh selos.

Ma suhmuhsalah se inge luhmeyucklac in mwe kahsrh nuh sin mwet suc readi ac el luhmeyucklac in tiac loes, kuh in kuh in orekmakihnyuck sin mwet ma ac readi uh, in kuh ahkuhteye lah fukah oruh luhn Court in kuh in sang suwohs nuh sin mwet ma wacngihn counsel la kuh mwet in kahsrh ke case la yurihn Court na yohk, ac oacyacpac nuh sin mwet ma oasr suwohs la, in kuh in eis ac orekmakihn suwohs lalos ke masap ke inkaneke se ma ac fisracsr emeet ac ma ac kuh in sang enenuh lalos. El orekmakihn ahkuhteye, kahsrh ac tools, suc kahlem ke ma suhmuhsalah suc sihmlac tari meet suc eltahl sang ke annex ah in kuh in sang kahsrh mwet orekma luhn Court in kuh in ahkfasrye ma kunaclos in kuh in sang suwohs luhn mwet ke case lalos yurin Court ke sie oiyac ma ac kuh in lelah suwohs inge in kuh in ituck ac orekmakihnyuck ke sie oiyac ma akoeyucklac wo nuh sin mwet uh. Suwohs inge ac kuh in oasr nuhke criminal, civil kuh case ke acn ma ahkfasryeyuck yurin Court.

Elyah se ma oasr ke toolkit se inge uh pa in sang kahsrh wowo se ma mwet uh kuh in eis ac kuh in readi ac kahlem kac. In karihngihn elyah se inge, toolkit se inge el oreklac in fototo ac in muhta na ke srihpac yohk la uh: el srihke in tiac kalweni ma oasr tari ke masap uh, akwuck luhn Court ke ahkfasryeyacn case yorolos kuh book ma oreklac in kahsrh mwet nuhnuhkuh luhn Court ke pacl el muhta ke case kuh long sie case.

Toolkit se inge el luhmeyucklac in kuh in muhsaheack Court in kuh sang suwohs luhn sie mwet ke masap. Suwohs inge el puhs. Ke sripac se ingacn, toolkit se inge el tiac tuhkuh ekin sie encyclopedia ke masap. El srihke in muhta na ke sripac yohk la uh suc pa in kahsrh Court inge in kuh in liye ac akihlen enenuh luhn mwet ma wacngihn counsel kuh mwet in kahsrh ke case la yurin Court yohkna ac in kuh in liye tuh suwohs sayac lalos ke masap in kuh pac in ituckyang. In kuh in oruh ma inge, toolkit se inge enenuh in orekmakihnyuck wi kahsrh sayac ma oasr tari. Mwe kahsrh inge pa masap ma yohk sripac ac kuhpahsr la nuhke enenuh oinge ac akwuck luhn Court ke ahkfasryeyacn longyuck yorolos, oacyacpac book ma oreklac in kahsrh Court kuh mwet nuhnuhkuh ke Court ke pacl se el long case luhn mwet. Enenuh in readiyuck wi PJDP toolkits sayac ma ac kuh in yohk sripac kuh yohk kuhpahsr la nuhke elyah se ma oasr yurum an.

## 1.7 KUHTUH KAHSRUH SAYAC

Ac wo kom in readi ac orekmakihn toolkit se inge wi pac kain in mwe kahsrh suhmuhsalah sayac:

1. Mase meet, wo kom in readi toolkit se inge wi pac book se pangpang **law and court procedure** luhn Court lom an – ma inge el use kalmen legal framework suc ma kom enenuh in kuh in orekmakihn ahkfasrye orekma lom kuh ma kunom ke Court.

2. Tokoh, ac wo kom in liye book ma oreklac in kahsrh sie mwet nuhnuhkuh ke pacl se el oruh ma kunacl in lohng sie case – mase inge ac usot nuh sum ma kahsrh na yohk nuhke orekmakihnyacn kuh ahkfasryeyacn ma kunen sie mwet nuhnuhkuh ke pacl se el ac long sie case ke Court.



3. Aktolu, PJDP el oraclah pisen toolkits na puhs sahyac muh sie kahsrh na yohk lalos in sang kahsrh Pacific Island Court in kuh in ahkfahsrye ma kunaelos ke oiyac se ma ac wo emeet in kuh orekmakihnyuck. Yohk na, kom ac kuh in konaack ma ekahsr taklac ten inge muh ac mwet kahsrh yohk nuh sum:

- Access to Justice Toolkit
- Trainers' Toolkit
- Public Information Toolkit (ac tuhfeh ahksafyeyuklac ac kuh in readiyuck ke pacl sa fahsrh)
- Project Management Toolkit (ac tufah ahksafyeyuklac ac kuh in readiyuck ke pacl sa fahsrh)

Ma inge wi pac toolkits sayac kom ac kuh in liye ke: <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>

## **2. IP SE AKLUO: COURT UH, NUHNUHNKUHSUWOHS AC IN SANG SUWOHS**

### **2.1 MASAP FUHLACT, COURT, NUHNUHNKUHSUWOHS AC SUWOHS**

Suwohs ke case luhn sie mwet yurin Court el yohk srihpac ac el ma na oa se yurin mwet uh suc el tuhkuh ke Constitution luhn acn Kilbuht, suc ahkkalemyeyuck in Chapter 11 ac VI. Fin acn Pacific, Constitution uh el wacna liyeyuck kuh motkeyuck muh el fototo nuhke Bible uh. Constitution uh el pa 'masap luhn masap' – meyen, el use lah fuhkah tuh sie un mwet ke sie puhluh acn el oracloseni nuh sie ac srihke in mukuikui ke oiyac se ma ac oracni insiaclos ac orekma lalos. Ke Constitution nuhkewa, suwohs uh el liyeyuck muh yohk srihpac nuhke kewana moul wo ac mihs lac luhn sie mwet ac sie un mwet.

Nuhnuhkuh suwohs nuh sin sie mwet el karihngihn sie un mwet ke sie acn liki fohs ke el srihke in ahkyohkye ac ahkkalemye ke attacn sie acn ma tiacna fohs ac karihngihnyuck ye masap uh. In sang suwohs fal nuh sin sie mwet el tuhkuh yohk ke orekmakihnyuck inkahnek ma tiac sesuwohs kuh srisri. El ahkyohke ac ahkkalemye oiyac suwohs suc musaiyuckyak liki masap, oiyac wo kuh fal ac oiyac ma tiac ahkkalemye sesuwohs kuh srisri suc ma inge yohk sripac ac kalmac nuhke moul mislac ac wowo luhn sie mwet.

Nuhnuhkuh suwohs nuh sin sie mwet el ahkyohkye ac akkalemye ke oiyac nukewa ac ma nuhkewa ma un mwet se kuh acn se el oakiyac kuh fihliyac ke masap lalos ac Court lalos ma ahkfasrye masap inge. Ahkkeyeyacn nuhnuhkuh suwohs luhn sie mwet el som yohk nuhke suwohs suc ma pacnacng in oasr ke kuh luhngse luhn un mwet se ke acn se nuhke masap. Utuhkuh suwohs inge ke liki spectrum mutacngacn moul luhn sie mwet, suc pa: government, moul lasr nuh sin sie sin sie, kasrpacsr, acn sesr ac facsin lasr. Nuhnuhkuh suwohs el kuh in puhs suhna, kihn lah, un mwet se ma tuhkeni muhta fin acn se ac facsin kuh oiyacn moul lalos ac kuh in oasr oiyac lalos sifacna. Pacnacng nuhnuhkuh suwohs el kuh in motkeyuck kuh liyeyuck in oasr kain in leng kac ac srihpac pac la wiwi na koanon case sacn kuh ma sikyak ke case sacn. Lah mac koano, yohk sripac in kuh in ahkyokyeyuck lah nuhnuhkuh suwohs el som yohk ke in ahkmoulyeack suwohs suc ma pa ahkfasryeyuck yohk ke masap luhn sie acn ke Court lalos.

Court pa ohfuhs se luhn State ma mukwikwi yohk in sang nuhnuhkuh suwohs nuh sin mwet uh. Masap fuhlact uh el sang kunohkohn se nuh sin Court in kuh in oruh nuhnuhkuh suwohs nuh sin mwet uh. Court el sang nuhnuhkuh suwohs fal nuhke orekmakihnyacn masap ac akwuck luhn Court.

Finne masap ac akwuck luhn Court el puhs, upac ac ip srihsrihkiyucki, oasr ma na kalem se ac oiyacn nuhnak wo sefanna ke kapin orekma luhn Court nuhkewa. Mase inge pa oiyac in oruh in fal ac suwohs nuh sin kewana mwet ke case se. Oiyac se inge el sruokyac mase ma yohk srihpac emeet ke orekma suwohs ac fal nuh sin mwet nuhkewa suc suwohs la uh ac kuhnohkohn la uh tuhkuh nuh ye muhtuhn Court in kuh in ahksuwosyeyuck kuh ahkwoyeyuck.

Ma yohk ke nuhnuhkuh suwohs pa in tiac srisri. Sie mwet nuhnuhkuh el oruh nuhnuhkuh lal ke oiyac in tiac srisri ke el orekmakin fal masap uh ac akwuck luhn Court ke akfahsryeyacn longyuck uh. Mwet uh tuhkuh nuh yen muhtuhn Court in suk nuhnuhkuh suwohs elos in muh kuh in orekmakihn suwohs lalos ke masap uh, suc suwohs inge utuhkuh nuh sesr ke masap fulact lasr ac oacyacpac masap sayac uh. Suwohs inge ahkyokye ke kena ac suwohs luhn mwet uh suc karingihnyuck – ac liyeyuck – ye masap uh. Court el oruh kunokohn lal in kuh in ahfasrye nuhnuhkuh suwohs ke el oraclah sulaclah kuh akwuck lal (nuhnuhkuh) ke kais sie longyuck kuh case in fal nuhke orekmakinyacn masap ma fal in karingihn sie longyuck nuhke koanon case se ingacn suc ac tufah ahkkalemye (konackack ma paye ke koanon case sacn) in fal nuhke akwuck luhn Court ma karingihn in kuh in ahkfasrye longyuck sacn in kuh in wangihn srisri.

Court el sun kain in elyah puhs ke elos oruh ma kunaclos in ahkfasrye nuhnuhkuh suwohs. Sie elyah na yohk ma tuhkuh ke toolkit se inge el srihke in ahkyohkye kac pa elyah se nuhke in kuh in oruh tuh mwet nuhkewa suc oasr suwohs la ke masap kuh suc oasr enenuh la in kuh in itukyng nuh se in eis ac orekmakihn suwohs lalos ke masap ye muhtuhn sie Court ke sie oiyac ma tiac srisri.

