



PACIFIC JUDICIAL STRENGTHENING INITIATIVE

LEADERSHIP INCENTIVE FUND

COMPLETION REPORT

Project Name: *Enabling Rights & Unrepresented Litigants*

Country: Federated States of Micronesia

Report by: FSM National Judiciary: Director of Court Administration,
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FEDERAL COURT
OF AUSTRALIA



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Federal Court of Australia*

Introduction

The “Enabling Rights & Unrepresented Litigants” is a joint project by the Pacific Judicial Strengthening Initiative and the FSM National Judiciary (FSM Supreme Court).

Implementation of the project includes workshops that were conducted throughout the four states of the FSM.

- State of Yap from April 18-19, 2019
- State of Chuuk from April 22-23, 2019
- State of Kosrae from May 8-9, 2019
- State of Pohnpei from May 14-15, 2019.

In Pohnpei, at the request and in collaboration with the Pohnpei Farmers’ Association, the team also delivered the “Enabling Rights” presentation to the Pohnpei Farmers Association (PFA), on April 10, 2019, a non-governmental organization. Participants to the PFA presentation included farmers and fishers from across the state who are members of the PFA.

Additionally, a similar presentation was conducted during the International Women’s Day celebration in Pohnpei on March 8, 2019. Participants in the workshops included justices and staff from the FSM Supreme Court, State Courts, local courts, National, State and Local police, representatives from the women and youth organizations, people with disability, senior citizens, traditional leaders, representatives from the youth organizations, faith based organizations, chamber of commerce, Micronesian Legal Services Corporation, Attorney General Offices, Public Defender Offices, members of the state legislatures, non-governmental organizations and civil society members.

In Yap, the team paid a courtesy visit with the Yap State Chief Justice. In Chuuk, the Chuuk Governor gave a brief welcoming remark to the participants and wished everyone a successful meeting. In Kosrae, a courtesy visit to the Chief Justice of Kosrae State Court was held and a member of the Kosrae State Legislature attended the meeting on behalf of the Kosrae State Government. In Pohnpei, the Chief Justice of Pohnpei Supreme Court and two Associate Justices, the Chief Judge of the Court of Land Tenure, and the justices from the municipal courts attended the workshop. In Chuuk and Kosrae, the Micronesian Legal Services Corporation closed business on the workshop days to allow all their staff to attend the trainings.

The agenda for the workshops were the same. The first day was used to discuss Expectations of the participants and their perception on what the Court is, the Role of the

FSM Supreme Court, Access to Justice and Enabling Rights. The second day was focussed on the Toolkit and Group Work/presentations with action plans.

Overall, the workshop went very well. The translated toolkits were well received and participants were able to demonstrate an increased level of understanding and knowledge on Access to Justice and Enabling Rights & Unrepresented Litigants. The translated Enabling Rights & Unrepresented Toolkits in the four FSM languages are available in the FSM Supreme Court website.

The following are two questions introduced by the facilitators, as “ice breakers” of the workshop, and answered by the participants. The answers are similar in all the four states.

A. Thoughts of “Court”	B. Expectations from the workshop
<ol style="list-style-type: none"> 1. Justice 2. Due process 3. parties/dispute 4. punishment/ slavery 5. courting/dating 6. Criminal justice 7. Prison 8. Courtroom 9. Trouble 10. Victim’s rights 11. judiciary/judge 12. Money 13. Land 14. Law 15. Court’s opinion 16. Building 17. Custom and law 18. Constitutional rights 19. ADR 20. gladiator/prophecy 21. truth/fairness 22. Worry 	<ol style="list-style-type: none"> 1. Rights/ pro se 2. Access to justice <ul style="list-style-type: none"> ● Ways to assist 3. Roadmap for businesses to resolve issue at court 4. Law degree 5. Free food 6. Improvement 7. Role of the court 8. How to sue someone 9. To share knowledge 10. Court proceedings 11. Unrepresented litigants 12. To learn about human rights – legal rights 13. To learn about roles and duties of the court 14. Court services 15. How courts can assist

<ul style="list-style-type: none"> 23. Peaceful 24. Scared/terrifying 25. Legal resolution 26. Judgment/fair 27. Equal treatment 28. To punish law breakers 29. Good vs. Bad 30. Offenders/lawyers 31. Tedious 32. Too much to handle 33. Judges 34. frightening 	
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Overview

The goals of the initiative were to:

- gage the general public on common perceptions of the courts in the FSM in order to determine and to dispel the public misconceptions of the courts;
- educate people on the FSM Supreme Court (its role and duty to society, its relationship with other branches of the government, and its general jurisdiction);
- identify and discuss the common barriers that often impede or disable the general public in accessing justice;
- generate awareness of legal rights enshrined in the FSM Constitution and the general principles of due process; and
- seek partnership with both non-government and government organizations to work together in ensuring the all people in the FSM is able to realize, access, and exercise their legal rights; and
- to translate the Enabling Rights & Unrepresented Toolkit into the four FSM languages: Pohnpei, Chuuk, Yap and Kosrae.

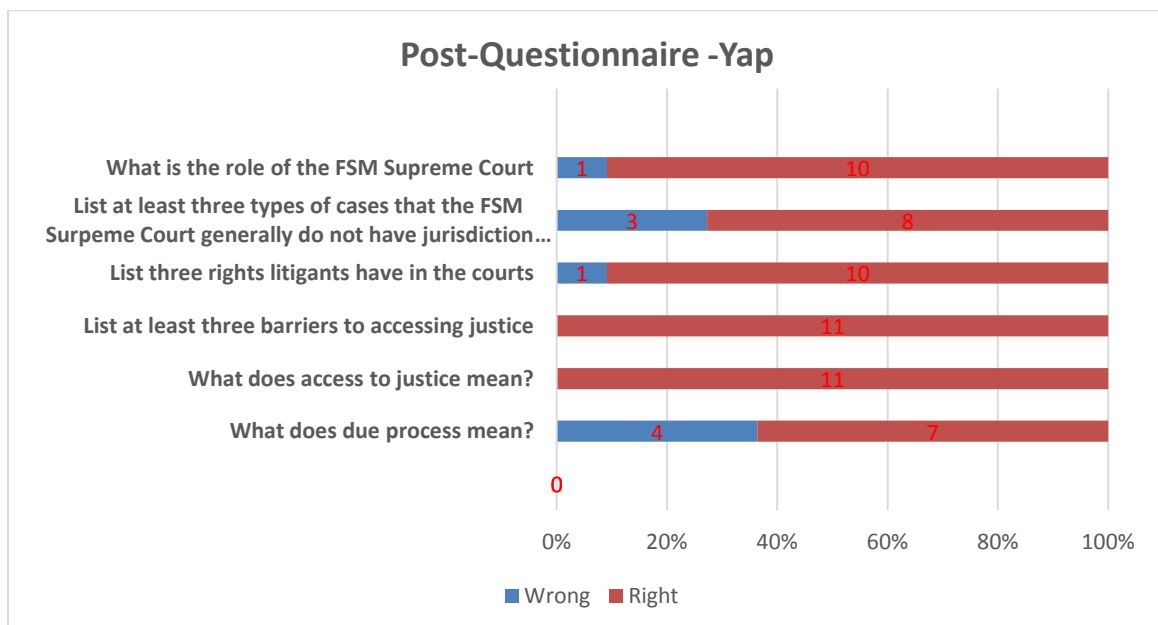
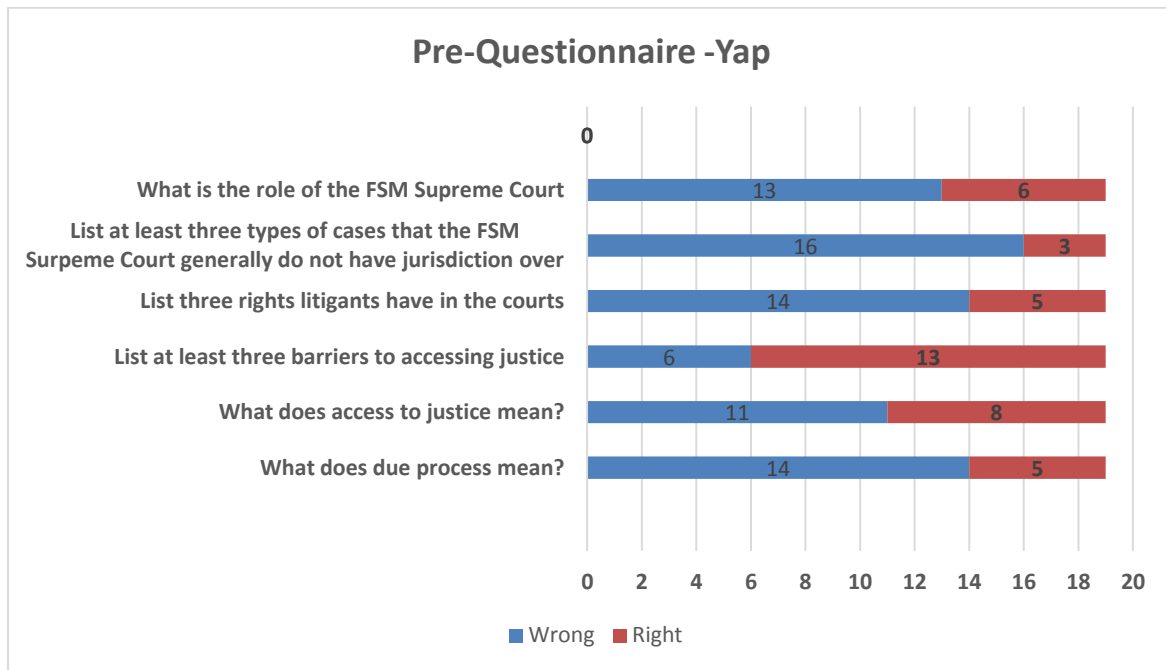
Results of the project

The feedbacks from the participants were very positive and indicated significant progress towards the goals. This information was collected from pre and post tests as well as evaluations of the workshop. The participants in all four states (Yap, Chuuk, Pohnpei, and Kosrae) identified and proposed practical solutions and action plans that would further the goals. The program was able to generate a sense of need and urgency in continuing to reach

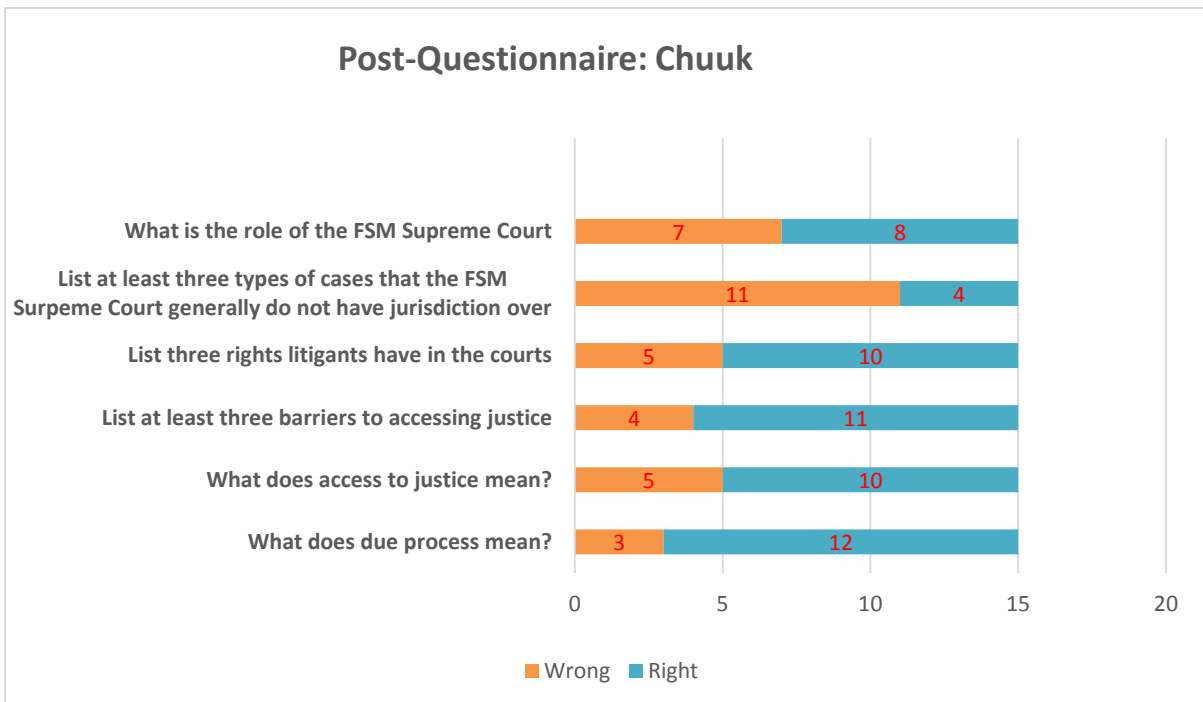
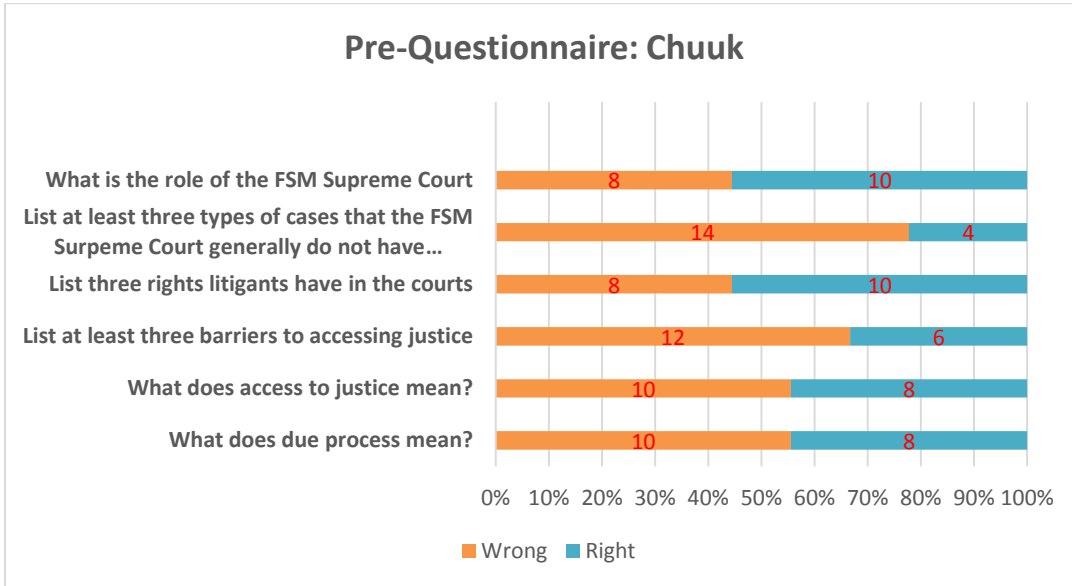
out to as many people as possible in order to raise awareness on accessing justice and understanding, and being able to enforce the rights.