## **2.2 LUHLALFONGI LUHN MWET UH KE COURT – KOM SIE OFFICER KUH MWET OREKMA LUHN MWET UH**

Sie ma yohk srihpac in orekma lom uh pa in kuh in oruh oiyom in kuh in muhsaheack ac sruokyac luhlalfongi luhn mwet uh nuhke orekma luhn Court. Luhlalfongi luhn mwet uh el yohk srihpac nuhke masap ac kuhtena un mwet. Kalmacn mase inge pa yohk luhlalfongi luhn mwet uh muh Court el ac oruh ma kunaclos kuh orekma lalos ye masap fuhlact uh in kuh in ahfasrye nuhnuhkuh suwohs in fal nuhke puhsren masap uh. Esam lah ke kom ekin sie magistrate kuh mwet orekma luhn Court, kom sie mwet ma mwet uh ac liksreni liye ac loacng nuhke orekma la ke srihpen wal lom ac kom ac wacna oasr ke liye luhn mwet uh ke sripen orekma lom an. Kom in kuh in etuh ac kahlem kac lah mwet uh liye mukwikwi lom ac ma kom oraclah – kuh ma kom tiac oraclah. Mwet uh ac oraclah nunak lalos keim ac ke Court fal nuhke oiyom, sulaclah lom ac elah lom. Pacl se ahkkolukyeyuklac, ac wangihnlac luhlalfongi luhn mwet uh muh suwohs lalos ac ahfasryeyuck ke inkaneke suwos suc tiac orekmakihn srisri ac elos ac tiac eis nuhnuhkuh suwohs. Ac tiacna fisracr in kuh in sifil musaheack luhlalfongi luhn mwet uh.

## **2.3 MWET MA TIACNA EIS KAHSRUH SIN COURT – ENENUH MA WACNGIHN KAHSRUH KAC NUHKE NUHNUHNUH SUWOHS**

Ke kain in acn ke pohloh acn se inge, puhs mwet moulkin oiyac mahtuh luhn acn selos ke oiyac lalos sifacna kuh facsin suc loes suhlah liki office luhn Court lalos uh. Finne elos ma muhta fototo nuhkac ac kuh pacna elos in sonna – kuh sukac – orekmakihn Court lalos uh. Tiacna liksreni kahlem srihpac luhn mwet inge in tiac orekmakihn Court lalos uh, ac kuh in ma ke sripen:

- (a) elos kena orekmakihn oiyac kuh facsin mahtuh lalos in ahkwoyelah elyah lalos; kuh

(b) ac kuh in ma ke elyah suc tuhkuh ke srihpen srihklac kuh wacngihn luhn inkanek lalos, etuh kuh kahlem lalos, kasrpaclos kuh wacngihn kahsruh in kuh in ahkkeyelos.

Ke tiac orekmakinyacn Court uh tuhkuh ke sripen point (a), lung, na wacngihn enenuh in kuh in orekma kac – kuh ahkwacnginyelah elyah se – ke sripen oiyac luhn facsin el fal nuhke puhsren masap fulact lasr uh. Nuhnukuh suwohs el yohkyohkelik akilenyac muh el nacnacnack kain in elyah, ke sripen, nuhnac ke facsin kuh oiyac mahtuh nuhke nuhnukuh suwohs el kuh in sie likina ma mwet uh pangon nunak luhn “ma pacl inge” tuhsruhkt el srackna liyeyuck nuhke facsin uh muh fal. Tuhsruhktuh ac kuh pac in tiac pa nge, oacna ke, suwohs luhn sie mutacn ma puhtatyang ke anwuck kuh lokwalok inmasrlon sucu ac kuh in kohsreyucklac ke sripen kuh luhn mukul uh ke sripen facsin; kuh ke pacl ma facsin el tuh lain suwohs luhn sie mwet ke puhsren masap fulact, oacna ke, in sapkin in sie mwet in som liki acn sel. Ke kain se inge ac sikyak uh ac srack ma kunacn Court in kuh in ahfasrye nuhnukuh suwohs ac in arlacna karingihn suwohs – finne fukah luhpan kunohkohn se ingacn.

Tuhsruhktuh, ke tiac orekmakinyacn Court uh tuhkuh ke sripen point (b), lucng, na puhs ma enenuh in kuh in kalem in kuh in ahkwoyeyuck elyah se ingacn – ac elyah sacn in kuh in ahkwoyeyucklac – in muh kuh in fuhlelah Court in kuh in sang kahsruh nuh sin mwet enenuh orekmakihn ma suc karinginyuck ye masap.

Oasr kunohkohn luhn Court in kuh in ahklohye lah mwet nuhkewa ke acn lal uh elos kewa kuh in eis ac orekmakihn suwohs lalos uh ye masap uh. In kuh in eis ac in kuh in oan na yurin Court luhlalfongi luhn mwet uh, Court enenuh in arlacna moniyuck ac in kuh sa in ahkfasrye kunohkohn lal ke pacl nuhkewa. Na, mase inge, el sie kunohkohn tuhkuh ke toolkit se inge: in sang nuh sin Court kahsruh ac sie inkanek in kahsruh in kuh in ahkwoyelah enenuh suc wacngin pacl ac tui enenuh se inge in kuh in ahklohye tuh mwet lal in kuh in eis ac orekmakihn suwohs lalos.

#### **2.4 MA SUC TILOKINYAC EISYACN AC OREKMAKINYACN SUWOHS UH**

Court nuhkewa elos sun elyah se ke in use nuhke muhtengacn mwet uh nuhnac kuh oiyacn tiac srisri, suc ma el akihlenyuck sin kewana mutunfacluh.

Fin sie mwet el koflah in eis ac orekmakihn suwohs lal ke masap uh, na ac tiac na kuh Court uh in kuh in ahkfasrye kunohkohn lal in kuh in sang nuhnukuh suwohs ke oiyac kuh inkanek se ma wo emeet an. Fin acn Pacific, oacna acn sayac fin facluh, puhs sin mwet ke acn se elos puhlakihn elyah in kuh eis ac orekmakihn suwohs lal ke masap uh.

Ac kuh in oasr sripac puhs pacnacng mwet uh ac puhla elyah se inge; ma wacna kahlem muh pacnacng oasr elyah uh pa:

- Lusacn acn;
- Mani;
- Facsin;
- Etacack kuh kahlem luhn mwet ke Court, sayacn ma puhs pac sayac.

Ohsun yurin community kuh un mwet ke acn se in kuh in sokack enenuh nuhke luhmeyacn toolkit se inge el konacack lah puhs mwet srackna moulkihn mouk kuh oiyac mahtuh luhn facsin ke acn srenglah elos tiacna eis kahlem yohk lalos, elos mwekin ac srihklac finsrak lalos in kuh in orekmakihn suwohs lalos, oacyacpac srihklac kahlem lalos ke kunohkohn luhn Court. Mwet inge el wacna tiacna soklah Court in kuh in eis kahsruh lalos yoroh – elos finne yohk enenuh la kuh ac

fal elos in eis kahsrh – ke wacngihn ahkkeye sin sucu, mwet kawuck kuh NGOs in muhsaheack mwet inge in sang etacack lalos ke masap.

Kais sie elyah inge ac kuh in ahkwoyeyuck, suc wacna pa inge finsrak luhn “legal empowerment” kuh kahsrh ma tuhkuh in ahkkeye sie mwet in kahlem ke suwohs lal ke masap. Naweyuck nuhke elyah in ahkkeye in eis ac in ahkfisracsrye in kuh in eis suwohs el nacnack kain in oiyac ma ac sramteack ahkfasryeyacn kahsrh, oacna: Ohsun luhn Court nuh yurin tuhka srihsrihk, akwucki luhn kahsrh nuh sin mwet ke ip luhn masap, kahsrh sin mwet ma yohk kalem ac orekma la masap ac oiyac in ahkyokye etacack luhn mwet uh ke masap. Pa inge kuhtuh inmasrlon ma puhs pac.

In kuh in ahkfahsrye nuhnuhkuh suwohs ac in kuh in ahkyohkye in wangihn srisri, Court enenuh in siyuck kihsensiyuck lukwac inge:

Kihsensiyuck 1:

Ahok Moh

Orekma luhn Court se ingacn kuh in fahsr fal fin mwet uh tiac kahlem ke suwohs lalos ke masap ac lah elos ac orekmakihn fukah suwohs lalos inge?



(√ masefanna)

Fin top lom ke kihsensiyuck 1 pa “Moh”, na:

Kihsensiyuck 2:

Mac Court ac kuh in oruh in ahkwoyelah elyah se inge?

## **2.5 AKWOYEYACN OREKMA LUHN COURT OREKMAKIHN OHSUN/LUTI KUH OUTREACH**

Enenuh Court in kuh in konacack ac etuh lah meac enenuh ma tiacna oasr kahsrh nuhkac tufah el kuh in ahkyokye ac ahkkeye inkahnek luhn mwet suc enenuh kahsrh sin Court in eis kahsrh nuhke suwohs lalos. In eis top nuhke kihsensiyuck se inge: Enenuh fukah ma sonna oasr kahsrh nuhkac? – enenuh Court in kuh in som nuh yurin mwet uh in liye lah mac na paye enenuh uh.

Tiac kuh in laesyucklac kuh upaclac srumunyacn yok sripacyacn karihngihnyacn orekma luhn Court in tiac srisri kuh wiwi mwet. Suc muh pacnacng Court elacn sifacna srellah liki mwet uh. Paye ac enenuh Court in kuh in srellah liki mwet uh, tuhsruhktuh oasr pacl ac kuh in oasr elyah kac meyen oasr liye muh oruh luhn Court uh pacnacng upac nuh sin mwet uh in kuh in eis enenuh lalos yurin Court. Upac in kuh in ahkwoyeyucklac in kuh in neinyuckyak kewa enenuh luhn Court in srelolac ac enenuh luhn mwet in eis kahsrh sin Court.

Elyah se nuh sin Court inge in kuh in ahklohye tuh mwet uh in eis suwohs lalos yurin Court el sikyak key ac ekahsr somlah ah ke srihpen elyah yohk suc ahkkalemye muh Court fin facluh nofhfohn elos tiacna oruh ma kunaclos in kuh in ahkfasrye nuhnuhkuh suwohs ek inakhnek se ma wo emeet. Meet, oasr etuh se muh Court el enenuh in eiacloslac liki mukwikwi luhn mwet lalos ke acn selos in kuh in karihngihn tuh nuhnuhkuh lalos in tiac oreklac ke inkacnek suhfal. Finne liyeyuck muh fal in orek oingacn in muh el ac arulacna oruh tuh nuhnuhkuh luhn Court in suwohs, oasr pacl ac kuh in sikyak tuh na Court el tiacna kahlem ke enenuh luhn mwet in acn sel suc el kuhlacnsuhpuh ke srihpen el srihke in tiac wi mwet uh. Oasr elyah tuhkuh ke srihpen srihke luhn Court in kuh in karihngihn nuhnuhkuh suwohs lal ke el tiacna lihksreni srihke in sang suwohs nuh sin mwet suhkahsrhp, mwet muhnas ac mwet muhnas – in kuh in sang kahsrh

nuh sin mwet ma enenuh yohk kahsrub inmasrlon mwet uh. Yokyokelihk suhfan luhn mwet uh ke Court muh Court el srenglah, el yohklac molin sahs lal, el pahtlac ke orekma lal ac el ukwe na luhngse luhn mwet kahsrub ac mwet etuh ke masap kuh mwet kahlem ke masap.

Tiacna wo oraclah luhn sie Court ke el srenglah, ahsrihkyelah kuh tiac sang kahsrub nuh sin mwet lal in kuh in eis ac orekmakihn suwohs lalos. Ke oasr sesuwohs ke nuhnuhkuh uh a wacngihn karihginyac el oraclah nuhnuhkuh sesuwohs. Paye, mwet sesuwohs puhkanten oasr ke system se luhn Court, ac el som ahluhkelah kuh se kuh kunohkohn se luhn Court in kuh in ahkwoyelah elyah se ke srisri. Ne oinge, yohk ma kunacn Court in kuh in sa in sang nuhnuhkuh suwohs nuh sin mwet uh. Sie Court in kuh in eis luhlalfongi sin mwet lal uh, arlacna yohk srihpac Court in kuh in etuh ac ahkfulahtye yohk sripaciyaen suwohs luhn sie mwet. Suwohs luhn sie mwet el yohk srihpac nuhke kewana ahkfahsryeyac nuhnuhkuh suwohs. Philosopher luhn masap se, Ronald Dworkin, el fahk lah kuh muh suwohs uh el foundation luhn nuhnuhkuh suwohs, tiac srisri ac akwuck suwohs. System se nuhke nuhnuhkuh suwohs ma tiacna oraclah ip kunacl in kuh in sruokyac kuh enenuh nuhke nuhnuhkuh suwohs el tiacna oraclah nuhke ip lal an. Oinge, elyah luhn Court in kuh in ahkwoyelah oruh lalos in kuh in sang suwohs luhn mwet el kewana yohk na paye srihpac ac wacngin pacl se ac muh tui eneneyac.

Court in muh kuh in ahkkeye mwet uh in kuh in orekmakihn suwohs lalos, enenuh Court in kuh in mase meet, oraclah tuh mwet uh in kuh in sukohsohk ac mesahs in kuh in eis kahsrub lalos yurin Court. Ahkkeyeyacn nuhnak se inge el sramsramkihnyuck kuh ahkuhteyucki yohk ke sie pacna toolkit: *Ahkkeye Eisyacn Nunuhkuh Suwohs*.

**Ohsun luhn Court** enenuh in oasr kain in mukwikwi ma ahkfahsryeyuck ma som yohk na nuhke srihpac in ahkyohkye kuh ahkkalemye mwe etacack nuh sin mwet uh sin Court. Ac ahkyokyeyuck ke sie oiyac kuh inkahnek in sramsram in kuh in muhsaheack etuh kuh kahlem luhn mwet uh ac luhlalfongi luhn mwet uh ke orekma kuh kuhlacnsap luhn Court. Akkeyeyacn sulkackinyacn kuh sruhmuhnyacn ma inge el oacyacpac sramsramkinyuck yohk ke sie pacna toolkit: *Mwe Etacack Nuh Sin Mwet uh* (ac tufah oreklac ke pacl fototo fahsrub ke website luhn PJDP).

Ohsun yurin mwet uh ke mwe sramsram ke suwohs luhn mwet ke miting luhn muhtacn fin acn Maiana.

## **2.6 Mac kalmen ‘Legal Empowerment’?**

Legal empowerment el polo kas sasus ma akuteya orekmakinyen masap yokna nusin met ma enenu kasru. El som yohk nuke ohiyac ma e kasru akkeye ac akkapye etaak lun met uh in orekmakin suwos lalos ma akilenyuck ke ma sap, lah kais sie met ku un met se ke an se.

Liye se ke Legal empowerment uh pa in oakiya ac elakihn lah nununku uh el ma sin community se ac tia ma na sin court se, ac in kalem lah nununku uh som lahelihk ac tutaflah liki an akfasrye orekma ku enenu nuke nununku suwos. Oiya se inge inkaiyen pal uh el ipin mukuikui sramteyukyak sin courts ac/ku non-governmental organizations (NGOs) in mokle ku patok orekmakinyen nununku suwos sin oana sie met ke kewana na courts ma akawuki ke masap. Liye se kac nuke nununku suwos ngwe el orani oiyac matu ma orekmakinyuck, suc ma orekmakinya u som alukelah pac sripa lun toolkit nuke judicial ac court officers ma oru orekma ke courts ma akwuki ke masap.

Kutu ma kacna orekmakinyuk in akuteya legal empowerment ma sahp e yohk sripa nuke toolkit se ingwe pa in soklah ku orekmakin ohiyac saya ma oasr, kasru sin met etu ke masap (su ma ku pa in akfasryeyu sin court wi oiya ma akiyuki nusin lawyer), ku kasru sin met ma tena lawyer tu trainiyuk ke masap, ac akfasrye program in etaak ke community, inmasrlon oiya akfasryeyuk saya.

Inkaiyen pal u, mokleyan legal empowerment el akfasryeyuk sin met ku U ma tia ma lun court pa nuke NGOs – U lun human rights – ac/ku kais sie community based organizations (CBOs) in mokle ‘demand’ ku pang nuke akwoyeyan services ma oasr. Nuke sripa se pana ingan, court kuh pac in akilen ac mokle.

Ke fafasru lun PJDP, el som yohk nuke kasreyan courts in akwoye usyen ku akfasryeyan justice services – pa nuke judicial training, codes of conduct, court administration, time standards, delay reduction ac annual reporting. In pal inge, PJDP oayapa tafela kasru la ke oiya ac orekma saya lun courts ma kupasr nuke “legal empowerment” suc ma srike in kasru enenu nuke akwoyeyan ac wola lun services inge:

- Access to Justice Toolkit – akuteya enenu nusin courts in ku in kalem kac lah fuka usyen orekma lalos ma akilen elya ku enenu lun community ac use examples ac tools in konaak; ma inge kkom ku in konaak ke: <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/Access-To-Justice-Toolkit-v2.pdf>
- Public Information Toolkit – akuteya enenu nusin courts in sramsram ac fakelik in wo ma uh nusin met uh ac use examples ac tools nukac; ku in san a sukokyak ke PJDP website.

## **2.7 GAP Analysis – Sukok ke Suwos ma tia kalem ku enenu kasru nukac**

In wi srike lun court in akwoye kupasr ku orekma la nuke community, el enenu in sokak lah mac enenu ma tia kalem ku kasreyuk in kuh in kalem lah an yac enenu in naweyuk ke usyen orekma lalos. Oasr kisensisyuk 3 tuku ke sukok se inge:

- (i) Suwos lun suc tena ku sona kasreyuk u?
- (ii) Mac kain in suwos ngan?
- (iii) Oasr kutena sripa lun court in kasru akilenyan ku orekmakinyen suwos ingan?

Ke pal san, court enenu in orala sie plan ah in kasru ma sukokyak an.

## **2.8 OREKMAKINYEN ATAC SE IN KONAACK KU ELANGACK KAC**

Ma se met, enenu in akuteyuki lah sramsram ku ma enenu in eteyuk uh e sukokyak ku orekeni fuka.

Eis pal in liye *Access to Justice Assessment Toolkit* lun PJDP. (Annex 2).

Oasr kain in oiyac ku inkaneke in sang konaak elya ku enenu lun met ke ip lun masap, suc ma inkaiyac u ku in kasreyuk. Ke pal se court konaak ac akilen kais sie U ma e ku in kasru, yohkna ke community u, na tukeni in kasru ku in akfasryeyuk ke pal in toeni ku meeting lun U ke community, kais kutu U ma sollac, ku kais sie interview. Data ngwe ku in orekeni pac ke an se fanna, pa nuke prisons, media, alu, met kol ke mura ku kutu pac saya ma ku in kasru.

Sie ipin srikasrak se ke toolkit se ngwe pa court in ku in akfasrye Court-Community Workshop se ke lusen len tolu, suc ma len se emet ngan el lumeyukla in konaak ac eis liye sayac ke orekma ku orala lun court ma kupasr nuke met ma wangin kasreya ke case laltal ac oayapa ke suwos ma oasr in kasrelos.

- Annex 1: Court-Community 3-day Workshop (srike se in orekmakinyuk sin met lasr u)

## PICTURE

Tukeni yurin maneaba (local council), Maiana

### **2.9 Suwos Lun Suc Tia Akilenyuk/Kasreyuk?**

Ke kom ekin met orekma se lun court, kom oasr ke an se ma kom enenu in kasru enenu lun met lom ma tia akilenyuk ku kasreyuk, tusruk metliki kom oru kasru lom, kom enenu in tifokla liki courthouse in ku in konaak ku akilen lah mac enenu ngan. Oana ke akuteyuki ke PJDP's [Access to Justice Assessment Toolkit](#).

Toolkit se ngan akuteya lah suc kom e sun kisensiyuk se ac lah kom e kisesiyuk seltal fuka. Kom e etu lah pia an se ma oasr elya ku enenu kac an ke pal se kom oru sukoc ku kisensiyuk lom yurin community a, yokna, in srike in sun ac long sin met ma sukac longyuk pusra ku nunak la: pa nuke mutan, tulik srisrik, met ke u suka akilenyuk, met sukasrup, met kacna srisrilac, ku kutu pac saya ma munas ku elya ke sukapasla la.

### **2.10 Mac Kutu Suwos lun met ma Tia Akilenyuk/Kasreyuk?**

Kom te ku in sifana nunkeak ku fulweni na met lah meac suwos lun met uh ma tia akilenyuk/kasreyuk; ma inge pa sripa lun tukeni ku osun nusin U ku met in kisensiyuk ku sramsramkin. Ma ku in akkalemyeyuk u pa lah ke yac ekasr somlah ah courts fin faclu ngwe akkolukyeyuk ke fototolac la in long elya ku enenu lun met sukasrup, met munas ku srikinyuk – suc akukuinkinyuk mu ma nusin elos suc ma kariningyuk lun masap uh som yohk nuse. Sahrp inkane se ma woe met in sang konaak elya/enenu ma tia akilenyuk/kasreyuk u pa in akola motko mu elos su ma putatyang nukac ngan e enenu kasru ma e sielana liki ma koana rekmakinyuk: pa nuke, met ma ekin victim ke ohiya se ma kunasla masap, som yohk nuke fohs/ongaiya sikyak e in sucu ac, ku nusin mutan, tulik srisrik, ku met ke U ma munas ku srikla akilenyac ku met sukapas. Ke kom loang in nunku enenu lun un met inge, yohk akilenyac mu court e long elya/enenu ma soena longyuk sin met inge.

### **2.11 Court e kasru fuka orekmakinyen Suwos**

Oana ke kut liye tari ke part 1 ke toolkit se inge, akwuk se nuke nunku suwos pa met nukewa ma oasr suwos la ku met orek claim el yohk sripa pac nusin court. Ma kunan court in oru kasru la nusin met nukewa in oana sie. Tusruktu ke pal se ma met se ma oasr suwos la uh el pulakin elyah ke sripen oana sie ma sikyak in kosro nunku suwos u – lah ma ke an el oasr kac, ma ke inkane in money, ma ke facsin ku ip lun etaak – oasr enenu se in oakiya met se ngan ke an se ku atac se ma kasru nusel an oana kasru ma e itukyung nusin met saya. Ma se inge sahrp e enenu court in orekmakin oiyac saya in kosralah nununku sesuwos ma sahrp e ku in sikyak. Ma kunan court in nunku ac sulala lah pia oiya elos e orekmakin an.

Kutu oiya ma sramteyukyak ac orekmakinyuk sin kutu court – suc ma koana wi un met ke local bar ac/ku un met orekma ke suwos lun met – in kasru elyah inge pa:

- Legal help/referral desk
- Family and sexual violence desk
- Court-based ‘duty lawyer’ schemes where a qualified lawyer (usually from the private bar) provides free legal advice/representation at court hearing
- Community outreach programs where judges and court officers visit communities to inform them on how the court works
- Community legal education programs in collaboration with the bar
- School visits program
- Prison visits program, among other initiatives.