Following are results of the pre/post evaluations conducted in all four states:

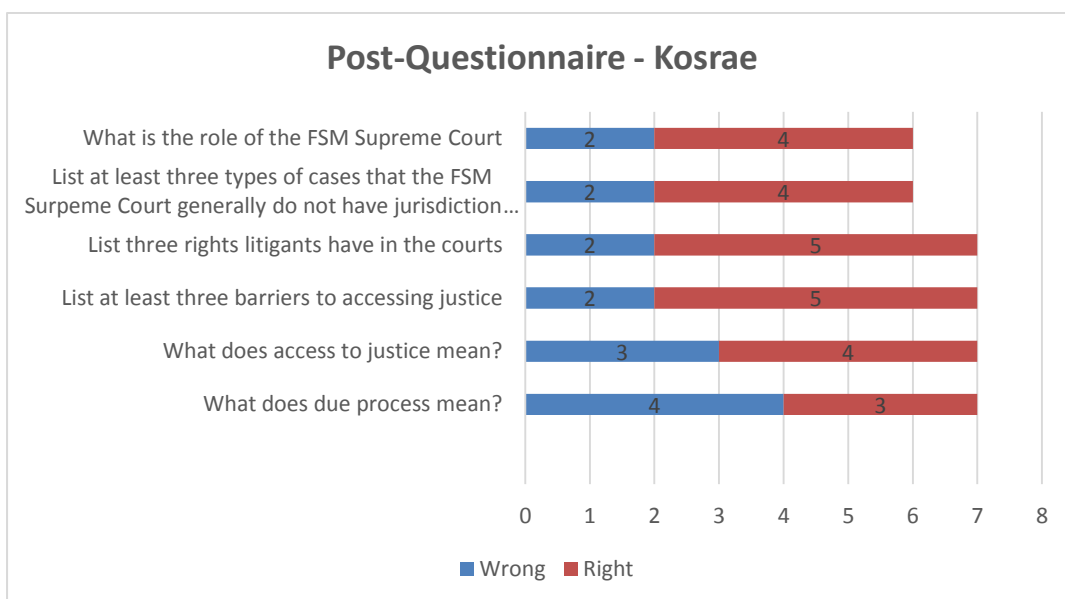
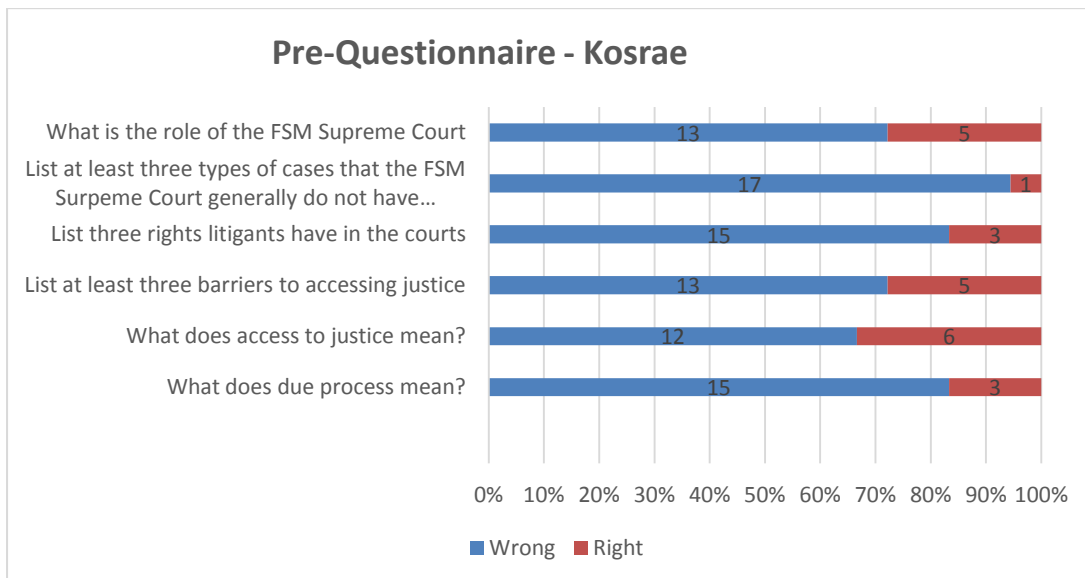
The tables below show the pre/post evaluations for Yap State. The pre-evaluation shows a 35% accuracy rate while the post evaluation show 86% in accuracy; an improvement of 51%.



The tables below show the pre/post evaluations for Chuuk. The pre-evaluation shows a 43% in accuracy while the post-evaluation indicates 61% in accurate answers. The result indicate an improvement of 18%.

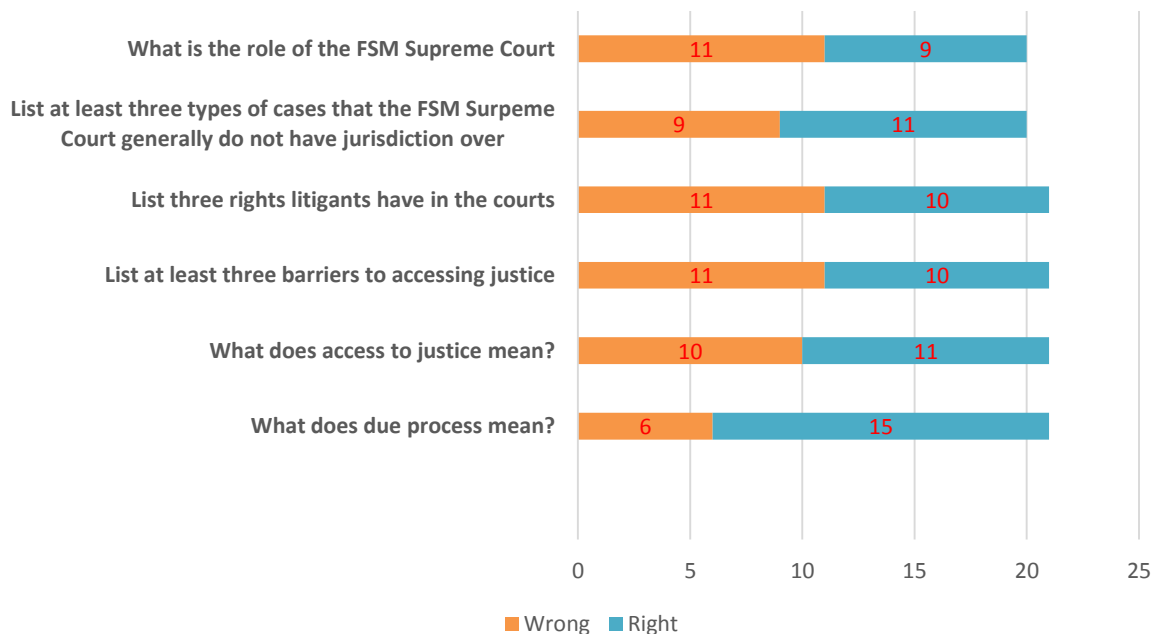


The following tables are pre/post evaluations results for Kosrae. The pre-evaluation shows a 21% in accuracy while the post-evaluation averaged at 60%, resulting in an improvement of 39%.

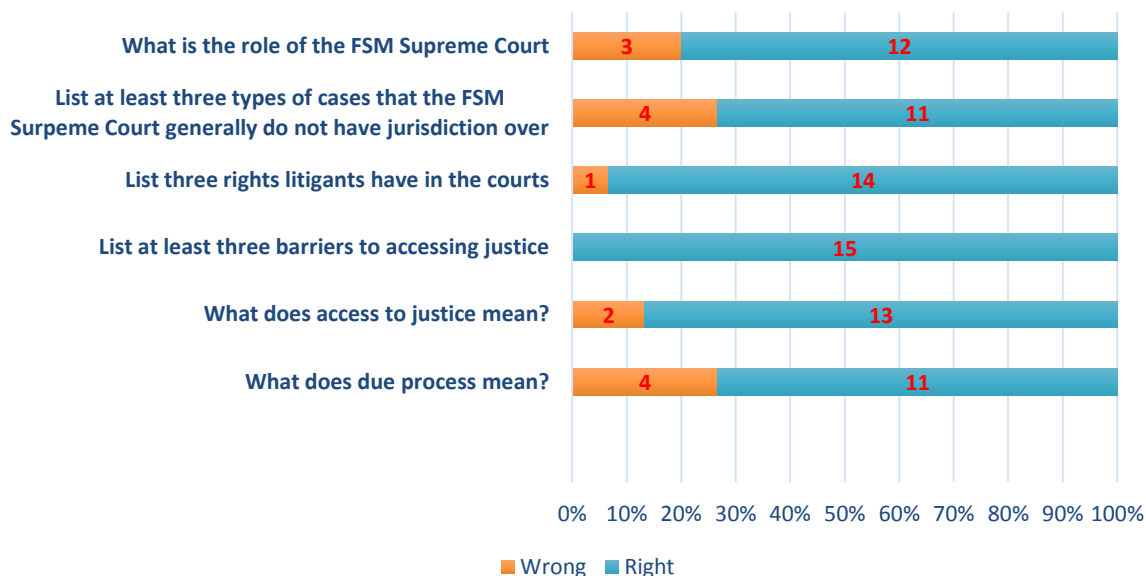


The following tables are the pre/post evaluation results for Pohnpei. For Pohnpei, the pre-evaluation shows an accuracy rate at 55% while the post-evaluation shows 84% on accuracy, an improvement of 29%.

Pre-Questionnaire-Pohnpei



Post-Questionnaire - Pohnpei



Identified problems

Several problems were identified in the workshop. The identified problems were a) there was a general misconception of what the roles of the courts are within the justice system and the limits of the courts' powers within the FSM; b) there was limited understanding of the procedures within the court systems and the justice system; c) people within the FSM have had limited to no access to justice for various reasons; d) unawareness of the people's legal rights and how those rights are exercised in the court and in general (limited understanding of due process); e) need to upgrade court facilities for better access and be disability friendly; and f) need for staff training on handling of victims of violence.

"This is such an important workshop. I learned a lot about due process. I have to admit my municipality has been illegally arresting people."

"Many people have the misconception that the role of the court is to put people in jail", says a participant

The project addressed these issues through cooperative participation in learning and understanding the roles of the courts, legal rights and due process, and culminated in an action plan, which were produced collaboratively by all participants.

The project contributed to more accessible, just, efficient and responsive justice services through the Enabling Rights workshop. The principle of fair justice is at the heart of the complex laws and procedures in a justice system. It upholds the fundamental norm of equal treatment of all who come before the courts. If a person is unable to access or use their legal rights, then it is not possible for the courts to perform their role of administering justice fairly and effectively. The courts have a significant role to ensure citizens and all people who come before them have access to justice and are able to know and exercise their legal rights. The Enabling Rights workshop raised awareness on access to justice, gave public common misconceptions of the court, educate the people on the Courts role and duty to society, identify and discuss barriers to accessing justice and gained public trust and confidence in the court.

"I would like to thank PJSI and FSM Supreme Court for offering such an important workshop and request that similar training be extended to the outer islands and remote sites where access to justice is limited."