## **2.12 Lumahlah ‘Enabling Rights Plan’ nusin Court lom an**

Court fin srike in oru kasru wowo nuke elya ke unmet legal rights inge, yohk sripe in oasr plan se akola. Enabling Rights Plan se inge e kasru in oakiya orekma ku ma oasr yurin court ke kais sie step yohk ma e taklac wo. Orekmakin ‘project management’ cycle se, plan se inge oasr step yohk 4 kac:

- 1) Akuteya sripa/finsrak: ngac/meac.
- 2) Takunlah elya/enenu in kasreyuk, ac oakiya ma in akfasryeyuk: suc/meac/ma oyac kac.
- 3) Nawelah oiyac e ukweyuck/akfasryeyuk: fuka.
- 4) Liye ac karingin ma e tuku kac ku sikyak: meac.
  - Liye: Sie atac ma ku in orekmakinyuk nuke plan nuke Kasru Orekmakinyen Suwos, Annex 4

### PICTURE

Lumeyukla sin met ma wi workshop in ku orala sie Court-Com, iunity Enabling Rights Plan

## **2.13 Orekmakinyen Suwos – Enenu nuke training lun Court**

Enenu in sulpa oasr training met orekma lun Court in ku in oru orekma lalos in wo fukoko in kasru enenu ku orekmakinyen suwos lun met lasr u. Fin ma e kasreang, e wo in kalem lah suc enenu kais sie training, ac lah pia oiya se ma wo emet in akfasrye.

In kasru sukyen ku akilenyen enenu nuke training ingena, liye: Annex 1

Liye pac: PJDP’s *Trainers Toolkit*.



### **3. MET SIFANA AC TIA KASREYUK SIN LAWYER**

#### **3.1 Suc pangpang mu Unrepresented Litigant se u?**

Unrepresented Litigant se – kutu pal u pangpang pac mu self-represented litigant – oana sie met ma som nu in court (i) ekin met utukyak in nunkeyuk mu kunaslah masap ac suk in lain, kuh (ii) sie sin met ke oana sie civil proceeding, suc ma tena kasreyuk sin lawyer.

Met nukewa kuh in tuku nu ke court in orekmakin suwos lal ma oasr, lah el sifana tuku ku el kasreyuk sin lawyer se.

#### **3.2 DIAGNOSIS AC REFERRAL: YAC COURT PA ACN FAL SE IN MOKLE MA INGE?**

Ke ma oasr u, court enenu in eis ac falkihn mu met se ma e ekin unrepresented litigant se el oasr ke an fal ellan oasr kac an – pa nuke in oasr legal case se lal ma enenu in longyuk sin court ma akwuki ke ma sap. Ip se emet ma enenu in akfasreyeyuk u pa kisensiyuk in oreklac sin registry staff se emet, tohkoh na sin court officer, ac (fin enenu) safla sin judicial officer in konaak lah paye court pa an se ma fal met se ngan in oasr kac.

Kutu pal u, tia pa ngan an se ma met se enenu in oasr we ac enenu in silaklak supeyukla nuke an fal in kasrel, pa nuke:

- Police
- Lawyer ku People’s Lawyer for advice
- Office lun government
- Met lun Maneaba ni Maungatabu (parliament) ku village council
- Church
- Kutu pa say (suc?)...

Kutu pal u, elya se ma oasr ngan wo in kasreyuk ke oiyac ma akilenyu ac orekmakinyuk ke facsin.

In weang pana, ke civil disputes u, sahp e oasr oiyac saya ma wo ac ku in orekmakinyukk in topuk enenu lun met se, pa pangpang ‘alternative dispute resolution’ (ADR), pa nuke:

- Negotiation (inmasrlon met ngan)
- Counseling (fin oasr)
- Mediation or conciliation (sie na sin u ma kupasr nusin court ku yurin law society)

Fin ke kutu sripa court pa an se ma fall in kasru met se ma unrepresented, na oasr ma yohk sripa court – mutawaak na run (a) registry staff, nuke (b) court officer, ac (c) judicial officer – enenu in kalem kac ac oru, suc e takinyukla ten.

### **3.3 Efu yohk sripen UNREPRESENTED LITIGANTS?**

Yohk sripen unrepresented litigants nusin courts, tia srik liki ku yohk liki met nukewa saya. Tusruktu, eltal yohk sripa ke sripen sie na atac se eltal oasr kac uh nusin court in sun enenu nuselos in oraclah nununku wowo. Atac se inge sikyak ke sripen wangin legal representation, suc sang nusin court in oru ma ma koana akfasryeyuk sin legal representatives. Ma kunan court ngwe takla oasr ten.

### **3.4 Yohk Sripaciyenn Oru lun Court – ac Akwuk nuke Complaints**

High Court lun and Kiribati oakiyac Code of Judicial Conduct se ke 2011 in karingin oiye judicial conduct. Fin soena oasr sum, kom ku in eis sie copy ac yurin Chief Registrar lun High Court.

Code se inge lumeyukla ukwe Bangalore Principles of Judicial Conduct 2002 suc takunlah ip yohk sripa onkosr ke judicial conduct, suc ma fin falu nofon yohk sripa nusin judicial officers ac officers nukewa saya lun judiciary. Ma yok sripa ingan pa:

1. Independence
2. Impartiality
3. Integrity
4. Propriety
5. Equality
6. Competence and diligence.

Ma inge kewa yohk sripa nuke orekma lun judicial officer se.

Ke pana Code se inge, oasr complaints procedure nusin litigants, ac met saya, suc ma tena falkin oru lun judicial officer se. Code se inge enenu in ikakla nusin met uh in liye ke office lun court ac in ku in oru pa kisensiyuk lalos kac.

### **3.5 NUNUNKU SUWOS AC PAYE KE COMMUNITY SRISRIK – MA KUNAC IN SIFANA ESULAH LIKI**

Inkaiyen pal u kalem mu lay magistrates ma oasr ke community srisrik ngwe oasr elyah la ke values 2 (impartiality) ac 5 (Equality). Ke an ma magistrate se el ku in etu ac/ku kupasr nusin met pukanten, e koana upac nusel in lohng case ke suwos ac paye – sie atac an pa kalem ke longyuk ke acn ma oasr nukanlah ke masrol – ke el (ku sucu la) sahp e oasr kupasr ku lungse laltal ke acn se ngan.

Osun ac sramsram ma orek nusin community in oru sukok la ke toolkit se inge kalweni in akkalemye lah oasr lun kupasr nuke ma se ku wiwi sripac sesuwos uh koana complain kihnyuck fin faclu. Wiwi sripac sesuwos (bias) el kalem ke tia oru nusin sie oana ke orek nusin met/ma sahyac, ac nunak in wiwi sripac sesuwos uh el lulalfongi se – lah paye u stuu – muh e tia orekmakinyuk nununku suwos ac paye nusin met se. Complain se ke bias ngwe lain sripac oru akwuki sie justice system ke akkolukye ku ahkwanginye lah lulalfongi lun met uh ke oru ku nununku paye ac suwos lun courts u.

Kutu pacl uh magistrates u akkalemye lah sripac lalos panang elos tafelah na longyuck lalos ke case se pa elos lulalfongi mu oasr in eltal ma ma enenu elos in orekmakin in tafelah na longyuck ke case se ke suwos ac paye. Kutu pal u elos orekmakin sripac se ma fahk mu fin elos tia fasr na ke longyuck ke case ingan, na case na pukanten e tilokinyucki panang kohkohlah pahtlac ke e tupan met se saya ma e ku in long u. Sripac inge tia sripac wowo.

Oasr oiya se fanna in karingin: pal nukewa ma magistrate se oasr se – ku motkeyuk mu oasr – oana sie kupasr lun sucu nuke ma se ma oasr in nununku ngan, na enenu ellan sifana esullah liki lohngyuck ke case san. E tufah oasr ma na upac ku in sikyak nusel el fin tiac esullah liki case san: e tuh panang sang sripa in san a utukyak longyuck ke case san nuke courts lucng ah, ac oayacpac sang sripa se lun met se ku party se ma tia in sewowo ke case san in orekmakin complaints procedure ke Code of Conduct ah in suk in eslah orekma lun judicial officer sacn.

Oasr ma se fanna pa fal nuke akwuck se inge: pal se ma oasr ku kuh in oasr oana sie kupasr lun magistrate se, el kuh in akkalemye kupasr se ngan nusin kewa na met oasr ke case an ac kisensiyuck selos lah elos lungse fahsr na ke longyuck ke case laltal an ku eltal enenu in itucklac longyuck ke case an liki magistrate san. Fin kewa na met ke case an long ac eis sramsram ngan ac sullaclah se in fasr na longyuck ke case an, na kalem mu eltal sullaclah in tia orekmakin suwos laltal in eislah magistrate san ke longyuck ke case an, ac case an kuh in fasr nu met.

### **3.6 SIFANA LUN NUNUNKU – KITAKATELIK LUN KUH MA AKWUKI KE MASAP**

Akwuk se nuke nununku u pa orekma lun court uh in sifana – kalmac pa, in wangin kutena ma saya ma filiyucklac in sang ikihl ku panang ma sikyak ku kalem ke nununku u. Oiya tia fal in ukeyuck ku ikihl orekma ke nununku u ku in ma tuku ke kain in acn. Oasr ip yohk sripa se kunacn met nununku in oraclah nununku se ku sulala se ma elos liye mu wo fal, orekmakin na sramsram ku masap ma tohyak elos in nunku ac orekmakin. ‘Latimer House Principles’ akuteyac yohk sripaciyen akwuck se pangpang ‘separation of powers’. Akwuck se inge tafelah in akkalemye akwuk yohk se nuke sifana in orekma kunalos inmasrlon lah tolu lun government: executive, legislature ac judiciary. In kalem liki na, akwuk inge akyohkye enenu nusin branch lun government ngwe in sifana akfasrye orekma lalos in kalem sifana lalos in oru ip kunaclos kais sie. Ouinge, ma kunacn court uh in akfasrye kulansap wowo ac suwos nusin met ma tia kasreyuk sin lawyers, oayacpac nusin met ma kasreyuk sin lawyers.

### **3.7 ADVERSARIAL MODEL AC MA SE PANGPANG EQUALITY OF ARMS**

In ip srisrikiyac, elyah se ma met ma tia kasreyuk sin lawyers u sang nusin courts ma oru orekma lalos in fal nuke adversarial model lun nununku uh kupasr, yohkna, nuke value 6 ke *Bangalore Principles*: kulansupu met uh oana sie tia srelah sie sie lun court.

In akuteya in kalem, ac srike akuteya elyah se: sukyen nununku paye ac suwos ye ma se pangpang ‘common law system’ uh el akfasryeyuk orekmakin ‘adversarial model.’ Adversarial model se inge el srike in akfasrye ac orekmakin nununku se ma paye ac e wo in orekmakinyuk ke akukuin inamasrolon met ma longyuck sin judge se ku magistrate se ma sifana in orekma lal – suc oana sie referee ku umpire se inmasrlon team in football ma sahpeni. Adversarial model se inge eis ac orekmakin ma ma kais sie met ku team orekmakin in sang lain sie sie orekmakin akwuk ke masap ac ohiya ku inkanek ma akiyuki sin court in pa sang sulaclah akwuk ma e ukweyuck ke sahpeni inmasrlolos an. Met nununku sacn enenu in orekmakin masap ke evidence

in sulaclah lah piac kac met se ma fukoko case la an, oana ke referee se enenu in sulaclac lah pia kac team soko ma e ito orekmakin masap nuke srital san. In kalem woiyen model in nununku se inge, enenu ma se pangpang “equality of arms”. Equality of arms el ip yohk sripac se nuke kasru tia srisri ma enenu sin court ac in kacrunti iyac longyuck wowo se. Orekmakinyen ma oasr – kuh- ma oasr nusin kewana met ku parties ngan sang finsrak se ku wulelah se nuke longyuck wowo tia srisri se ac in ohingacn ma ac sikyak kac an ac fah wo ac suwos.

In oana ke sie met ma wi pilot workshop sac fahk: “Pal ma wangin lawyer u, kuh in wangin nununku wo ac suwos!”

### **3.8. MA KUNOM IN AKFASRYE NUNUNKU WO AC SUWOS**

E ku in tia wo nusin met se ma tuku nu in court ac tia us lawyer se in welul in kasrel - ma kunom in kasrel in tiac sikyak oingan.

Ke kom ekin met orekma se lun court u, kunokon toasr se ma enenu in akfasrye nununku wo ac suwos uh oasr yurum. Ma kunacn court uh in akfasrye nununku uh in fal nuke oakwuk ku masap. Kunokon se inge ma nusin met uh, kutu pacl u pangpang public good, suc ma orekma lun court uh ma nusin met uh, suc tuku yurin sroasr masap (Maneaba ni Maungatabu). Yohk sripa in sisal pal in nunku lah fuka usyen kunokon toasr se inge sin court nusin met uh.

In oana ke kalem ke Chapter 6 ke Constitution lun Republic of Kiribati, judiciary el akwucki in karingin ac tu ku ke masap ku akwuk, suc pa kalem ke Constitution ac, ac oru orekma nukewa ma kupasr nuke usyen nununku. Constitution ac use petsac se ac akkalemye ‘rules of the games’ in karingin met Kiribati. Ke petsac se inge, Executive ac Legislature oraclah masap suc ma karinginyuck sin Judiciary e ke courts ah.

Met nununku u akfasrye kunokon toasr se ma enenu in karingin nununku wo ac suwos fal nuke masap. Elos karingin ac liyaacng ma nukewa nuke ip lun longyuck in liye lah nununku uh akfasryeyuk ke oiyac yohk sripa luu: procedural fairness ac equitable outcome:

- Procedural fairness pa in liye mu longyuck wo tia srisri se akfasryeyuklac nusin kewa na side ke case an; ac
- Equitable outcome pa in liye muu orekmakinyen kais sie masap el fal wo nuke sramsram ku oiyac ma oasr an.

## **PICTURE**

Sister Bernadette Mee Eberi, Chief Registrar (Ag) of the High Court, us sramsram u

### **3.9 IP KUNOM IN KARINGIN MASAP – ORU KE KUH MA UTOKOT, AC ‘ULTRA VIRES’**

Ke kom ekin sie met orekma ke an in nununku, ma kunom in karingin masap. Kuh ma utokot nu fom akiyucki kalem ke masap ma oasr, yohkna ke Constitution ac oayacpac masap saya (ku Masap orekla sin Sroasr Masap). Kuh na ma utokot nuh fom ke masap uh pa kom e orekmakin in oru ma kunom. Kom te kuh in oru orekma lom fasr sayen kuh ma akwuki nusum ke masap. Fin kom oru oingan, oruh lom an putatyang nuke ‘ultra vires’ – suc pa, tiac fasr ke akwuck.

E tiacna akilenyuck ac tia orekmakinyuck, ac e itucklac kena pacl se ma sifil utukyak in nununkeyuk.

### **3.10 'NATURAL JUSTICE'**

Masap ac akwuk lun court fin an nukewa nacnack enenu pukanten in akfasrye longyuck wo fal tiac srisri.

'Natural Justice' akuteyac akwuck se ke 'common law' ma lain longyuck ma tiac wo fal suwos ac srisri – akwuk se ngwe oasr in weang enenu ma akwuki ke masap. Kas se ngwe natural justice uh el kacna liyeyuck mu ip na sralacp se tusruk misenge el orekmakinyac u ayaollac ac tutafla ke enenu yohk se ma in oru orekma u in wo fal tia srisri. Kutu pacl u akuteyuki mu pa 'procedural fairness' ku 'due process'.

Ma se ma yohk sripac emet ke masap se inge pa in karingin longyuck ke ma kupasr nuke criminal u in wo fal ac tia srisri, tusruk masap se inge tutaflah pac nuke enenu nuke longyuck wo fal ac tia srisri nuke ma putatyang nuke civil. Finne fuka ine ma orekmakinyuck nukac, sripac yohk lun masap se inge pa in kacrunti iyac lah kewa na met ke longyuck san in eis longyuck wo fal tia srisri se, meyen sulaclah e tuku kac uh e kacna wo paye ac suwos. Kunokon fulat se lun met nununku uh pa in akfasrye longyuck se ma wo fal ac tia srisri.

### **3.11 NUNUNKU SUWOS AC IN TIA SRISRI**

Ip yohk se kac pa nununku wo suwos uh kupasr nuke tia srisri – oru oana sie nusin nukewa. Legal philosopher se ke 20<sup>th</sup> century ma pangpang John Rawls, el kupasreni petsa se ma nununku u in wo suwos ah nuke tia srisri, suc el akuteyac mu pa 'difference principle'. Principle se inge orala mu oru oana sie nusin nukewa ac tia srisri pa akwuk se ma yohk sripac emet u, tusruk el akkuteya lah oasr pal se e tiac enenu in ouinge; pal se ma kalem na paye mu yohk srisri, na kasru u enenu in som yohk nusin met se ma tena wonu se ngan. Fin ouingan, srisri se ma kalem ngan e akwoyeyuklac, suc folokonack enenu se in oru oana sie nusin nukewa ac tia srisri, e kalem sripac ac orekmakinyen masap u, fin tia e tiac wo saflaiyen nununku san.

Akwuck se in wangin srisri inge el yohk sripac na paye in pahtok enenu lun met ma tiac kasreyuk sin lawyer ngwe in kasreyuck ke pal se eltal som nu in court ac orekmakin adversarial model ke pal nununku, pa nuke pal ma kalem mu oasr ku lun sie met ku party ingan liki met se ku party se sahyac ah.

### **3.12 KARINGINYEN ELYAH KE KASRU MA TIA OANA SIE**

Met nununku se el met orekma se lun court ma itukyung kunac kunokon se ma in akfasrye nununku suwos ac wo. Kunokon na toasr se pa inge. Kunokon se inge akfasryeyuck orekmakin masap ac akwuck lun court ma yohk sripac nuke case se.

Kunokon toasr se inge e kuh in upaci liki met ah ke pal se:

- sie side ngan oasr lawyer se la ku police prosecutor se ma yohk etu la ac side se saya ah wangin kasreyac – ke sripen atac se inge oraclah in tia oana sie kuh ma oasr sin sie sie, kalmac pa, tiac oana sie sacn e oru kuh in tiac fal ku wo nusin met se ma wangin kasreyac ingan; ac/kuh

- sie side ngan oasr lawyer la tusruk met nununku san el tiac etu yohk ke masap – ke sripen atac se ingan el oralah elyah se ma lawyer se ngan e kuh in akukuin orekmakin masap in tuh sang wo se nusin met se el kasru ngan ac e tena wo nusin met se ma wangin kasreyac ah.

Ke enenu yohk se nuke nununku suwos ac paye, met nununku se enenu na in alien pal nukewa pal ma e sikyak kuh e kuh in sikyak sie ku kewana sin elyah inge ac akfasrye longyuck ke case se ke oiyac se ku atac se ma e karingin wo elyah ingan.

Fin e oasr nukanlah lom – ac wiwi na ma sikyak ku oasr an – met nununku se enenu in tilokinyac longyuck sacn ac suk inkanek in nununku se ma fal.

### **3.13 SUWOS LOM NUKE LEGAL REPRESENTATION – AC LEGAL AID**

Suwos lom nuke legal representation el akilenyuck fin faclu nofon mu yohk sripac nuke longyuck wowo ac fal se. Suwos se inge el yohk sripac yohkna nuke criminal trials ma suwos lun met se ma nununkeyuck el oasr in kisensiyuck. Ke criminal cases u, ma kunacn court in ahklohyac lah met se ma wangin kasreyac el etu suwos lal ac sulaclah ke kalem lal in som nu in court tiac utuk met in kasrel.

Kasruh uh ku in oasr ac tuku yurin lawyer se ma kuh suc ma moliyuck sin met se ma utukyack nuke nununku an, moliyuck sin state kuh sin ‘pro bono’ (tia mou) sin Law Society. Suwos nuke legal representation ke criminal defence el arualana yohk sripac suc ma inkaiyen an orekmakin kain in atac nuke legal aid in kasru ac liye mu met nununkeyuck se oasr legal representation lal. Legal aid uh ku in tuku ku utokot ke kain in atac: fin an Kiribati, kasreyuck sin *The People’s Lawyer*, tusruktu Law Society oayapac srike in kasru ke kasru ma e tiac mou. In kutu acn sahyac fin an Pacific, the ‘*Public Solicitor*’ kuh ‘*Public Defender*’ e kuh in kasru.

Mwe pakomuta lah mani lun government ma oreklac in karingin kasru lun legal aid uh inkaiyen pal uh sufallac. Kalmac pa U ku office in legal aid ngwe e sulaclah lah piac kac ma yohk sripac ac atac fuka ke kain in case ma oasr elos e kasruh. Ke ma kut liye fasru uh, kalmac pa inkaiyen pacl uh kasru ma e oasr uh e som yohk nuke ma eltal pangon ma upac ku yohk, ac kasru ngan e suhkac som nuke ma ma srik, suc ma koana longyuck sin Magistrate Courts, yohkna ke fintuhka ma srenglah.

Suwos lun sie met nuke legal representation enenu ac oasr pac ke longyuck ke civil hearings, pa nuke amein inmasrolon met, tusruk legal aid el tia arla oasr in kasruk ku sang legal representation nuke kain case ngwe.

PICTURE  
Single Magistrate Taibo Tebaobao

### **3.14 YAC MWET SE MA WANGIN MWET KASRU INGAN ORALA SULACLA EL KALEM KAC SE?**

Ke unrepresented litigant se el yorak nu court ke pal se emet ah, kom e tia ku in etu lah oasr etu lal ke suwos lal nuke legal representation ac lah el kalem ke suwos lal an metliki el orala sulala lal in sifana akfasrye case lal an, suc ma suwos se pac lalos. Ke sripac se inge, ma se emet ma kom enenu in soklah an pa lah met se ingan el kalem ke suwos lal in oasr met se kasrel. Finne met se ingan nunku mu el kalem ke suwos lalos an, elos e ku in tena arla srukyac wo sripac yohk la an ac elos e kuh pac in te akollah wo in sifana oru case lalos an.