See annex – power point presentation

Participation

This project was possible through team work and collaborative efforts from the presenters (reporters) and all the staff of the FSM National Court in all four states. The workshops required preparations of materials, logistics and technical assistance, all of which were successfully accomplished by the FSM Supreme Court as a team. *(See Annex A-F on training materials)*

The workshop in Yap was attended by 26 participants. In Chuuk, 34 participated in the workshop, in Kosrae, the workshop was attended by 23 participants and in Pohnpei, 36 attended the workshop. About 25 members of the Pohnpei Farmer's Association attended the presentation on Enabling Rights on April 10, 2019 and 31 representatives from the Pohnpei Women Council and other non-governmental organizations attended the March 8, 2019 presentation, in collaboration with the International Women's Day celebrations. *(See Annex F: KPress article)*

	PARTICIPANTS	GENDER	ORGANIZATION
	YAP STATE		
1	Tazmin Falan	F	Yap State Court
2	Arnold Tawerlfeg	M	Yap State Court
3	Daisy Layan	F	Youth Organization
4	Peter Tairuwepiy	M	Senior Citizen
5	Quintina Letawerpiy	F	FSM Public Defender's Office
6	Nathan Linglemog	M	FSM Public Defender's Office
7	Joshua T. Libyan Tun	M	Yap Catholic High School – Youth
8	Ruotpong Pongliyab	M	Youth Organization
9	Sally Figir	F	Neff Women Organization
10	William Pitmag	F	Micronesian Legal Services Corporation (MLSC)
11	Regina L. Datmag	F	MLSC
12	Georgina L. Reyuy	F	MLSC
13	Andiera G Turow	F	MLSC
14	Libuw Pongliyab	M	Yap State Court
15	Maria Goorungun	F	Neff Women Organization
16	Laura T. Ngadan	F	Yap Women Council
17	Francis Reg	M	Senior Citizen/Historic Preservation Office

18	Leah Laamad	F	Yap Women Association
19	Susan Gooliyan	F	Yap Visitor's Bureau
20	Danielle Dugwen	F	Yap Catholic High School/Youth
21	Sheldon Orhaitil	M	Yap Catholic High School/Youth
22	Deryl Giltaman	M	Yap Catholic High School/Youth
23	Rita Ylememog	F	FSM Supreme Court
24	Thoman Thiesen, Esq	M	FSM Supreme Court
25	Peter Garangmau	M	FSM Supreme Court
26	Emiliani T. Gilpong	F	FSM Supreme Court
	CHUUK STATE		
1	Daniel Rescue	M	MLSC
2	Mark Jesperson	M	MLSC
3	Jane Iwo	F	MLSC
4	Pastor Suzuki	M	MLSC
5	Fanes Meika	F	MLSC
6	Sirene Killion	F	MLSC
7	Niautek Billimon	M	MLSC
8	Kermina Smith	F	MLSC
9	Sincera Fritz	F	Chuuk Women Council
10	Mori-M Mori	M	Chuuk Youth Council
11	Eliesa Tuiloma	F	Chuuk State Legislature
12	Kulian William	M	FSM Public Defender
14	Kachie Sana	F	FSM Public Defender
14	Charleston Bravo	M	FSM Public Defender
15	Paulinus Hamo	M	Weno Municipal Police
16	Sairos Semes	M	Weno Municipal Court
17	Sherry-Jane Edmond	F	Chuuk State AG Office
18	Kennedy Nedelic	M	Chuuk State AG Office
19	Mason Fritz	M	Logan Memorial Church
20	Furacy Bonocho	M	Logan Memorial Church
21	Mohammad Kutty	M	FSM Department of Justice
22	Atrina M. Soichy	F	FSMSC
23	Mary Helen Tamae Mori	F	FSMSC
24	Eason Eas	M	FSM Public Defender
25	Lovelynn Berdon	F	FSMSC

26	Anthony Malon	M	Weno Municipal Police
27	Cindy S. Mori	F	Chamber of Commerce
28	Jan Saralyn Harper	F	Chuuk Women Council
29	Lucille Sain	F	Chuuk Conservative Society
30	Dickson Ben	M	Chuuk State Legislative Office
31	Enricko Nicho	M	Weno Municipal Police
32	Shereen Killion	F	Logan Memorial Church
33	Roman Olopuy	M	Chuuk State Legal Office - Legislature
34	Chris Eustaquio	M	Chamber of Commerce
	KOSRAE STATE		
1	Joshima Alik	F	State Personnel Office
2	Mary Belcourt	F	Kosrae State Court
3	Tulpe Penrose	F	Kosrae State Court
4	Dorothy R. William	F	Lelu Women Organization
5	Lipar George	M	Kosrae State Bar Association
6	Kirbu Luey	M	KIRMA
7	George Tulensru	M	Trial Counselor
8	Burt Esau	M	Kosrae State Court
9	Srue Lonno	F	Kosrae State Court
10	Paul Jerry	M	Kosrae Land Court
11	Soni M. Charley	M	Micronesia Legal Services Corp. (MLS)
12	Samuel Palik	M	MLSC
13	Canney Palsis, Esq.	M	MLSC
14	Arnold Benjamin	M	MLSC
15	Shirley S. Jackson	F	Malem Women Organization
16	Rickson Jonathan	M	International Organization for Migration
17	Marciano Waguk	M	Kosrae State Court
18	Mary Livae	F	Kosrae Women Organization
19	Hans Skilling	M	Micronesia Red Cross Society
20	Rebecca Alfons	F	FSM National Police
21	Harry Jackson	M	Kosrae State Legislature
22	Linson Waguk	M	FSM Supreme Court
23	R. Mandy	F	Governor's Office
	POHNPEI STATE		

1	Associate Justice Erwihne Hadley Nanpei	F	Pohnpei State Court
2	Justice Gusto C. Ligohr	M	Court of Land Tenure
3	Chief Justice Dickson Santos	M	Kitti Municipal Court
4	Benjamin M. Ekiek	M	Court of Land Tenure
5	Kimbert Route	M	Court of Land Tenure
6	Mary Ann Eperiam	F	Australian Volunteer
7	Justice Mayceleen Anson	F	Pohnpei State Court
8	Josephine Cantero	F	Pohnpei Supreme Court
9	Sylvia Henry	F	Kolonia Town Court
10	Costa Loyola, Jr.	M	Court of Land Tenure
11	JJ Abrams, Esq.	M	FSM Supreme Court
12	Cheryl Burkindine	F	US Embassy
13	Ivan Kadanged	M	FSM Supreme Court
14	Altrickson Anson	M	FSM Supreme Court
15	Beautrina Pretrick	F	Kitti Municipal Court
16	Jackleen Santiago	F	Court of Land Tenure
17	Jami Heinrick	F	Nukuoro Municipal Government
18	Kevin Hallers	M	Kolonia Town Court
19	Belan Yoma	M	FSM Supreme Court
20	Henry Norman	M	Kolonia Town Court
21	Jonathan Sydney	M	Madolenihmw Municipal Court
22	Anchy Nennis	F	Madolenihmw Municipal Court
23	Michael Nakasone	M	FSM Public Defender's Office
24	Atarino Helieisar	M	FSM Supreme Court
25	Chief Justice Nelson Joseph	M	Pohnpei State Court
26	Chief Justice Kiomy Albert	F	Madolenihmw Municipal Court
27	Joab Paul	M	State Attorney General's Office
28	Justice Inos Poapart	M	Nett Municipal Court
29	Ivory Ucherkmur	F	Kolonia Town Court
30	McGoy Daniel	M	FSM Public Defender's Office
31	Juleen Pablo	F	Kitti Municipal Court
32	Nixon Alten	M	FSM Public Defender's Office
33	Willmark John	M	U Municipal Court
34	Tommy Aron	M	Pohnpei State Court
35	Bernolina Hedson	F	Pohnpei State Hospital/Pohnpei Women

			Council
36	Cheryl-Ann Freeman	F	FSM Supreme Court



Pohnpei participants

This project was the first of its kind to be conducted all throughout the FSM. As such, it was received with positive support. Positive feedbacks from personal conversations with the participants and the surveys indicated a strong desire to continue this effort and to implement more relevant and related trainings. It should be noted that about 45-50 percent of the participants have limited understanding of the English language. Therefore, not all participants filled out the surveys and evaluation forms. Group discussions and presentations were incorporated to gauge and capture the knowledge gained by all participants. The group presentations were conducted mostly in the local languages and presented in English. The same exercise was conducted in all four states. Following is a summary of the group discussion work:

Group Activities

Group Activity 1:

1. *What does the word “Justice” mean to you?*

- Making things right
- Fairness, equality, peace and truth
- Administration of law
- Due process
- Equal protection
- Restoration to wholeness
- Punishment for crimes
- Restitution to victims
- Manner or mode of restoring issues in a fair and equal manner by treating all people with respect and dignity and adhering to applicable standards or law
- All people exercising their human rights; protection of human rights
- Enforcement of laws
- Freedom
- Protection against deception
- Public access
- Fair and just process
- Punish wrong

2. *What are some barriers to accessing justice?*

- Lack of education/ understanding; ignorance
- Financial
- Culture/tradition (stigma)
- Injustice
- Lack of infrastructure
- Geography
- Lack of reliable transportation
- Discrimination (sex, race, religion, age, ethnicity, language)
- Unequal distribution of resources and wealth
- Lack of competent leadership
- Disability
- God/religion/beliefs (God forgives and judges, not me)
- Lack of enforcement of law/prosecution
- Conflict of interest
- Political corruption
- Lack of resources
- Misuse of funds
- Limited court services/trainings
- Language
- Limited forensics
- Lack of human resources (in the legal field)
- Limited accessibility
- Status and reputation in society
- Feeling embarrassed
- Fear

- Misconception of religion
- Love (“I love him too much I will forgive him and not turn him in”)

Group Activity 2 – Action Plan:

1. *What should the courts do to ensure access to justice and enabling rights of all people? (community expectation for the courts)*

- Continue to conduct community outreach and public awareness programs (on legal rights, court roles and activities, court services, court structure)
- Provide accessibility for public tours to address the false misconceptions of the courts and have more public inclusive activities
- Create a judicial hotline
- Raise more funds, seek funding from governments, private sectors, and other organizations
- Be more visible (social media and news press, radio programs, public functions, flyers, brochures, pamphlets, spot-talks)
- Establishing a referral system
- Have a clearly defined role and jurisdiction of the different levels of the courts and strengthen a collaborative partnership with the different levels (national, state, municipal)
- Sponsor student-centered activities (mock trials)
- Create a judicial task force
- Emphasize use of alternative dispute resolution incorporating traditional practices
- Conduct more trainings for court personnel (customer service, handling of victims and pro se litigants, handling of people with disabilities)
- Provide more accessibility to court houses, especially for people with disability
- Have court rules and procedures translated into the local vernacular
- Have proceedings that are summary in nature to simplify and help parties understand their case
- Provide for security for patrons of the courts and court personnel
- Improve the e-filing system
- Provide self-help forms for pro se litigants
- To have more judges or temporary judges to avoid conflicts

Taking courts to remote places (for appropriate proceedings) and hold educational sessions

2. *What can your organization do (how you can participate with the courts) to address the barriers in order to provide access and enable the rights of people? (collaborative work)*

- Better collaboration and communication
- Establish a referral system
- Have community appointed marshals
- Create a judicial task force

- Encourage more locals to go into the legal career field
- Work with government and traditional leaders
- Raise funds
- Invite the courts for informational sessions for the public
- Incorporating FSM constitution into school curriculums with emphasis on legal rights and due process
- Promote the trial counselors program at the College of Micronesia and offer scholarship for that program
- Offer bar review courses
- Conduct more trainings for the police force and on human traffic
- Seek funding for and conduct *Know Your Rights* programs
- Have the churches, youth groups, and women groups more involved to have sessions on justice and legal rights
- Establish partnership with courts, NGO's, and faith-based groups
- Translate laws and legal rights into local vernacular and try as much as possible to document traditional laws/rules/practice
- Continue to lobby for better policies and regulations
- Establish a "Justice Day" or "Rule of Law Day" (or week)
- Seek sponsorship from businesses
- Support and fund related activities of the courts and other organizations
- Provide a joint legal education (with the courts)
- Sharing of resources with other organizations and the courts
- Have court staff liaison for the general public
- Establish and strengthen pro bono services
- Have events on "Constitution Days" where awareness on legal rights and justice are raised
- Provide counselors and shelters for victims
- Promote cultural reforms
- Provide for accurate information

3. *How do you tackle the barriers as individuals at your workplace or within the community? (personal commitment)*

- To be better, self-evaluation, continue to learn/ self-education
- Stay proactive and get involved
- Staying engaged with the youth and high school students to train on legal and cultural values
- Sharing information (social media), encouraging students to pursue a legal career
- Call police
- Be more social, helpful and supportive to everyone
- Be active as advocates and champions for the people
- Continue to lobby for better policies and regulations
- Staying abreast of changes and current happenings
- Being respectful
- Taking the initiative

- Seek support from the private sector
- Talk about the court
- Being kind (smile always, “how can I help?”)
- Encourage victims to speak out
- Be aware and be able to spot when rights are being deprived

Participants were provided feedbacks through the Enabling Rights Evaluations and following is a summary of the questions and responses from participants:

Evaluations

1. *After the Workshop, how confident are you to explain to others what you have learned throughout the workshop?*
 - Very confident; confident enough; fairly confident; moderate confidence
 - Have understand the Rights and access to Justice
 - Will teach what was heard in the workshop
 - Will include what was learned in own community outreach
 - I’m confident enough to point them the hopefully right way. Along with kind of telling them or making them aware of the procedures or functions in which the court can help with.
 - I learned a lot which I could explain more about this workshop
 - Very confident, the workshop helped me understand the basis on how the FSM Court works
 - Somewhat but I can direct them where to go for assistance
 - Neutral. Basic knowledge which is great. I have confident to share just the basic info of our rights
 - I will be able to share info on court function and roles
 - I am very confident that I have learned the differences between state court and the supreme court and how they work
 - I have learned a lot and can share with others what I’ve learned, but I feel workshops like this should be conducted in the difference communities in Yap for more people’s info
 - I’ve learned about enabling rights and unrepresented litigants
 - More and more comfortable, assist staff, presenting among groups, and learning process gave us knowledge of law to lead ourselves...reasonable to understand and improve our knowledge about rights and fairness
 - I can explain to others to be more aware of their civil rights
 - It was useful, help understanding
 - I am very confident to explain to people what I’ve learned throughout the workshop

- Highly confident
 - Very confident for I learned a lot of very important data
 - I'm willing to explain to others everything I learned
 - Very interested to attend this workshop because in my society most are not familiar with the rights they have without conversation. I am willing to share what I have learned
 - I learned a lot and I know without a doubt that these information will be useful in the future
 - Everything was clear and its easy for me to teach others what I've learned
 - I am very confident that I am now more capable of explaining to others what I've learned throughout the workshop because of the better understanding I have now
 - Confident. These workshops help remind us the importance of our work with the public to accommodate what needs the public is seeking from the court
2. *Were the aims of the workshop clear, and where they achieved?*
- Yes, very clear; very clear and achieved; well presented; crystal clear
 - Aims are very clear, a lot more to be done to achieve those aims
 - They were very clear and achieved
 - They were clear, interesting and definitely achieved
 - Yes, the workshop is very clear and they've achieved everything
 - Yes, in some ways. Only few people that attended the workshop are now aware of their rights but there are a lot more people out there that need to know
 - I'm sure it was quick, oversimplification of the judicial system, but appreciated nonetheless
 - I believe so; the workshop was clear
 - Yes, please try to have the same workshop once or twice a year here in Yap State
 - Definitely
 - Yes they were, and yes they were achieved, could've helped if there were more people to participate
 - Aims came upon toolkit, group discussion, presentation from staff also handouts were very helpful
 - Yes, they were clear and I believe all aims were achieved
 - Clear enough to remind us the oath that we take to help the public
 - The topic and subtopics were clear and well achieved
 - Very clear and pretty much achieved
 - Workshop clear, materials presented were achieved
 - The aims of the workshop were very clear and usefully achieved

3. *Was the information presented and discussed during the workshop practical and useful to you?*
 - Yes, they are very useful; very interesting
 - They were practical and useful to better understand what was going on in the justice system
 - Yes they were, I got to learn more
 - Yes, all three individuals are playing 100% roll in the workshop
 - Not necessarily in the short term, but maybe useful to know and understand nonetheless
 - Yes, workshop is really useful to me in so many ways
 - Yes and was presented in a way where everyone could easily understand
 - Absolutely yes! Second presenting on group
 - The information throughout the workshop is very practical and useful especially if any court or entity could write proposals
 - Yes, very. As clear as it could be. I am really thankful for all ideas shared
 - Useful and willing to practice in my court and community
 - It is, because it's happening around us but I guess we ignore mostly
 - Very practical for anyone

4. *Were the materials/toolkit relevant and useful to you?*
 - Haven't read them but I believe they'll be useful
 - They are relevant and useful, and very helpful
 - Yes. The materials and toolkits are relevant and useful
 - Yes, it would be nice to also have English version of booklet
 - Great, helpful, and informative
 - Absolutely yes! Possible cause we understand what were in there and necessary to understand
 - Yes, but with the presented material (PowerPoint) the printing is too small to read
 - Very relevant and useful as well
 - Yes, very useful. Just for the toolkit on page 3 on barriers to accessing justice is incomplete

5. *Did you find the facilitator and presenters effective and allowing for adequate participation, discussion, and interaction?*
 - Absolutely! Great job!
 - Yes, very effective and adequate
 - Yes, they were adequate, articulate, and interactive

- Good job by the court presenters
- Yes, having the group activities help me have understand other's perspective on the court
- I appreciate how open and informal it was, plus hearing about relevant anecdotes and examples were useful
- Yes I did find the facilitators and presentation effective and very helpful to everyone
- You facilitators did a great job, thank you very much
- Yes. The facilitators were clear and delivered in clear, simple and attention grabbing words. We had ample time to discuss and interact
- Very effective
- Yes, we can tell by the long hours spent for discussions
- Yes, good interaction between facilitators and participants, very comfortable environment
- The facilitators were effective
- Very effective. Participation, discussions and interaction were adequate
- Yes, but need more group work because that's when brilliant ideas are shared
- Yes, good job 😊
- Yes, adequate and clear. I guess because his English language is clearer than the English instructor that I joined the lectures from other workshop
- Yes, very interactive sessions

6. *Overall, were you satisfied with the Enabling Rights & Unrepresented Workshop?*

- Very satisfied!
- Yes. But participation from other NGO's or government institutions was limited
- Yes, I'm glad I attended
- Yes, I am very satisfied with the Enabling Rights and Unrepresented Litigant workshop
- Yes. More activities to engage with people attending the workshop
- No, I would like the information to be shared throughout the whole island and outer islands
- Yes, it was very informative and educational
- I was satisfied with what I got to learn from the two topics. I would like to learn more or participate still in any more coming up
- Yes of course! Expectations were achieved
- Yes, I was satisfied for everything
- Definitely, but need more time, two days is not enough
- Yes, but need more time for detailed explanations

7. Please describe the most useful or relevant experience(s) of the workshop.

- Understanding the rights and process of the FSM justice (system)
- I especially liked the group exercises...and the food!
- The collaboration
- The group discussions
- Very detailed and well explained
- The discussion of the barriers to have access to justice
- New information was discussed in the workshop, gained my knowledge of the court system
- The interaction between different agencies during group discussions
- Group work
- Human rights
- I have learned more about new things in regards of justice and accessing justice
- Model Rules of Professional Conduct
- The importance of understanding rights and how the court works
- The workshop is giving me what I don't understand
- All, and group work
- In discussing the barriers I was happy that we're able to get it clear of the services we have on island that can help in dealing with the barriers
- Individual rights/public education
- When presenters give examples about certain topics. It help me cope with what was being discussed
- The fact that this is a step in the right direction for the court
- The presentation and discussions
- Presentation by each group, more learning tools from different participants
- It is useful to know that we still need to let the community know what's going on in our court and how it works
- Everything discussed/presented was useful
- Knowing the process and enabling rights
- When we talked about enabling rights and unrepresented litigants
- The packet and powerpoint presentation
- Sharing information
- Court procedure
- The group activities! They helped us to utilize the info given in presentation
- Can be all experience or knowledge – achieved from process of what you've been teaching us
- The group discussion of the action plan. It gives me more knowledge

- Access to justice and due process
- Understanding the different meanings
- The enabling rights and unrepresented litigants workshop
- It is relevant because it reminding me from the last workshop
- The due process
- Toolkit and group discussions are on point
- Unrepresented litigants. It really inspires me now that FSM Supreme Court help parties those who are not familiar with their rights
- Good customer service is crucial in this line of work
- Receiving other ways to tackle the barriers in accessing justice
- Discussions of the enabling rights and explanation of the annual report

8. *Please describe the least useful or relevant experience(s) of the workshop.*

- How to write on a poster paper...lol, all information was useful
- New avenue of understanding the ways of how the justice work and how it deals with people (not understanding question?)
- Thoughts of the court
- The whole workshop overall is very useful
- Not enough participants
- I think all of it was useful. I can't think of anything
- Everything was useful and relevant
- How to defend myself in public and also in society
- None, useful and overall was good
- No comment
- Everything was useful and I was happy to learn what I can learn from what was presented
- None, all that were discussed are very relevant
- Process of justice, annual report just to inform us
- Food and drinks
- The icebreaker
- Number of days for the workshop
- Frequent breaks
- I choose all to be useful
- There's no least for me, all are very useful
- Barriers to accessing justice
- I don't see any part of the workshop is least useful – all materials are useful
- The data of the FSM Supreme Court
- Difference between justice and court

9. Do you wish to offer any other comments or suggestions for improving the workshop?

- Just do more training. Especially the training of trainers
- Only that it be presented to more people, perhaps at the municipal or school levels, etc
- Needs more workshop or training especially for this one we have
- The training should be longer than 2 days, maybe 4-5
- More of this kind of workshop should be continued in the future
- Longer and more in depth workshop
- Looking forward for more workshops and working together as a team
- This should be conducted regularly with the participation of various NGO's and government agencies
- Just with Yap, consider the villages and outer islands on outreach, they could find the services provided by the court and knowledge of their rights helpful
- Maybe invite the communities
- Yes, we need more time cause more people would like to attend the workshop but they never know about this workshop
- Invite more of the general public and student representative "future leaders" to take part in such a meaningful workshop
- Perhaps better structuring of sessions, and better PA system (the mic wasn't working/acoustics were off)
- Maybe an advanced formal invitation would bring a better turnout
- More activities
- Thank you both and I hope to see more workshops like this for all Yapese. Info and understanding of what the judicial branch of our government, national and state, do. Thank you very much. Hope you enjoyed your time in Yap
- Workshop should be shared with community members/remote areas residents. Incorporate into school curriculums such as the Micronesian Studies Program at COM-FSM
- Yes, this workshop also inspired me with my future career and also helped familiarize myself with my rights in society
- Thank you and hope you keep doing more of these types of information sharing in the near future
- Involve businesses or other small organizations
- 2 days is not enough. Requesting to do more group work next workshop. Hope you will come back to do more workshop to our women's group so we will help to do the education awareness
- Thank you

- No time to explain more but everything was fine with me
- More time for the workshop because the two days wasn't enough
- We need to have this again to at least refresh us
- More trainings, more time of training
- Require all Chief Justices and court key staff to com and learn from this sort of workshop
- Need to have once a year, and a little bit longer
- Need more days instead of 2 days
- We need more of these workshops on related topics
- More days of training and more group work
- Wish I could be a part of the Task Force. Please call me as soon as you have the Task Force setup (*contact info omitted*)
- Do it often with different organizations only
- More practical exercises
- I do suggest that by group works, we should separate Chief Justice from staff not because staff don't want to work with them but we can see the different ideas from both and the ideas can be compared and can do some balance to justify the lacks or unfixed problems. I mean the barriers to comply with the equation here

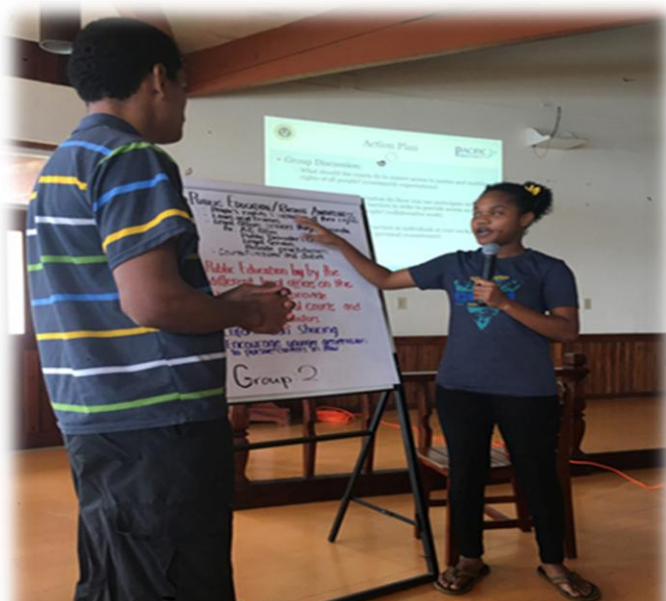
Other methods and modes of presentations used

The workshop consisted of power point presentations as well as group activities that involved participation of the attendees in working together and presenting ideas together. These forms of engagement were adopted by the facilitators in order to allow for a more collaborative and informative interaction amongst all participants. It also enabled the participants to gage more and really take ownership of their discoveries, giving room for more relevancy, familiarity and meaning to the issues. Several other methods were used including pre and post questionnaires and surveys. The highlight of the program was the collaborative work among the participants where they themselves produced creative and innovative ways to tackle some of the common barriers and to enable the public to accessing justice and exercising their legal rights (action plan). In addition to the workshop, due to linguistic diversity within the FSM alone, the FSM Supreme Court managed to translate the *Enabling Rights and Unrepresented Litigants* Toolkit into all four languages, all of which are now available on the Court's website and on the PJSI website.

“The workshop was adequate and clear because the facilitator’s English language is clearer than the English instructors that I joined the lectures from other workshops”

All throughout the project there were some improvisations that were necessary due to the

unique cultural differences between the four states. Time management and approaches were different in all states in order to respect cultural expectations and to avoid creating conflict rather than establishing solutions. The project constantly evolved from state to state, as it should and as expected, as a result from suggestions and recommendations from participants. The project was extremely successful in establishing the momentum in raising awareness on access to justice and enabling rights.



Yap youth presenting group work



Participants in Kosrae

Promoting justice and human rights

Human right is generally defined as a right that is believed to belong justifiably to every person. Raising awareness on access to justice and constitutional rights undoubtedly progresses human rights in the FSM because it enables the general public, as well as the courts, to recognize, protect, and ensure such rights are enabled and enforced.