Met san e kuh in te arla eis kewa akuteyac ma enenu ellan etu kuh tena oraclah sulaclah lal an tukun el eis kewa ma enenu ellan etu an ke kain in sripac: exclusion, vulnerability or disability:

- excluded ac/kuh marginalised – met sacn sahp sin sin met ke marginalised group se – kalmac pa, muhta ac moul lihkihn formal justice system se ke sripac lun gender, un met, alu, moul lun an se, elyah ke kasrpac, ku kutena sripac sahyac. Kain met se inge sahp e kuh in wangin na se ku motko muh justice system uh te kuh in kasrel ke enenu lal uh.
- Vulnerable – met se e kuh pac in ‘vulnerable’ (pa nuke, met se ma sona sun matwac fal kuh met se ma putatyang nuke elyah ku ongaiyac yurin sucu lal) suc ma sahp e upac nuse in kalem ku mukuikui in fal nuke enenu ku lungse laltal sifana.
- Disabled – met se sahp e oasr elyah lal ke ‘disability’ ma e kuh in tu ahkelyahye kuh lal in kuh in sifana ke case lal an kuh e kuh in oraclah in tiac akilenyuck muh el kuh in sifana.

Masap uh lungaslah ‘disability’ muh pa:

Suhkaphahs in mahno kuh sukahpahs in nunak; akilenyuck ke masap uh muh wangin kuh la in sifana mukuikui. Kas se ngwe disability el koana sulkakin munahs kuh tiac kuh in mokle kuh orekmakihn suwos la ma akilenyuck in pal nukewa muh oasr sin met fas se. Met kunaoslah masap, met srikliki matwac fal, ac met kofla sifana (inmasrlon kutu pac saya) oawaclah mu putatyang nuke disability.

Fin putatyang nuke oana sie sin atac inge, na met se sahp e tiac kuh in orala sulaclah wowo se. Lulalfongi lun met uh oan fin court u in akfasrye nununku suwos ac paye. Ke kain atac inge, ma kunaen court in karingin met munas kuh enenu inge in srukyac na lulalfongi se ma putatyang nuh faclos in akfasrye liye se ku lungse se ma in sun nununku suwos ac paye ah.

### **3.15 MWET ENENU KASRU AC KARINGINYUCK WOWO**

In sun finsrak se nuke longyuck wowo fal tia srisri in akfasryeyuck, court enenu in akilen ac karingin suwos lun kais sie met ma oasr enenu ku elyah la, kutu pa:

- Met sona sun matwac fal – UN Convention on the Right of the Child (CROC)
- Mutan – UN Convention for the Elimination of Discrimination against Women (CEDAW): an nukewa sayan an Nauru, Palau, Tonga.
- Met somlah matwac
- Met akkolukyeyuck ku sun ongaiyac ke sripen masap ma kunanucl sin met saya
- Met tena wo sifac
- Met elyah ke etaak la
- Met ke U srisrik ku munas
- Kutu pac atac ku ma sukapahs – sukaspas in sramsram ku mukuikui, tiac kuh in long, tiac ku in liye
- Tiac lutlut kuh sriklac etaack la, met ma mta na ke ohiyac matuh ac sriklac inkanek la nuke inkanek in mani
- Met utiyucklac kuh lihlihyak, met munahs: met ngosr kahsling, met lungse nihmnihm, met eis mani ke orekmakinyen mahno, met kapihr...

Tahk se inge takunlah kewa ma ma nga ku kom ku pac in oasr kac in pacl inge ku sie pacl.

#### PICTURE Met in acn Maiana

Finsrak lasr nukewa pa longyuck ac nununku uh in akfasryeyuck ke wo suwos ac tia srisri, suc court e falkihn orala lalos in liye mu met ma tia kasreyuk sin lawyer orala sulalac kalem ac wowo lalos ac kalem selos pac ma e tufah sikyak ke akfasryeyan longyuck an.

Sahp ohiyac se ma e wo in kasru enenu ac finsrak lun met munas ku sukahpahs an pa court in srisrngiyac sie met ma e oasr kupasr la in kuh in kasru ac tafelah met ingan ke fasriyen longyuck an.

Enenu in kaul court nusin met sahyac in utyak ke pal ma longyuck akfasryeyuck nusin tulik ma sona sun matwac fal – pa nuke met ma som in na inte ku longyuck sramsram – in muh karingin ma e wo nusin tulik se ingan.

### **3.16 MA KOM IN KALEM KAC KE FASRIYEN LONGYUCK AC NUNUNKU – FASR LUN CRIMINAL AC CIVIL (WI ACN)**

Oana ke akuteyucki lung ingan, fasriyen longyuck ac nununku uh enenu in oasr met se ma ku in oru ip kunacl tiac wiwi kahs lun met kuh finsrak sayac (pa kalem ke judge se ku



magistrate se) suc akfasrye longyuck inmasrlon met akuhkuhin luo ac nununku ku oralah sulaclah lal ke case san.

Ke criminal case, met kac ngan pangpang prosecution ac accused (ku defendant); ke civil case, weang longyuck ke can, met kac ngan pangpang plaintiff (ku complainant) ac defendant. Judge ku magistrate se el long case ngan ac liye mu ma nukewa in fasr wo nusin kewa na met oasr ke case an, orekmaking masap ac akwuck lun court ma oasr.

## PICTURE

Single Magistrate Teaneki Nemta

### **3.17 IP YOHK ENENU IN OREKMAKINYUCK IN FAKACK KUH LUN CASE SAN – KE CRIMINAL AC CIVIL CASE**

Yohk sriac kom in etu lah meac tiac oana sie ke burden ac standard of proof, ke sripen ma luo inge tiac oana sie ac eklac kac uh oasr wiwi lah case se ingan el criminal ku civil. Burden (ku ‘onus’) of proof se ingan el akkalemye lah suc oasr se in prufiyac kais sie ma, ac standard of proof el akkalemye lah luhpah kah kalem se ma enenu in oasr in sang ahkfasrye longyuck an. Yohk sripac in kalem kac lah kewa na oasr eklac kac wiwi lah longyuck an el criminal ku civil.

Ke criminal case uh, oasr sin prosecution burden of proof in akiyac in kalem ac wangin nukanlah ku kisensiyuck lah paye met se ngan kunaoslah masap utukyak el kac an (kalmac pa, enenu nuke standard se ngan el arulana enenu in kalem). Met se ma utukyak ingan tena enenu in pruf oana sie ma, tuh el kuh in lain case lun prosecution an.

Ke ciivil case u – wi acn – burden of proof se lun plaintiff uh el enenu ellan muhsaelah case lal an ‘on the balance of probailities’ ( klamac pa, standard se ngan el fisrasr kutu, kuh in akilenyuck kuh sikyak muh pa ingan); na burden lal Defendant uh sahpe siena nuke oana sie cross-claim (kuh counterclaim).

Ma kunen magistrate se ku judge se in akfasrye longyuck uh in liye pal nkewa muh kais sie party tungalyac kuh sun fisrak nu se ke burden ac standard of proof oasr yorol an, orekmakin masap kuh akwuck lun court – ke kais sie case, liye masap, akwuck ac bench book ma yohk sripac an.

- Longyuck ke criminal (ku trial) uh koana tahklah ouinge:
  1. Court officer el pangon case an.
  2. Prosecution tuyak.
  3. Met utukyak tuyak.
  4. Court officer el riti masap sang lain met utukyak.
  5. Met utukyak el orala plea lal, wi (fin plea nuke guilty) plea nuke akfisirasrye.

6. Fin guilty, magistrate ellac kuh in convict met se ma utukyakng ngan in fal nuke plea nuke guilty lal an ac oralah sulaclah lal ke nununku lal an. Tohkoh, magistrate se ngan el mutawaak in ahkfahsrye akwuck nuke kaiyuck lal an, mutawak in long plea ma oasr nuke oiyac ma in akfirasrye kuh aksrikye kaiyuck e tufah oreklac an fal nuke ma el eis ku lohng sin kewa na party ke case an.
  7. Fin tena guilty (defendant), na magistrate san e kuh in tilokinyac kuh sista case san ac sang molo fal ku ma in akfasryeyuck ke aetuhi ku lelah.
  8. Ke longyuck ke defendant se, prosecution el lahknwelihk ma ma oasr in sang kasru in ahkpwayei lah kais sie ma sikyak ah oru el kunaosla masap san – oasr met loh ke case sang lain met utukyak san.
  9. Fin oasr case se in longyuck ku topukyuk, na e oasr pal itukyang lun me utukyak wi met loh lal an in akuteyac kuh elakihn ma e sang loangel ku kasrel in lain case san.
  10. Magistrate pa e orala sulaclah in fulelah kuh lain – fin guilty, magistrate ellac orala nununku lal ac sang kaiyuck suc ma e kuh in luhpah se el moli kuh el kauli.
  11. Fin sulaclah an pa el kunaosla masap, na oasr suwos lun met utukyak in lain sulaclah sacn ac usack nuke nununku lun court se lung liki ac – fin oasr sripa wowo lal in suk nuke nununku lung ah.
- Longyuck ke civil (wi acn) uh koana tahklac ouinge:
    1. Officer lun court pangon case san.
    2. Plaintiff tuyak.
    3. Defendant tuyak.
    4. Officer lun court el riti sripac lun case an, claim ku fin oasr oana sie counter-claim.
    5. Magistrate ellac kuh in kisensiyuck lah elyah se ingan ku sripa lun case an ma e kuh in sramsramkihnyuck kuh akfasryeyuck sahyac kuh liki akwuck lun court.
    6. Ke case ma oasr tiac insese kac, ma kunacl plaintiff in srumun kuh orekmakin ma ma oasr in sang kasru claim lal an wi sramsram luhn met loh lal.
    7. Ma kunacl defendant in akkalemye ip lal an orekmakin ma ma e sang kasrel in lain claim sang lainul an ac in kasru counter-claim el oru wi sramsram lun met loh lal an.
    8. Magistrate ellac orala sulaclah lal ke ma ma orekmakinyuck sramsramkinyuck ingan kewa, ac oraclah nununku lal suc ma ellac oraclah pana luhpah ma e akfalyeyuk, e kuh pac in oasr molin kasruh lun lawyer.
    9. Oasr suwos lun met se ma kuf ac in appeal ku usack nuke court lucng ah fin oasr sripac wowo.

### **3.18 Kasru lun Court nusin mwet ma tia kasreyuck sin lawyer: Mac kom enenu – ac tiac enenu – in oru**

Yohk na pacye sripac kom in etu ac kalem kac lah meac tiac oana sie sin (a) sang ku takunlah ma enenu nuke fasriyen longyuck ke case se, tusruk (b) sensenkihn in tiac sang ku oruh sramsram in kasru ma e tuh pusrallah sripac yohk lun case se ma e longyuck an.

Ke kom ekin sie met orekma ke acn nununku, ma kunom in karingin ac liye muh longyuck an el fahlac wo suwos ac wangin srisri, in wangin wi sie liki sie a in sang kasru kuh oru in oana sie nusin kewana ma met e tuku nuke court. Kalmac pa:

- Tia lele kom in sifana oru ku sang sramsram in kasru ke koanon masap ke konaon case san nusin met se ma tiac kasreyuck sin lawyer ke sripen e tianac wo nusin met se sayac ah.
- Ma kom kuh – ac enenu in oru – pa kom in ahkloh yac met se ma tiac kasreyuck sin lawyer ah in etu suwos lal nuke kasru ke ip lun masap ma oasr ac weang kasru kom e tafeacng in ahklohyac ellan kalem ke fasr ac enenu lun orekma lun court, ac ma elos ku in sifana oru in kasruh court in oru ip kunaclos ke nununku lalos in wo suwos ac tia srisri. Ke kom ekin sie magistrate, kom ku in siyuck kisensiyuck in wangin nukanlah. Fin enenu, kom ku pac in kol sramsram lun met se ma tiac kasreyuck sin lawyer ke luhpah fal se, ke kalem se ma kisensiyuck ingan el tiac wi sie sie.

Fin pa nuke akuhkuhin ke can, kom ku in siyuck: ‘Kom ku in oru in kalem lah paye ma lom pa an se – oasr pepu in fakak lah paye ma lom pa an se?’, ku, ‘Oasr me loh lom in fahk lah paye sramsram lom an?’ Kom enenu in ahkahlemye nusin met se ma tia kasreyuck sin lawyer ngan lah oasr suwos lal in ‘cross-examin’ (pa in kisensiyuck) nusin met se ku us se sahyac ah. Tusruktu tiac ma kunom in oru cross-examination an.

Fin wangin kasru inge sin court lac, e oasr sensen se nusin met se ma tiac kasreyuck sin lawyer ac tiac wo nusel ke fasriyen longyuck ke case lal an lain met se ma yohk etu la (ke ip lun criminal – sin prosecutor ku police officer; ke ip lun civil – sin lawyer).

Atac se ke ‘Court Guidance to Unrepresented Litigants’ ke Annex 3 ke toolkit se inge: Mwe kasru se inge enenu in ituck ac orekmakinyuck ye kohkoh lun Chief Justice in orekmakinyuck ke acn sum an.

#### PICTURE

Land Appeal Panel Magistrate, Tebano Tauatea

### **3.19 Suwos Yohk Sripac ac Enenu in Oasr – Ma Enenu in Orek ke Criminal Case**

Ke criminal case, ma kunom in ahklohyac fair trial se in srike safla sac ke sripen suwos lun met se el sensenkinyuck. Masap ac akwuck oasr uh akiyac kain in ma ma enenu in ahklohyac karihnginyen suwos lun met se ma nununkeyuck. Ma inge – ku ‘suwos yohk sripa ac enenu in oasr’ – pa suwos nuke fair trial.

In liye muh karinginyuck, kom enenu in tahfeacng inkanek ku ohiyac ma e kasru met e nununkeyuck se ma tiac kasreyuck sin lawyer ngan ke oana sie pacl komtacl osun nuke ma kupasr ke ip lun criminal case san:

1. “Oasr suwos lom in kasreyuck sin sie laywer ah fin kom lungse
2. Oasr suwos lom nuke longyuck se ma fair ye mutun met uh sin an nununku se ma kuh in oru kunokon an, ku in sifana ac tia srisri suc ma akwuki ke masap.
3. Motkweyuck muh kom tiac kunaoslah masap ne kena kalem napaye mu kom guilty ke sripen masap.
4. Oasr suwos lom in eis sramsram ke oana sie ma tohuyak sang lain kom, in oasr pacl wo lom ac can komin akolah nuke sramsram kuh ohiyac ma e sang kasrekom, in tiac kohkohlah pahtlac longyuck ke case lom an, ac in kuh in loangwekom sifana ke kom sifana tuyak ye mutun court kuh kasreyuck sin met ma kom sulaclah in kasrekom (pal ma nununku liye mu enenu) tiac moul.
5. Oasr suwos lom in oasr met loh orek sramsram in kasrekom ac in kisensiyuck pac sin met loh ma lain kom.
6. Oasr suwos lom in oasr mwet lweng se in kasrekom fin enenu.
7. Tiac kuh in kalyeyuck kom in sifana orek sramsram keim ku lainkom sifana – oiyac se inge kutu pacl uh pangpang ‘right to remain silent’.
8. Met sona sun matwac fal (tulik srisrik), elos suc suhkahpahs kuh oasr ke un met munas se enenu kasrueyuck ac karinginyuck wowo.
9. Kom tiac kuh in nununkeyuck pacl luo ke ma se ma kom nununkeyuck kac tari.
10. Fin kom tiac insese nuke sulaclah se ma oreklac, kom e kuh in usack nuke court se lung ah, na fin kom sulaclah in oingan, kom enenu in eis kasru ke masap nuke fasriyac an.”

In weacng pana, kom enenu kom in akuteyac burden ac standard of proof ke criminal:

“Ke criminal case u, ma kunen prosecution ac police in akiyac in kalem guilt (‘burden of proof’). Guilt el enenu in akiyucki in arla kalem ac wangin oana sie nukanlah (standard of proof’: in arlana kalem nap aye). Kom tena enenu in akkalemeye oana sie ma. Tusruktu kom kuh in lain ma ma prosecution sang lain kom (takinyen ma sikyak an). Fin e ouingan, kom ku in pangon met loh lom sifana.”

Kom enenu in ahklohyac met nununkeyuck se ingan in kalem nap aye ke kewana atacn criminal charge sang laenul an ac wi ma ma e tuku tukun el fahklah mu el guilty – kalmac pa, el sulaclah ellan tiac orekmakin suwos lal in lain ma sang laenul ingan ac akola in eis ku oru ma fal nuke mwe kaiyuck ma e tufwa ituckyang nusel sin magistrate san.

### **3.20 Meac kom e oru ke Civil Case – oacpacna nuke case ke Acn**

Ke ip lun civil, suwos lun sie met el tena arulana sensen oru enenu nukac uh tena arulana upac. Tusruktu srakpana ma kunen court in akfasrye longyuck wo suwos tia srisri se. Sifil kalweni, kom enenu in akyohkye sang kasru ke suwos lun sie met in kuh in oasr kasreyac nuke case lal an. Kom enenu pac in akuteyac lah fukah fasr lun orekma lun

court in oru ma kunaelos ac meac met se ma tia kasreyuck sin lawyer se enenu in oru in akoelah ac in srumun in kalem claim lal an. Safla, kom enenu pa in akuteyac kain in ma ma eneneyuck nuke civil burden ac standard of proof:

“Ke civil case (ku tia insese inmaslon met) ma kunacn claimant (met se ma usack case san) pa enenu yohk sac (‘burden of proof’) in sang oakiyac claim lal an ke ohiyac ma enenu (‘burden of proof’: in liyeyuck mu pa ngan ohiyac ku atac kalem se ma kuh in sikyak uh; nuke liye ac insese lun court). Defendant san ( met se ma utukyak claim se ngan lain u) kuh in lain claim san, ac ku pac in usack claim lal sifana sang lain claimant (counterclaim) lah oasr ku wangin met loh.”

### **3.21 Case ke Acn – ac Customary Law**

Masap ac akwuck ma kupasr nuke can uh el tia oana sie ke PIC se nuke siena PIC, ac el nununkeyuck na ke acn san. Inkaiyen pacl uh, masap ke acn fin an Pacific el suleyucklac yohkna ke sripen facsin kuh ohiyac lun acn san, tusruktu sensen pac in fahk ouinge. Fin pa ngwe acn Kiribati, acn se suc ma toolkit se ngwe el sramteyuckyak we, masap kuhpasr nuke acn el customary tusruk tia oana sie ke kais sie fin tuka we ngan. Customary law se inge nenyuckyak ke Native Lands Ordinance, 1964, suc ma orani pac Lands Code ma orekmakinyuck ke kais sie tuhka ingan. Ma yohk sripac kom in akuteyac uh pa sahp e ma kunen court in orekmakin customary law wipacna statutory law an. Fin an Kiribati, fohs ku nukanlah ke acn el srisrilac in siena ke sripen kutu sikyak tari ac nununkeyuck kac u oasr sin Land Appeals Cases in akfasrye ac long appeal ma sang lain nunku oreklac met sin un magistrate se fin tuka san. Oana ke akuteyucki tari an, case ngwe longyuck orekmakinyuck akwuck ke ‘civil’ akiyucki ke masap ma kupasr nukac, pa nuke, burden ac standards of proof eneneyuck an.

### **3.22 Suwos ac Ma Kunom**

Ke case nukewa, ma kunom in akuteyac nusin met se ma tia kasreyuck sin lawyer:

- Suwos lalos in oasr lawyer se kasrelos
- Suwos lalos in appeal ac enenu nuselos in sokak kasru nuke appeal lalos an
- Enenu nuselos in fahk ku oru ma paye ac tia kikiap
- Enenu nuselos in akilen ac etu in akfulatye court ac met saya ke case an
- Saflaiyac ac ma enenu in akfasryeyuck ke sulacalah lun court an.

#### **PICTURE**

President Magistrate Toauru Karotu, Abemama

## **4. Ma Kunom Ekin sie Judicial kuh Court Officer**

### **4.1 Etu ac Kalem ke Ip Kunom, Ma Kunom ac Ma Kom Enenu Kasru Kac**

Court in oruh kuh ahkfasrye in wo ip kunaclos ma akwucki ke constitution ku masap fulat u, enenu officers kuh met orekma we uh in arulacna kalem ac oru ip kunaclos ac ma kunaclos in wo ac fwel. Ip se inge e ahkyohkye ke ip kuh kunokon lun officers tolu ma kunokon lalos u kupasr suwoswos nusin met ma tiac kasreyuck sin lawyer. Officers inge pa:

- (i) Registry staff – Registry staff pa oru orekma ke ‘fron counter’ ac oraclah ngetnget wowo se lun court nusin met uh. Penganalen, officers inge pa met ma tiac kasreyuck sin lawyer ngwe e sun emet court uh. Ke sripac se inge, elos oruh ac karingin ip lun ‘traffic management’.

Training eneneyuck – in oru kuh akfasrye kunokon inge wo, registry staff enenu in eis etaack ke ip kunaclos, kutu pa:

- a) In ku in etu ac akilen lah suc met tiac kasreyuck sin lawyer.
- b) Akilen ac kuh in fahk lah meac enenu ac supuh met ingan nuke an enenu nukac an.
- c) Sang kasru ma lela sin court ke orekma lalos, enenu nuke longyuck.
- d) Ohiyac ac atacn kasru nusin customer ku met yorak court – pa nuke kulangiyom, mongfisrasr, atacn sramsram wi lihkihn pusrem orekmakin kahs fisrasr ac kalem, ac nwekyacn pepuh.

#### PICTURE

Workshop nusin u in Court Clerks

- (ii) Court officers – Court officers uh kasru magistrate ku judge ke useyen kuh karinginyen orekma ke files ac longyuck lun court. Elos enenu in checki lah met tiac kasreyuck sin lawyer uh akolac ac sang nusin court kutena ma ma court enenu metliki longyuck ah mutawaack. Elos oyacpa enenu in akuteyac enenuh nukewa nuke akwuck kuh fasriyen orekma lun court uh metliki longyuck an in karingin fahsr wowo lun case ac longyuck nukewa.

Training eneneyuck – in kuh in akfasrye kunokon inge in wo, court officers enenuh kasru ac kalem ke ip kunaclos, pa nuke:

- a) Akuteyac fasriyen orekma lun court ac enenu nuke longyuck, wi akwuck yohk nuke ip kunacn court, masap, ac fasriyac.
- b) Ohiyac in karingin ac orekma ke case.
- c) Sang kasru ma lela sin court nuke orekma lalos, enenu nuke longyuck.
- d) Ohiyac ac atacn kasru nusin customer ku met yorak court – pa nuke kulangiyom, mongfisrasr, atacn sramsram wi lihkihn pusrem ac etu lom in kasruh elyah ma oasr.