The participants included key staff from the courts, members of the departments of public safety, the Attorney General offices, the National Public Defenders offices, as well as the Micronesian Legal Services Corporation. The project serves to hold such important offices accountable and it gives a different yet necessary outlook on how services are provided for the betterment of society.

Inclusivity and gender equality

Accessing justice and understanding and exercising rights concern both genders. The project did not discriminate against any gender. The project was just a start but it will benefit both genders.

The workshops were held with no specific target towards gender equity. However, because of the socio-cultural expectations, which often impede victims of domestic violence from seeking justice, majority of whom are usually women, a good amount of time was spent on discussing the issues of gender equity and equality. Socio-cultural expectations were

identified as one of the common barriers in accessing justice. There were normally 25, more or less, participants attending each day – with generally more females than males. The women’s groups in all four states had representatives attending the workshops.



Chuuk participants

Moving forward

It is only the start for the FSM Supreme Court to start to be more involved within the community. As stated above, there was a sense of urgency and desire to further conduct trainings for court staff and departments involved within the justice system and to expand to other remote areas in the FSM.

The FSM Supreme Court is committed to its constitutional mandate in upholding justice in a manner that is fair and equal for all who come before it seeking justice. The Court, while independent to maintain integrity, strives to provide services and information that enables the general public and litigants – both represented and unrepresented parties – to understand their legal rights under law and the Constitution and to be able to exercise them effectively.

The Court, in collaboration with other organizations, has been and wishes to continue sponsoring and conducting trainings and workshops that are open to the public. Continued trainings and improvements for court staff is one of our top priorities so that the court



Group work in Yap

deliver the services the public deserves. Such collaborative work, which may include public forums and community outreach, can combat injustice and allow the general public to be able to access justice.

Financial report

This project received funding under the Leadership Incentive Fund. The total appropriation for this project was \$26,177 (USD) or \$35,829.92 (AUD). According to the financial report by PJSI, all funds have been exhausted with an overspend of \$516.93 (AUD) or about \$363.14 (USD). Management of the fund was managed by PJSI. (See Annex H)

Access to Justice Survey

The FSM Supreme Court conducted an anonymous Access to Justice Survey in conjunction with the Enabling Rights workshop with 156 samples from the Federated States of Micronesia. The purpose of the survey is to gauge current levels of public trust and confidence in the FSM Supreme Court. The surveys were conducted through telephone, in-person interview and emails. The results are as follows:

The table below shows 42% female and 58% male that participated in the survey.

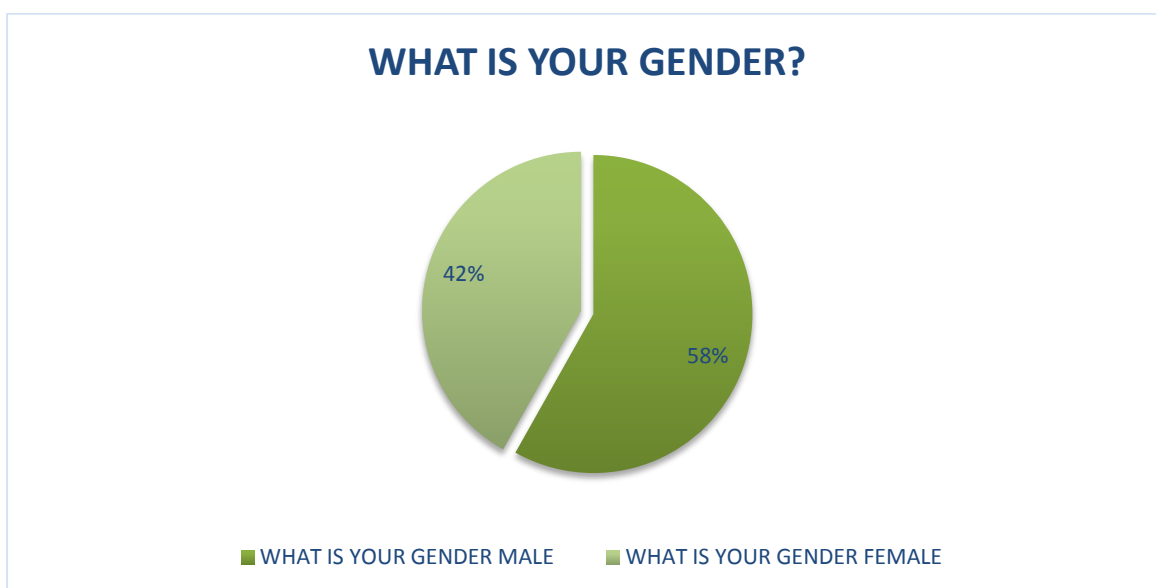
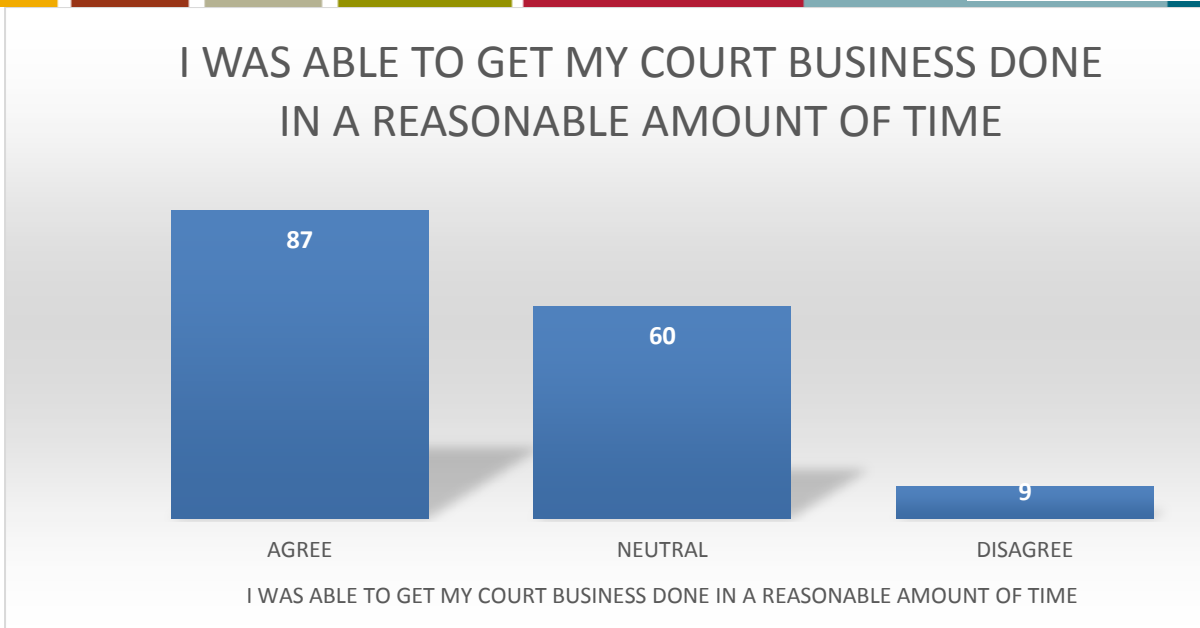
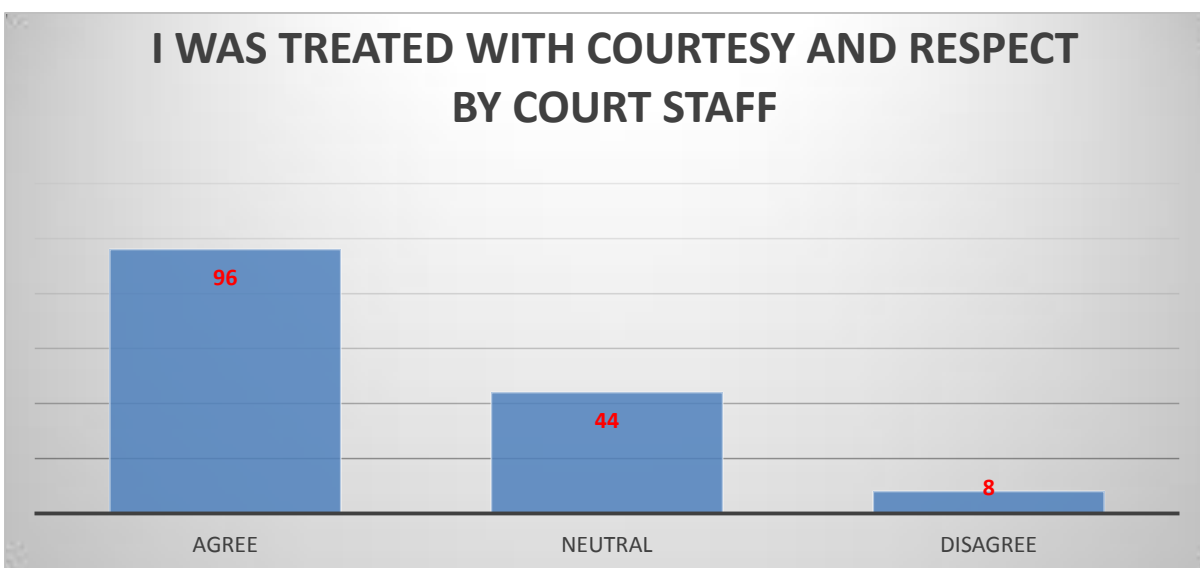


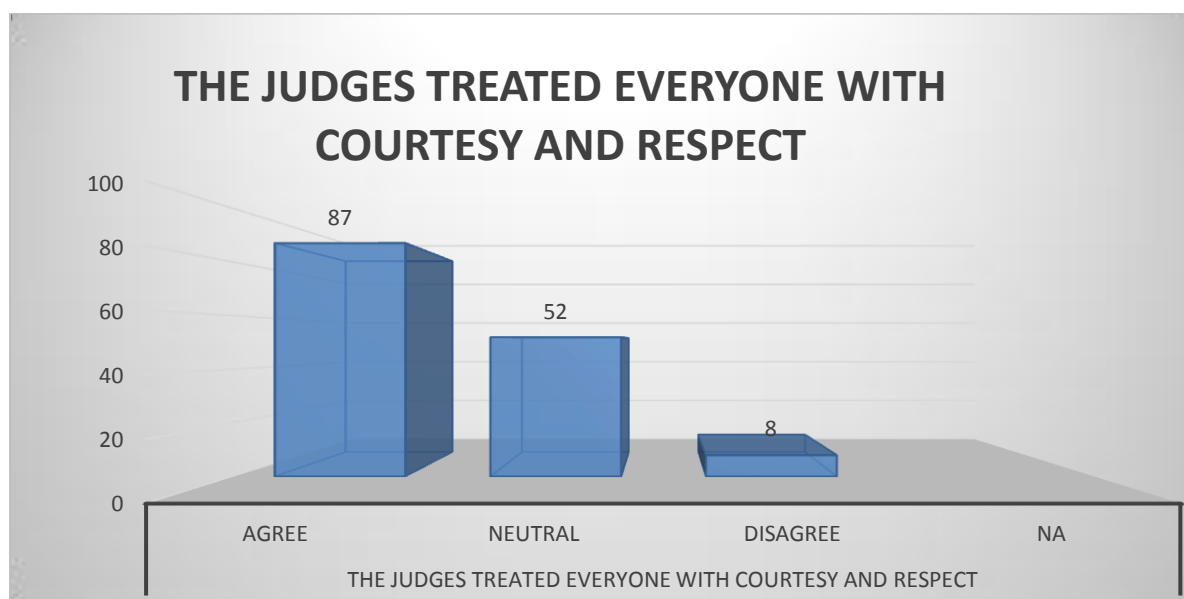
Table below show 56% of people agree that their court businesses are done in a reasonable amount time. 38% rated court services as neutral and 6% disagree.



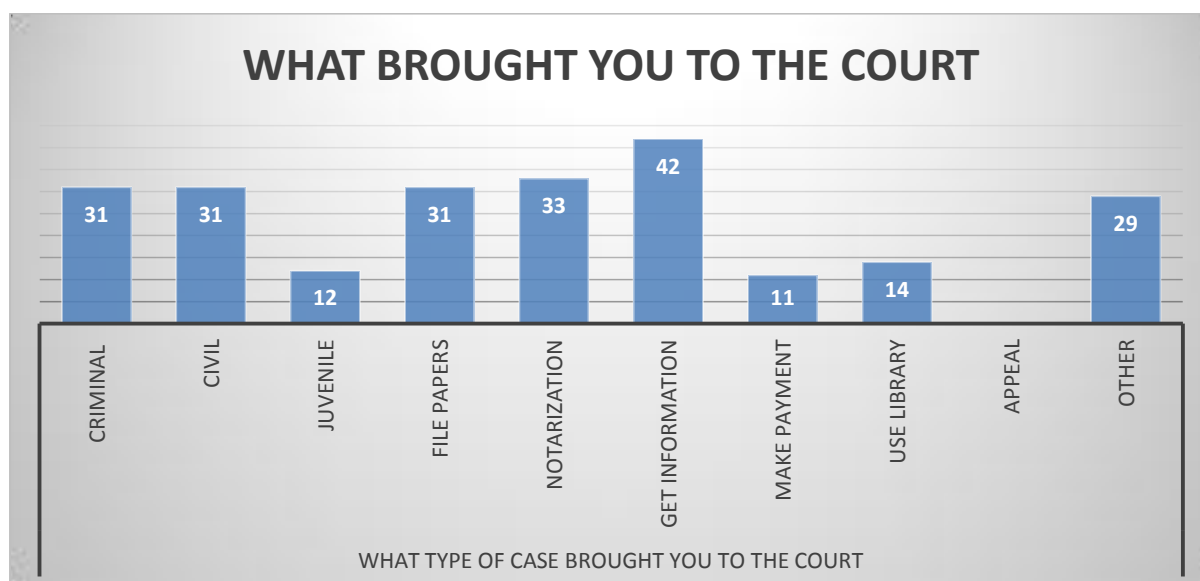
The table below shows 65% of people agree that they were treated with courtesy and respect by court staff. 35% feel the treatment by court staff is neutral and 5% disagree.



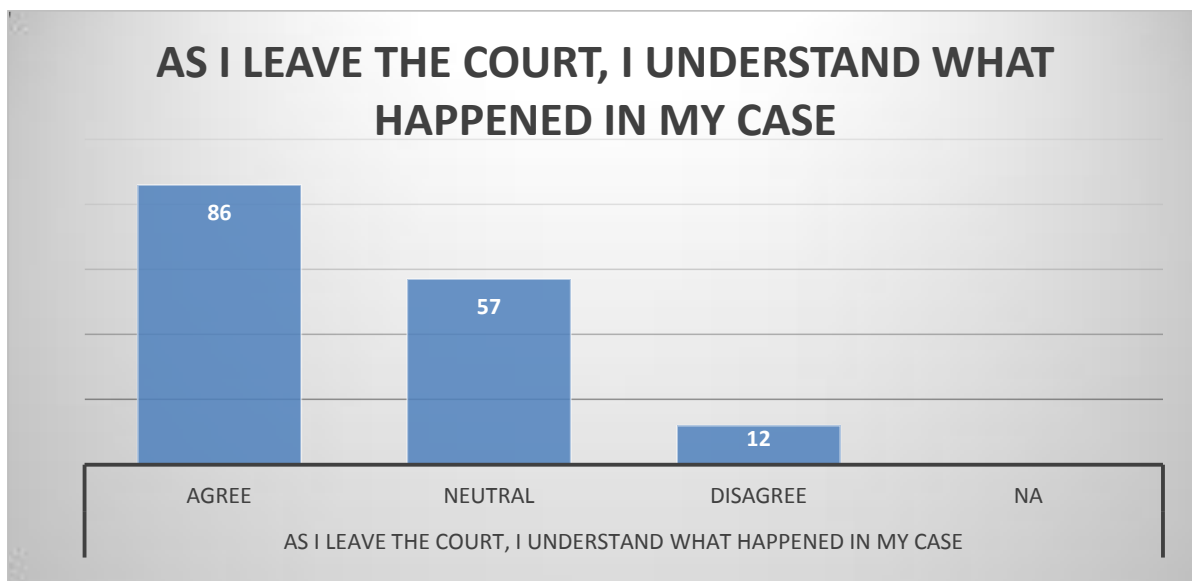
The following table show 59% of the people are satisfied and agree that the justices of the court treat everyone with courtesy and respect. 35% feel the treated by the justices is neutral while 5% disagree.



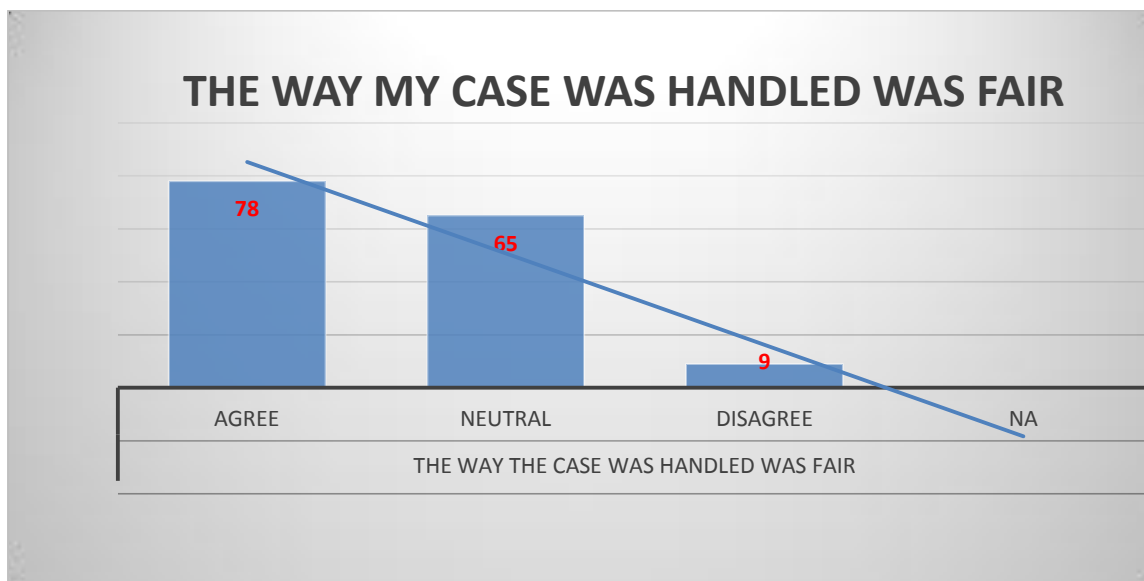
The following table shows what brought people to Court. They include criminal, civil, juvenile, filing of papers, notarization, get information, make payment, usage of court library and others.



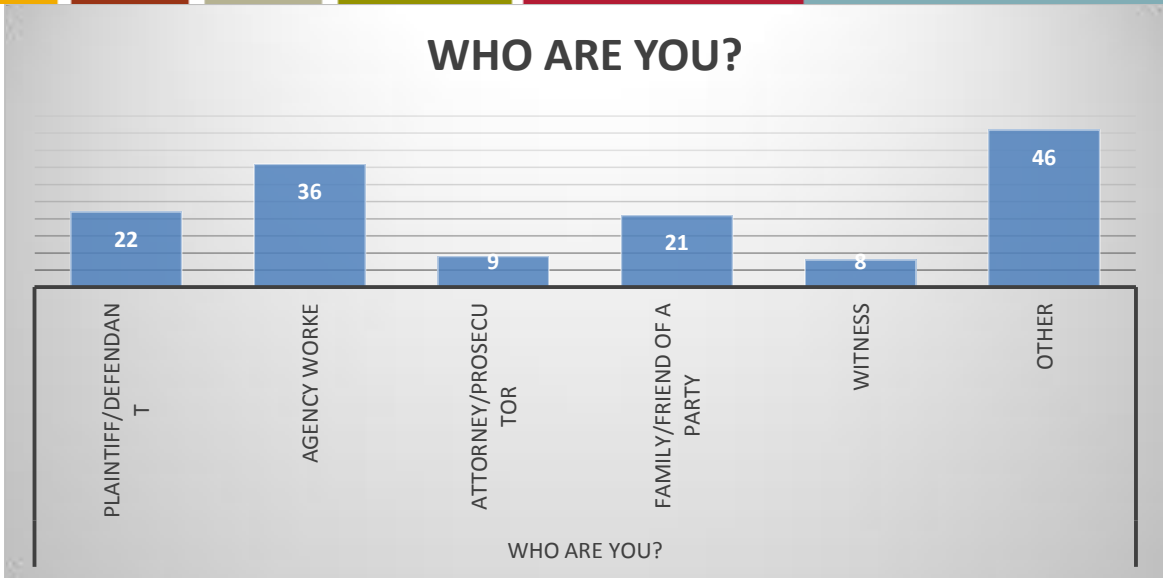
The table below show 55% of people agree that they understood what happened in their cases as they left the court. 37% rated neutral, and 8% disagree and do not feel they understood what happened in their cases.



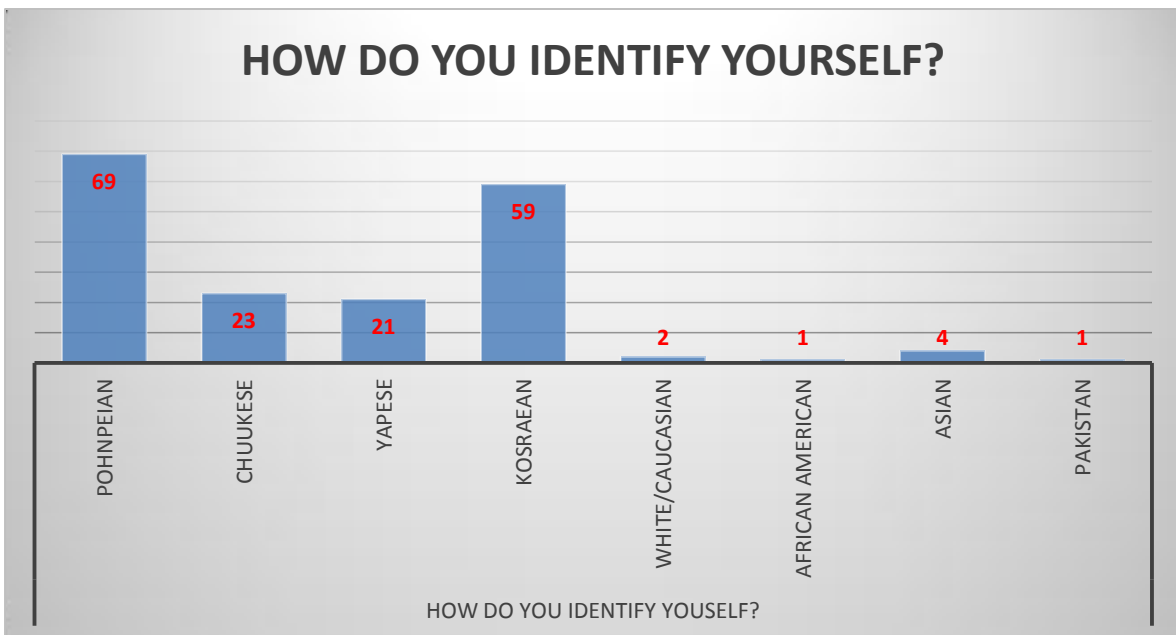
The Table below shows 51% of the people feel the handling of their cases were fair, 51% feel it is neutral and 6% disagree.



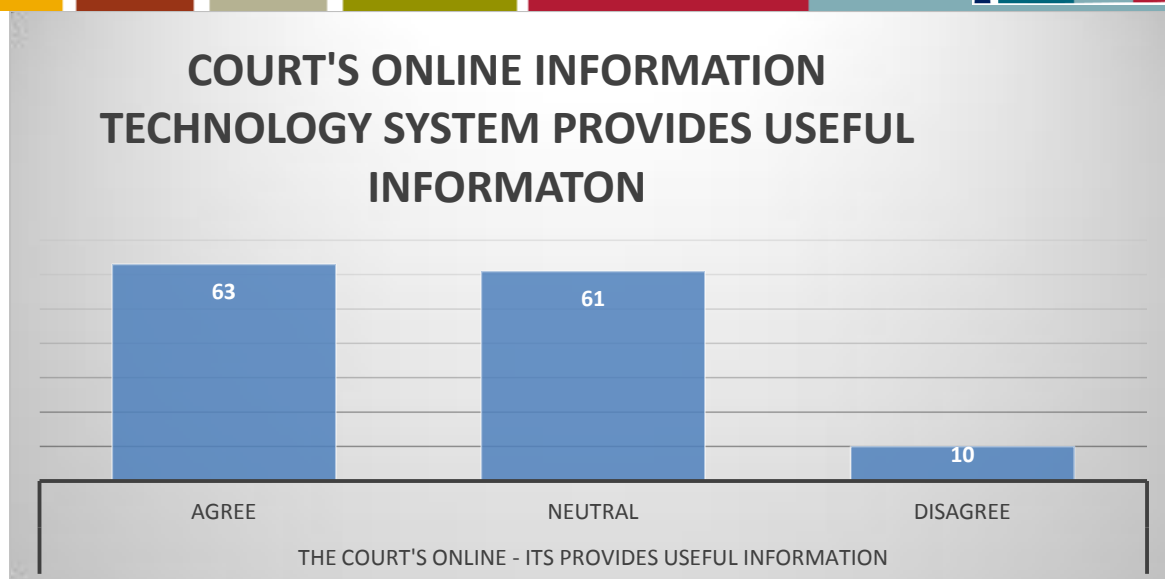
The Table below is a reflection of the different types of people who participated in the survey. They include parties, agency workers, attorneys, prosecutors, family members of friends of a party, witnesses and others.



The table below shows the different nationalities and citizenships of those who participated in the survey. Majority of the people are FSM citizens.



The table below is a reflection on the people’s views on the court’s information technology system. 47% of the people are satisfied with the Court’s information technology system while 46% feel it is neutral and 7% disagree.



Annex I:

Conclusion

The Enabling Rights & Unrepresented Litigants workshops in the FSM were a resounding success thanks to the generous assistance of the Pacific Judicial Strengthening Initiative. With PJSI’s assistance, the FSM Supreme Court was able to convene audiences in each of the four States of the FSM and conduct a total of six well attended and well received workshops. The Court found enthusiastic audiences eager to hear about the role of the Courts in our nation, ready to learn about their rights with respect to the Courts and law enforcement, and willing to frankly discuss issues in society that need to be addressed to increase equal access to justice.