#### PICTURE

Senior Registrar Abuera Uruaaba akfasrye meeting nusin Magistrates, Abemama

- (iii) Judicial officers – Judicial officers (met ma eslah fulahk la in ekin magistrate ku judge) oasr orekma yohk akosr lalos in akfasrye:
- 1) Nununku sramsram kuh ma sikyak ke case se – meac sikyak;
  - 2) Orekmakihn masap ma oasr nuke ma sikyak ke case san;
  - 3) Us kuh kol fahsr lun longyuck ke case se in liye muh tahklac fal ac fahr ke ohiyac wo suwos ac tia srisri se; ac
  - 4) Oralac sulaclac ku nununku se, suc enenu in ukeyuck kuh akfasryeyuck ekihn sap kuh se sin court.

Judicial officer se enenu in oru orekma lal – ac oaru – nusin met uh ke sripac yohk lun akfasryeyacn nununku. Kunokohn se inge akwucki ku tuku ke Constitution ac ke Code of Judicial Conduct, suc enenu in nacnack pac fasriyen complaints. Ke sripac se inge, el oruh ip kunacl ke nununku ke court ac sulaclah lal an kuh in sifil utukyak in longyuck sin court se ma lung liki court lal an.

- Training eneneyuk – in kuh in oraclah kuh akfasrye wo orekma kuh kunkohkohn lalos uh, enenu in oasr kasru nuke ma kunen judicial officers uh – in fal nuke ma oasr yurin judicial officer san lah oasr etaack lal ke masap kuh tiac – pa nuke:
- a) In ku in sifana, wangin wiwi met kuh kutena ohiyac, tiac srisri, paye ac suwos, oakwuck ac kuh in orek sulaclah.
  - b) Yohk etu ac kalem la ke masap ac akwuck.
  - c) Akuteyac ke fasriyen orekma lun court ac enenu nuke longyuck.
  - d) Oaru ac ahklohyac in srukyacna ac orekmakin sripac yohk lun nununku ac ngetnget suwos se.
  - e) In kalem elyah ac srike la in akfasrye nununku wo suwos ac tia srisri se.

#### PICTURE

Land Appeal Panel Magistrate, Mariateretia Kaiboia oru report lun u se lal

Officers nukewa lun court enenu in oasr training orek nuse in kasrelos ke orekma ku kunokohn lalos pal nkewa enenu ac lelah.

- Ohiyac ma e kuh in sang kasru in konaak enenu nuke training lun officers lun court uh akuteyucki oasr ke PJDP's *Judicial Orientation Toolkit*, suc kom ku in download ke:  
<http://www.fedcourt.gov.au/pjdp-toolkits/judges-orientation-toolkit.pdf>
- Kutu atac ma kom ku in orekmakin in sang nawelah training session lom sifana uh akuteyucki oasr ke PJDP's *Trainer's Toolkit*, suc kom ku in download ke:  
<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits/PJDP-trainers-toolkit.pdf>

Oasr srikaksrak se akfasryeyuck ke srike se emet ke workshop  
(Pal nuhkac an ac fah akkalemyeyuck)

- Naweyuck ac Akfasrye:

Training session nusin Magistrate/Court officers ke Met ma tia kasreyuck sin lawyer.

#### **4.2 FAMILY VIOLENCE (FOHS/ELYAH SIKYAK IN SUCU)- (FAMILY PEACE BILL 2014)**

Family (or domestic) violence el crime na upac se, ac sie ma e kuh in oasr met tuku tia kasreyuck sin lawyer nukac – inkaiyen pacl uh met se ma pulakihn ongaiyac kuh mwe sensen nuse ngan.

Family violence – wi sexual violence – sikyak e lohm ah. Violence – such ma sikyak ke tiac lelah lun met se – kuh in physical, sexual, psychological kuh economic. El kuh pa in nacnack akkolukyelah lun nunak, ahkfohs kuh ahksangeng. Srike in ahksangengye ke ohiyac in ahkngal ku ahkfohs el oasr pac ke violence. Rape, wi rape ma sikyak inamsrlon siyacnyacn payuck – kalmac pa sex (apuhsral in mahno) ke tiac lela – el putatyang pac nuke domestic violence. Violence el koana – tusruk te pal nukewa – sikyak sin mukul nusin mutan kuh tulik mutan.

Fin an Kiribati, oana ke kutu acn sayac ke region se inge, domestic violence el kahs na yohk se. Ke survey se reklac ingena, 68% ke mutan fahk lah eltal victim ku putatyang nuke physical/sexual violence in mouh lalos; ac 38% ke yac se somlah ah. In srike in kapsru nuke pihsac se fin faclu nofon in 35% tia alukelah ke mutan in ripohrti mu elos victim ku putatyang nuke physical/sexual violence in mouh laltal ah, tiac na wo ku fal.

Upaciyen elyah se inge tiac arla kalem kuh wihklac ke sripen facsin kuh lulalfongi lun un met se. Luhpan elyah se inge liyeyuck pac muh wiklac ku sriklac eteyac ke sripen munas orekmakihnyeyacn inakanek ikaklah kuh oasr in tukahkihn ku fahkack kac. 1.2% yacna ke met putatyang nuke elyah se inge tukahkunack ku sramsramkihn nusin police kuh kutu acn ma kuh in kasru saya (alu ac kuh met kol ke mura se).

Mutan uh suhkac sramsramkihn kuh oru tuhkahk lalos ke domestic violence ke sripac pukanten: facsin, kasrpacn acn kuh met, eis kuh nunku siena: fin an Kiribati, domestic violence uh liyeyuck muh ‘ma luhn sucu’ such ma met siskaclos ngetlah liki kuh tiac loang kac. Met ma putatyang kac inge, wi sucu lalos uh, pula keok, mekihn ac tonong.

Ohiyac ku inkanek ma oasr in kasru mutan uh tena pohs: inkaiyen met ma putatyang nuke elyah se inge mouhkihn ku lulalfongi mukul tumaclos uh (suc pa offenders) in kasrelos ke mutangaclos, ac lohm kuh ac in monglac na sohphos pa oasr uh. Met ma yohk kalem la ma liye ohiyac inge akuteyac lah kewa na police ac met nununku se elos oasr ke lacyan lun mukul ac, kalmac pa, elos kasruh yohk suwos lun mukul ac liki na met ma putatyang nuke elyah inge. Elyah se inge upaci ke sripen fototolac luhn acn in kasru ke ip luhn masap, ac ma sikyak ke akwuck se ke ‘conflict of interest’, suc ma e kuh in sikyak ke pacl se ma People’s Lawyer kasru accused ac tiac kuh in kasru victim san. Kutu sin alu ma oasr uh akkalemeyeyuck sin met yohk kalem la (UN Women) muh sikaleni in sramsram ac sang kahs in kasru nusin victims inge mu in muta na lohm se ah ac in nunakmunas nusin abusers kuh met akkeokyaclos ingan. Kut fin srike in kapsreni nu sie, ohiyac lun acn se akiyac liye se muh justice system se upac kuh koflah na sang kasru ku nunku suwos ac wo nusin met ma putatyang nuke elyah lun family violence.

Chief Justice el sulaclah sel ac akolah in srike in akfirasrye ku akwanginyelah elyah se inge. Akfasryeyucklac lun masap sasuc se pa kalem ke Family Peace Act (2014) sang pal fal nuh sin roasrik nukewa ma orekma ke masap ac nununkuh in akilen elyah se inge ke liye sasuse.



## PICTURE

Single Magistrate (intern) Temoaa Iaribwebwe akuteyac report lun working group lal

### 4.3 KIHSENIYUCK KE KOLYEN ACN NUNUNKU

Domestic violence el crime se ma inkaiyen pal uh tena reportiyuck sin met ma putatyang nuke elyah se inge. Ma ke sripen victim se ngan sahp sulaclah in tiac/tilac reporti, suc ma wukanlah crime sac tuh srakpana crime se. Ke kain oiyac se inge, arulana upac nusin justice system in oruh ip kuanclos.

Enenu in arulanc yohk kalem ac nunak in elyah lun Officers lun court in loacng nuke elyah se inge in kasru suwos lun vitim, suc ma sahp e tiac fisrasr in akwoyeyucklac. Sie sin suwos inge pa suwos in karinginyuck ac kasreyuck, ac sie suwos an pac in oasr privacy (in kuh in karingihn in tiac srumunaclihk). Sifil kalwen, kisensiyuck se ke informed decision-making el oasr: lah victim se ingan el orala sulaclah lal an tukun akuteyucki el kalem kac kewa suwos kuh kasru ma oasr nusel in tiac reporti kutena ma, kuh lah el lulalfongi mu wangin ma el kuh in oruh sayan ellan win a ma fack nusel ellan oruh an?

Srikasrak in tohpohklah kisensiyuck soko inge sang elyah nusin court in liye muh oruh lalos ke ip kunclos uh tiac wiwi met ac lah srike lun court in sifana ke orekma ku sulaclah lalos uh el oasr na pal nukewa. Srike in konacack kuh oraclah top na fal kuh wowo se nuke kisensiyuck upac soko inge enenuh kolyuck wowo lun Chief Justice, pa nuke, in:

- Sang training nusin court ku judicial officers
- Luhmahlah sie pepu ku book srisrik in sramsramkihn masap sasu se kalem ke Family Peace Act: ‘Family violence is a crime, not family busines’.

## PICTURE

Chief Justice Sir John Muria el oruh sramsram in kaliyac

### 4.4 TIA ALOHLOH IN SRAMSRAMKIHN ELYAH SE INGE

Oasr kain in step nuke usyen kuh karinginyen project se ma sahp kom e enenu in ukwe kuh oru in sun finsrak se nuke kasreyan met ma tiac kasreyuck sin laywers ac/kuh in ahyohkye in kalem suwos ma oasr. Steps inge tahklac oasr ke PJDP’s Project Management Toolkit (su ma e tufa published ke pal na sa ke PJDP website). Topics ma yohk sripa sramsramkinyuk ke toolkit se ingan pa:

- Project Planning
- Decision-Making
- Organising consultations
- Project coordination
- Logistics

- Budgeting, financial management
- Monitoring and evaluation

#### **4.5 ORALA EKLAC WOWO: SIFANA LIYE LAH ETAACK KOM EIS AN FUKA**

Toolkit se inge el yohk sripa mukena fin el kasrekom in oru orekma lom an in wo/wolac.

Ke sripac se inge, donors lasr uh kacfwe ac akkeye kom in karingin ac liye lah meac tuku ku eklac ke kom orekmakin toolkit ac wi ‘Court-Community Access to Justice Workshop on Enabling Rights & Unrepresented Litigants’ – su pa ke annex 1 ke toolkit se inge.

Step se emet in konaak ma yohk sripa uh pa kom in konaak lah – ac lah luhpah kah – etaack lom ac kalem lom ke elyah yohk el kiluckyak ke sripen orekmakinyen toolkit ac wi lom ke workshop. Kom kuh in srikeyac lupan etaack lom orekmakin Pre-Post Knowledge Test, suc pa ke annex 2 ke toolkit se inge.

Kom kuh in srike orekmakin sie met ah in akfasrye test pre-post sac oru sie workshop ah, kuh kom sifana akfasrye test san nsum tukun kom riti toolkit se inge.

#### **PICTURE**

Abuera Uraaba, Senior Registrar ke High Court, srasramkin Enabling Rights Plan.