The data obtained from the workshops demonstrates that the participants in each State benefitted from the workshop in the sense that their understanding of the Courts and judicial system improved, as did their perception of how the justice system can and should work to benefit people who feel they have been disenfranchised. The Court is extremely successful in bringing together groups of people from disparate positions and backgrounds to collaborate and create action plans for the future.

It is obvious from all of the feedbacks received that these workshops were very helpful and should be expanded when and where possible, to the more remote islands and to include even more diverse people from each respective culture. The Court looks forward to expanding and enhancing its joint efforts to reach as many FSM citizens as possible in the future. Again, the FSM Supreme Court would like to thank PJSI for making this project possible. The Court would also like to thank the Yap State Court, Chuuk State Court, Kosrae State Court and Court of Land Tenure, Pohnpei State Supreme Court and Court of Land Tenure, all municipal and town courts, Department of Justice, State Attorney General Offices, Micronesia Legal Services Corporation, FSM Public Defender's Office, state legislatures, the women and youth organizations, people with disability, faith based organizations, National, State and local governments in the FSM and all participants for your participation in the workshops.

Annexures:

Annex A: Invitation

Annex B: Program Agenda

Annex C: Program Outline

Annex D: Enabling Rights & Unrepresented Litigants Survey

Annex E: Power Point Presentation

Annex F: Kaselehlie Press Article

Annex G: Photos

Annex H: Financial statement

Annex I: Citizen Participants Call to Action



You are cordially invited to a joint sponsored

ENABLING RIGHTS & UNREPRESENTED WORKSHOP

to be held in the following states:

YAP: April 18-19, 2019

Venue: The Marina

CHUUK: April 22-23, 2019

Venue: Kurassa

KOSRAE: May 8-9, 2019

Venue: Governor's Conference Room

POHNPEI: May 14-15, 2019

Venue: Governor's Conference Room

RSVP: Lori Pernet 320-2357 (Pohnpei)

Atrina Soichy 330-2396 (Chuuk)

Emiliani Gilbong 350-2159 (Yap)

Linson Waguk 370-3185 (Kosrae)



ENABLING RIGHTS & UNREPRESENTED LITIGANTS WORKSHOP

MAY 14-15, 2019 - STATE OF POHNPEI

AGENDA

DATE/TIME	TOPIC
May 14, 2019; 9:00	Registration
9:30 a.m.	Introduction
10:00 a.m.	Role of the Court
10:30 a.m.	Morning Tea
10:45 a.m.	Access to Justice
11:45 a.m.	Enabling Rights
12:00 noon	Lunch break
1:30 p.m.	Enabling Rights continues
2:30 to 3:30 p.m.	Group discussion
3:30 p.m.	Afternoon tea
3:45 to 4:00 p.m.	Group presentation – action plans
May 15, 2019:	
9:00 a.m.	Recap of Day 1
9:30 a.m.	Group presentation – action plans
10:30 a.m.	Morning Tea
10:45 a.m.	Group presentation – action plans
11:45 a.m.	Review of Enabling Rights & Unrepresented Toolkit
12:00 noon	Lunch
1:00 p.m.	Group presentation – action plans
3:00 p.m.	Recap of Day 2
3:30 – 4:00 p.m.	Closing



ENABLING RIGHTS & UNREPRESENTED LITIGANTS

PROGRAM OUTLINE

- I. Introduction**
 - a) Attendee introduction and expectations of the workshop
 - b) Introductory remarks
- II. Role of Courts: *FSM Supreme Court***
 - a) Attendee participation: Common perceptions of the Court
 - b) Co-equal branch of the FSM Government
 - c) Article XI of the FSM Constitution (jurisdiction)
 - d) Code of Ethics & Judicial Conduct
 - e) Court staff introduction
- III. Access to Justice**
 - a) Attendee participation: Justice
 - b) Attendee participation: Common barriers to accessing justice
 - c) Unrepresented litigants
- IV. Enabling Rights**
 - a) Attendee participation: Legal rights
 - b) Article IV of the FSM Constitution (declaration of rights)
 - c) Due process
 - d) Requirements of due process
 - e) Client-attorney relationship
 - f) Introduction of Toolkit
- V. Action Plan**
 - a) Group work/presentation :
 - 1. Expectations for the Court to achieve goals
 - 2. Participation of “others” to achieve goals
 - 3. Individual commitments to achieve goals
 - b) Suggested Solutions
 - c) Food for Thought: quotes




ENABLING RIGHTS & UNREPRESENTED LITIGANTS SURVEY

1. After the workshop, how confident are you to explain to others what you have learned throughout the workshop?
2. Were the aims of the workshop clear, and were they achieved?
3. Was the information presented and discussed during the workshop practical and useful to you?
4. Were the materials/toolkits relevant and useful to you?
5. Did you find the facilitator and presentations effective and allowing for adequate participation, discussion, and interaction?
6. Overall, were you satisfied with the *Enabling Rights & Unrepresented Litigants Workshop*?
7. Please describe the most useful or relevant experience(s) of the workshop.



Enabling Rights & Unrepresented Litigants

ROLE OF THE COURTS
ACCESS TO JUSTICE
ENABLING RIGHTS





Enabling rights & Unrepresented Litigants

- Disclosures:
 - The *Enabling Rights & Unrepresented Project* is a Joint Project funded under the Pacific Judicial Strengthening Initiative (PJSI), Leadership Incentive Fund & FSM National Judiciary.
 - This workshop does not intend to give any legal advice nor is it intended to substitute the legal advice of a lawyer. This workshop is intended for educational purpose only.

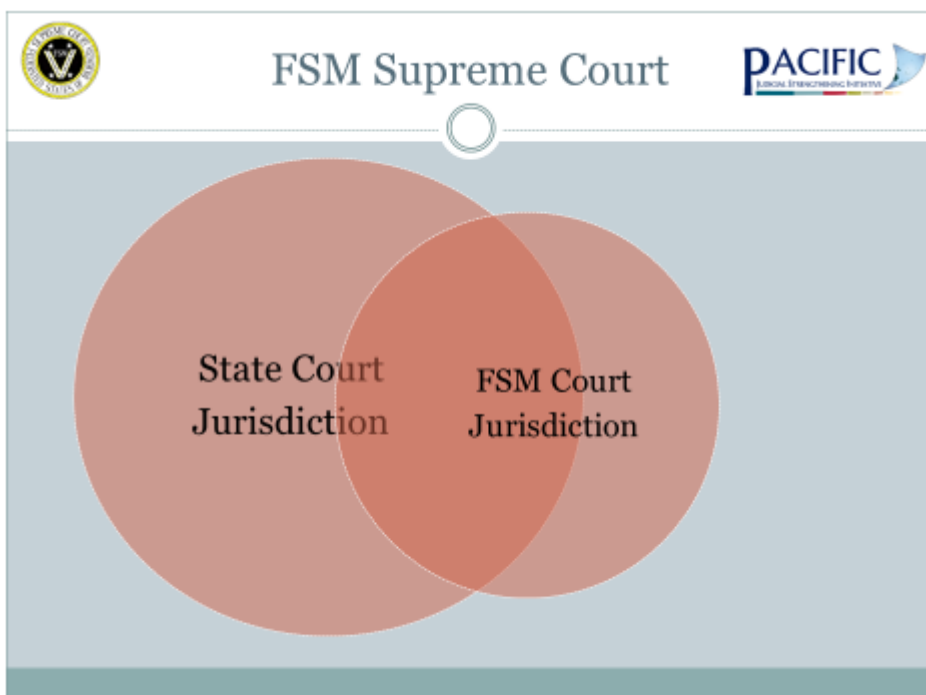


FSM Supreme Court

- **Co-equal branch of the FSM Government**
 - Legislative Branch – enact laws
 - Executive Branch – executes or enforces laws (may create laws by way of regulation)
 - Judicial Branch – determines the legality of the laws and regulations (if challenged) and applies them to a set of facts and ensuring protection of legal rights in its application
- **Judicial Powers (administration of justice) are vested in FSM Supreme Court**
- **Such powers must be executed in a fair and impartial manner to ensure equal treatment of all who appear before it by protecting their rights**

 **FSM Supreme Court** 

- **Article 11 of the FSM Constitution:**
 - Invests judicial power in the FSM Supreme Court
 - Original and exclusive jurisdiction – cases affecting officials of foreign governments, disputes between states, admiralty or maritime cases, and in cases in which the national government is a party except where an interest in land is at issue. FSM Const. Art. 11 § 6(a)
 - Concurrent original jurisdiction – cases arising under the FSM Constitution, national law or treaties; disputes between a state and a citizen of another state, between citizens of different states, a state or a citizen thereof, and a foreign state, citizen, or subject. FSM Const. Art. 11 § 6(b)
 - Proper court may be prescribed by statute when there is concurrent jurisdiction. FSM Const. Art. 11 § 6(c)
- All other cases must be heard in state courts







FSM Supreme Court



- **Code of Ethics & Code of Judicial Conduct:**
 - **Independence** – prerequisite to rule of law and fundamental guarantee of a fair and trusted judicial system.
 - **Impartiality** – essential to the proper discharge of justice administration, not only to the decision itself but also to the process by which the decision is made.
 - **Propriety** – and the appearance of propriety enhance public confidence and esteem for the judicial system.
 - **Equality** – equal treatment of all who come before the Court is essential to the due performance of the judiciary and a cornerstone of the judicial due process.
 - **Competence** – crucial to the effectiveness and efficiency of due performance of the judiciary.
 - **Confidentiality** – essential to the integrity of the judicial process and necessary to protect the dignity of persons who stand before the court.



FSM Supreme Court




- **Court Staff Introduction:**
 - What Court are you from? (state, national, municipal, etc.)
 - What is your position? (clerk, ombudsman, bailiff, etc.)
 - Please provide a brief summary of what services you provide (job description)




Access to Justice




A large teal circle with a green border containing the text "100% JUSTICE" in white and orange.




Access to Justice




- **Justice Meaning:**
 - All people are treated equally and fairly under the law.
 - All people have an opportunity to present their case before the Court (or administrative bodies).
 - All people are treated appropriately with respect and dignity.
 - All people are aware of and are able to enforce their legal rights.
 - All laws and procedures are fair and are adhered to and applied equally.




Access to Justice



- **Common Barriers to Accessing Justice:**
 - **Geographical** – distance or living in remote and isolated areas
 - **Financial** – inability to pay for legal services
 - **Socio-cultural** – customary practices and expectations
 - **Educational** – lack of awareness or limited understanding of legal rights, the justice system, and the importance and role of lawyers as well as the courts
 - **Limited Resources** – legal representation
- These barriers usually result in unrepresented litigants (pro se) or ignorance.



Access to Justice



- **Unrepresented Litigant:**
 - Any person who appears in Court, whether it be for criminal or civil proceeding, and who is not represented by a lawyer.
 - All people are entitled to come before the Court to exercise their rights in person or through representation of a lawyer.
 - Unrepresented litigants present a special challenge for the Court in meeting its responsibility to administer justice.
 - Lack of representation creates responsibilities for the Court which otherwise would be addressed by their legal representative. *See Code of Ethics and Code of Judicial Conduct; Enabling Rights Toolkit.*



Enabling Rights

- Title 11 chapter 7 of the FSM Code: Civil Rights
 - **11 F.S.M.C. 701. Deprivation of rights.**
 - Deprivation of free exercise of constitutional rights, whether or not acted under color of law, amounts to commission of a crime. 11 F.S.M.C. 701(1).
 - Punishable by imprisonment of not more than 10 years. 11 F.S.M.C. 701(2).
 - Private cause of action regardless if a criminal case has been brought or conviction obtained. 11. F.S.M.C. 701(3).



Enabling Rights



- Title 11 chapter 7 of the FSM Code: Civil Rights *continue...*
 - **11 F.S.M.C. 702. Right to full and equal enjoyment of public accommodations.**
 - Equal access and enjoyment of goods, services, facilities, privileges, advantages, and accommodations of any department, agency, or institution of, or acting on behalf of, the FSM, and any public accommodation which effects commerce. 11 F.S.M.C. 702(1).
 - Deprivation amounts to commission of a crime that is punishable by imprisonment of not more than 5 years. 11.F.S.M.C. 702(4).
 - Private cause of action regardless if a criminal case has been brought or conviction obtained. 11. F.S.M.C. 701(3).



Enabling Rights



- Declaration of Rights: Article IV of the FSM Constitution
 - Freedom of expression, peaceable assembly, association, or petition. FSM Const. Art. 4 § 1.
 - Freedom of religion. FSM Const. Art. 4 § 2.
 - Rights to life, liberty, and property; **due process & equal protection.** FSM Const. Art. 4 § 3.
 - Equal protection of laws regardless of sex, race, ancestry, national origin, language, or social status. FSM Const. Art. 4 § 4.
 - Right against unreasonable search, seizure, or invasion of privacy without warrant. FSM Const. Art. 4 § 5.
 - Right to speedy public trial, nature of accusation, competent attorney, confrontation, and to have witnesses. FSM Const. Art. 4 § 6.



Enabling Rights




- Declaration of Rights: Article IV of the FSM Constitution *continue...*
 - Right to remain silent and against double jeopardy. FSM Const. Art. 4 § 7.
 - Right against excessive bail, fines, or cruel and unusual punishment. FSM Const. Art. 4 § 8.
 - Right against capital punishment. FSM Const. Art. 4 § 9.
 - Right against slavery and involuntary servitude (except to punish crime). FSM Const. Art. 4 § 10.
 - Right against bill of attainder or ex post facto law. FSM Const. Art. 4 § 11.
 - Right to travel within the FSM. FSM Const. Art. 4 § 12.
 - Right against imprisonment for debt. FSM Const. Art. 4 § 13.




Enabling Rights




- No person can be deprived of *life, liberty, and property* without Due Process:
 - An orderly way of doing things;
 - Steps taken to ensure an outcome that results from the fair treatment of parties involved; and
 - Rule that a case must be done in a way that protects and enables the rights of all the people involved.




Enabling Rights



- **Two types of Due Process:**
 - Substantive Due Process – laws must not have an unfair impact on people and reasons for enactment of a particular law must have a reasonable, persuasive, or compelling basis and not just an arbitrary preference.
 - Procedural Due Process – fair procedure in the administration and enforcement of rules, regulations and laws that apply equally to everyone.



Enabling Rights



- **Basic Requirements of Due Process:**
 - Right to an unbiased judge/tribunal (*See 4 F.S.M.C. 124 - recusal*)
 - Right to sufficient notice – to apprise interested and affected parties
 - Right to hearing – opportunity to be heard or to object: to present evidence and to call witnesses
 - Right to confront witnesses and evidence used against him/her
 - Right to Discovery – to know witnesses and evidence used, or could be used, against him/her
 - Right to a decision based exclusively on evidence presented and for the decision to be on the record
 - Right to be represented by an attorney (competent)
 - Right to *timely* justice



Enabling Rights



• Model Rules of Professional Conduct: Client-Lawyer Relations

- Rule 1.1 - A lawyer shall provide competent representation to a client. Competent representation requires knowledge, skill, thoroughness and preparation.
- Rule 1.2(a) – A lawyer shall abide by a client’s decisions concerning the objectives and shall consult with the client as to the means by which they are to be pursued (accepting/rejecting settlements; plea/testify).
- Rule 1.2(d) – A lawyer shall not counsel a client to engage in conduct that the lawyer knows is criminal or fraudulent, but may discuss consequence.



Enabling Rights





• Client-Lawyer Relationship *continue...*


- Rule 1.4 – A lawyer shall keep a client informed of a matter and comply with request for information; a lawyer shall explain a matter necessary to permit the client to make informed decisions.
- Rule 1.6(a) – A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation.
- Rule 1.6(b) A lawyer may reveal such information as necessary:
 - To prevent the client from committing a criminal act
 - To establish a claim or defense on his/her behalf in a controversy between the lawyer and the client, to establish a defense to a claim against the lawyer based on conduct which the client was involved, or to respond to allegations concerning the lawyer’s representation.

 **Action Plan** 




 **Action Plan** 


- **Group Discussion:**
 - What should the courts do to ensure access to justice and enabling rights of all people? (community expectations)
 - What can your organization do (how you can participate with the Court) to address the barriers in order to provide access and enable the rights of people? (collaborative work)
 - How do you tackle the barriers as individuals at your workplace or within the community? (personal commitment)




Action Plan



- **Suggested Solutions: Being Proactive**
 - × Transparency
 - × Community outreach – education and awareness
 - × Updated and accessible legal resources
 - × Collection and publication of credible and accurate data
 - × Internal and external assessment/evaluation
 - × Staff training (competency)
 - × Referral system
 - × Building capacity
 - × Periodic report
 - × Collaboration
 - × Commitment
 - × Forms – for unrepresented litigants
 - × Strengthening Bar Associations



Action Plan



- **Food for Thought: Quotes**
 - × “Compassion, understandings and respects are the key elements of humanity. To grow means, to embrace all – there is no space for hatred, exclusion and discrimination. To grow means more respect, more collaboration, more humanity, more integration and more support.” – *Amit Ray*
 - × “The only stable state is the one in which all men are equal before the law.” – *Aristotle*
 - × “Whatever is my right as a man is also the right of another; and it becomes my duty to guarantee as well as to possess.” – *Thomas Paine*
 - × “The Good we secure for ourselves is precarious and uncertain until it is secured for all of us and incorporated into our common life.” – *Jane Addams*
 - × “Ease is a greater threat to progress than hardship.” – *Denzel Washington*

The *April 15-28, 2019*
Kaselehlie Press

FSM Supreme Court introduced enabling rights & unrepresented litigants to Pohnpei Farmers Association

On Wednesday, April 10, 2019, the FSM Supreme Court gave a presentation on Enabling Rights & Unrepresented Litigants to the Pohnpei Farmers Association, a non-governmental organization in Pohnpei.

Enabling Rights & Unrepresented Litigants is a joint project by the FSM Judiciary and the Pacific Judicial Strengthening Initiative that addresses Access to Justice. Discussions were focused on the Roles of the Court, Judicial Powers and Jurisdictions, Common Barriers to Accessing Justice, Unrepresented Litigant, Civil Rights & Due Process and Code of Ethics.

Deacon Adelino Lorens, on behalf of the Pohnpei Farmers Association, thanked the FSM Supreme Court for an informative and valuable presentation. "This is the first time that the Pohnpei Farmers Association has been given the opportunity to learn about the justice system", says Lorens. "Many people have the misconception that the role of the court is to put people in jail", says another participant. The presentation ended with questions and answers by the participants. The presenters were Staff Attorney Enlet Jr. Enlet and Director of Court Administration Emeliana Musrasrik-Carl. A similar presentation was provided to the Pohnpei Women's Council during the International Women's Day celebration in March 2018. The FSM Supreme Court will be conducting a 2-day workshop on Enabling Rights & Unrepresented in the FSM. The workshop is intended for court staff, service providers, NGOs, women and youth groups, faith based organizations, people with disabilities, community and civil society members.

Yap: April 18-19, 2019 Venue: The Marina

Chuuk: April 22-23, 2019 Venue: Kurassa

Kosrae: May 8-9, 2019 Venue: Governor's Conference Room

Pohnpei: May 14-15, 2019 Venue: Governor's Conference Room

RSVP: Lori Pernet 320-2357 (Pohnpei);
Atrina Soichy 330-2396 (Chuuk);
Emiliani Gilpong 350-2159 (Yap);
Linson Waguk 370-3185 (Kosrae)



Participants from Chuuk Women Council (Above)

Group work in Kosrae (Below)





Pohnpei Workshop

Budget - Leadership Incentive Fund

at May 28th

Expense Items / Description ^[1] (Leadership Incentive Grant funds cannot fund capital (including IT equipment and software), infrastructure, salaries costs, gifts/koha, alcohol)	Number ^[2]	Unit ^[3]	Unit Cost ^[4]	Total AUD ^[5]			Amount Paid to date	Balance remaining	Estimate Total expenditure
				Court contributions	LIF Grant contributions USD	Forecast LIF Grant contributions AUD			
Translation fee (4 individuals, 4 languages)	4	quantity	USD 2,000		USD 8,000.00	AUD 10,391.13	AUD 10,391.13	AUD 10,391.13	
Publication of translated toolkits	1	toolkit	USD 1,000	USD 1,000.00	USD 1,000.00	AUD 1,150.77	AUD 1,150.77	AUD 1,150.77	
Launching of toolkit	1	quantity	USD 1,000		USD 1,000.00	AUD 1,399.78		AUD 0.00	
Communication (long distance within islands)	1	quantity	USD 250	USD 250.00	USD 0.00	AUD 0.00		AUD 0.00	
Travel: 2 Staff Pohnpei - Kosrae - Chuuk - Yap (Return); 5 days per state excluding Pohnpei:								AUD 0.00	
Airline: \$1,859 x 2 = \$3,718	1	quantity	USD 3,718		USD 4,015.00	AUD 5,652.51	AUD 5,652.51	AUD 5,652.51	
Per diem: \$195/day x 15 days x 2 staff = \$5,850	1	quantity	USD 4,592		USD 4,592.00	AUD 6,444.94	AUD 6,444.94	AUD 6,444.94	
Departure fee: \$75.00 x 2 = \$150	1	quantity	USD 150		USD 150.00	AUD 210.52	AUD 210.52	AUD 210.52	
Training materials (4 states)	4	quantity	USD 200		USD 800.00	AUD 1,313.76	AUD 1,313.76	AUD 1,313.76	
Morning & Afternoon Snacks & Luncheon (4 states):								AUD 0.00	
Morning snacks: \$8.00/person x 2 days x 25 people x 4 states = \$1,600	1	quantity	USD 1,600		USD 1,600.00	AUD 2,239.64	AUD 7,819.66	AUD 7,819.66	
Afternoon snacks: \$8.00/person x 2 days x 25 people x 4 states = \$1,600	1	quantity	USD 1,600		USD 1,600.00	AUD 2,239.64		AUD 0.00	
Lunch: \$10.00/person x 2 days x 25 people x 4 states = \$2,000	1	quantity	USD 2,000		USD 2,000.00	AUD 2,799.55		AUD 0.00	
Workshop venue	1	quantity	USD 2,000	USD 2,000.00	USD 0.00	AUD 0.00	AUD 1,031.14	AUD 1,031.14	
Printing of Final Report	1	quantity	USD 500		USD 500.00	AUD 699.89		AUD 0.00	
Additional costs estimated, post budget:								AUD 0.00	
Car Hire, Guam, 1 day	1	quantity	USD 80		USD 80.00	AUD 111.98		AUD 0.00	
Car Hire, FSM, total of 7 days	12	quantity	USD 70		USD 840.00	AUD 1,175.81	AUD 273.57	AUD 273.57	
Car Hire other							AUD 894.91	AUD 894.91	
Bank Fees							AUD 334.02	AUD 334.02	
Total:				USD 3,250.00	USD 26,177.00	AUD 35,829.92	AUD 35,516.93	AUD 0.00	AUD 35,516.93
Exchange rate used for budget: AUD\$1.00 = USD 0.758381302	0.758381302								AUD 516.93
Current Exchange rate at 11/4/19: AUD \$1.00 = USD 0.7144	0.7144								
Current Exchange rate at 26/4/19: AUD \$1.00 = USD 0.7025	0.7025								
							Estimated amount of overspend		

Annex I: Citizens Participants Call to Action



Citizen Participants Call to Action:
Based on outcomes Enabling Rights and Unrepresented Litigants Workshop
CHUUK STATE
April 22-23, 2019

Whereas, access to justice is a basic principle of the rule of law. Through knowledge and understanding of justice citizens are able to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable. The FSM Constitution emphasizes the right of equal access to justice for all, including members of vulnerable groups, and reaffirmed the commitment of its states to take all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all.

In order to advance the nation's salient responsibility to ensure all its citizen have access to Justice, the FSM Supreme Court through the support and partnership of the Pacific Judicial Strengthening Initiative (PJSI) sets out to educate FSM citizens about their rights to access justice and their rights as unrepresented litigants in all levels of the Judicial system in the FSM. The activities include workshops carried out by FSM Supreme Court Staff and involves representatives from government agencies, Non-Government Organizations, Faith Based Organizations, Community groups and interested individuals and groups.

Delivery of the workshop is impartial and non-discriminatory and highlights the need to expand and widen the knowledge and understanding of the rights of citizens under the different levels of Constitutions and laws of the FSM, its four states and their respective municipal governments.

As participants to the two day workshop held at the Kurassa Conference Hall in Weno, Chuuk State, from April 22-23, 2019, and while we recognize that ours is a nonbinding commitment, we boldly commit to advancing the lessons we have learned in ensuring that all citizens of the FSM as well as all citizens of Chuuk state know and understand their rights to access justice as well as their rights where they are unrepresented litigants in all levels of our judicial system by:

- Educating members of our own households first;
- Educating members of our families and communities
- Supporting government, NGO or any initiative that promotes the rights of citizens of the FSM;
- Supporting successful frameworks – including the current Access to Justice workshop conducted by the FSM Supreme Court and the PJSI;



- Increasing the integration of traditional knowledge and customary practice, and guiding state and national initiatives aimed at educating FSM citizens about their legal and customary rights where applicable;
- Recognizing that citizens can only enjoy their freedoms as guaranteed by the FSM Constitution when they know and understand their rights;
- Finally, in order to promote such awareness and understanding the National Government must invest in this kind of workshop that brings together citizens, governments, NGOs, and partners such a PJSI to share experiences and learn together about their right as enshrined in their Constitutions.

While we recognize that this is not a legally binding document, it is a testament and affirmation of our commitment to the aforementioned goals nonetheless. We challenge other FSM National and State Leadership to join us in this watershed endeavor.

SINCERA FRITZ

Chuuk Women Council

Micronesia Legal Services Co.- Chuuk Office

Maxim Mori

Chuuk Youth Council

Mohammed Kutty

CHRIS EUSTAGUIO

Chuuk State Chamber of Commerce

MASON FRITZ

Logan Memorial Church

Eason . Eas
FSM Public Defender - Chuuk
