“ROTTING ON REMAND”

PRE-TRIAL INCARCERATION IN PAPUA NEW GUINEA AND MEASURES UNDERTAKEN TO FIND SOLUTIONS

Chronox Manek

INTRODUCTION

Many countries of the world share the problem of remandees waiting for their day in court. My home country of Papua New Guinea is no exception. This delay is not in the public interest nor does it assist victims of crime or remandees. They all have an expectation that criminal activity will be dealt with expeditiously. Delays in disposal of cases are a symptom of an inefficient system.

In this paper I will discuss the current position regarding remandees in Papua New Guinea and point out some of the strategies being undertaken to find answers to the problem.

Prior to this discussion I will provide some background to Papua New Guinea, including the court system and the Legislative basis upon which bail is considered.

I will also detail some observations I made when occupying my previous position as the Public Solicitor of Papua New Guinea.

To a large extent the problem of remandees waiting inexcusable periods for the cases to be resolved is caused by blockages within the Criminal Justice System. This has been

caused by stakeholders working in isolation not comprehending that a decision made by them can have major ramifications for others within the system.

BACKGROUND ON PAPUA NEW GUINEA

Papua New Guinea occupies the eastern half of New Guinea. To the east is the Solomon Islands, the west is the Indonesian province of Papua and to the south is Australia.

The mainland of Papua New Guinea is extremely rugged with high mountain ranges, steep valleys and fast flowing rivers. Infrastructure is limited. There is no road system between the capital Port Moresby and the densely populated highland region. There is a developed road system in the highlands linking the northern coastline, which is subject to closure by landslides, and occasionally rascal attacks. Therefore it is difficult to move produce around the country. The airline system is expensive.

The country is noted for its cultural and linguistic variety. There are about 800 different languages spoken. English is the language of education, administration and commerce.

Papua New Guinea being the largest and culturally diverse of the Pacific Island nations has social, economic and political problems that differ from all other countries in the region.

Papua New Guinea has a multifaceted economy with two distinct systems operating side by side. There is the traditional non-monetary barter system on the one hand and the formal modern economy consisting of minerals, hydro- carbons, tropical timber, and tree crops such as coffee, vanilla, cocoa and copra.

The annual growth in population over the last 20 years was approximately 2.7%. The growth rate between the 1990 census and the 2000 census was 3.1% and no doubt it is increasing.

Fifty percent (50%) of the population is under the age of 15 years. This represents a significant increase in population that is not being met by an increase in productivity and gross national income.

Eighty five percent (85%) of the population live in rural areas but there is a significant urban drift. This increase in urbanization has lead to deterioration in housing services, the provision of urban services, decreasing employment opportunities and of more significance to this forum an increase in law and order problems, particularly amongst young men and boys.

There has also been deterioration in the resources available to the criminal justice system. This has led to a decrease in the effectiveness of the criminal justice system to cope with its task. There are systemic problems that cause delays in the processing of cases. These delays have significant effect upon persons in custody awaiting trial.

However, all is not lost and the much-needed cooperation between agencies is beginning and has been shown to be effective.

The Superior Courts comprise the Supreme and National Courts.

The Supreme Court acts as the final court of appeal from the National Court and in certain situations from the District Court. The Supreme Court sits every alternate month in different Provincial centres.

The National Court is the trial court in both criminal and civil cases. In its criminal jurisdiction it hears cases on indictment. Criminal trials are by judge alone. It sits in Waigani and other Provincial centres, where there are usually resident National Court judges. The National Court also circuits to other Provincial centres where there are no resident judges.

The court of summary jurisdiction is the District Court. The District Court hears committals, indictable cases where I have elected to have them dealt with summarily and summary offences.

OPERATION OF PRE-TRIAL CUSTODY- THE THEORY

The Constitution of the Independent State of Papua New Guinea (the Constitution) [1]affords to all persons the full protection of the law and specifically states that it applies to persons in custody or charged with an offence.

The Constitution[2] also seeks to ensure that a person charged with a criminal offence will have a fair hearing within a reasonable time.

There is a presumption for bail[3] (other than for wilful murder and treason) pending the resolution of a charge from the time of arrest to acquittal or conviction unless the interests of justice otherwise require.

It is in the context of these Constitutional provisions that the Bail Act 1977 has been enacted. The object of the Bail Act[4] is to give effect to Section 42(6) of the Constitution which states:

> *"A person arrested or detained for an offence (other than treason or wilful murder as defined by an Act of Parliament) is entitled to bail at all times from arrest or detention to acquittal or conviction unless the interest of justice otherwise require."*

The Bail Act[5] provides that in all cases where a bail authority is considering the question of bail, the authority shall not refuse bail unless any of the specific matters mentioned, exist. Such matters include, but not exclusively:

1. The likelihood of the person not appearing;

2. If the offence for which the person has been charged was committed whilst the person was on bail;

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[1] Section 37(1)
[2] Section 37(2)
[3] Section 42(6)
[4] Section 3
[5] Section 9(1)

3. The likelihood of the person committing an indictable offence;
4. The likelihood of interference with witnesses;
5. The likelihood that the person will attempt to conceal property the subject of the offence;
6. The offence involves the possession, importation or exportation of narcotic drugs, other than for personal medication.

OPERATION OF PRE-TRIAL CUSTODY- THE REALITY

Prior to being appointed the Public Prosecutor of Papua New Guinea, I occupied the position of Public Solicitor of Papua New Guinea. In that position I was concerned that many of the clients represented by my office were waiting inordinate lengths of time to have their cases resolved. I was also concerned at the conditions under which those clients were being detained.

In May 2000 I presented a paper to the Department of Justice and Attorney General in Papua New Guinea in which I commented:

> *"…PNG is currently at the cross roads in relation to the management of its prison and remand population as far as overcrowding in prisons is concerned".*

Overcrowding in prisons was a major concern in 1999, such that the remandees at the Bomana (Port Moresby) and Buimo (Lae) gaols boycotted court attendances and some went on a hunger strike because of the delays in having their matters dealt with and the conditions of their cells.

The causes of overcrowding were many. In my paper at the time I identified the following:

1. The delay in bringing matters to trial;

2. The right to bail enshrined in the Constitution is not fully utilised by accused;

3. The restrictions on the granting of bail in more serious cases to the National Court;

4. The surety ordered when bail is granted is sometimes beyond the capacity of the accused to raise either themselves or by guarantor;

5. Delays in sentencing caused by the slow preparation of pre- sentence reports; and

6. Unnecessary remand of persons charged with minor offences.

I pointed out that any solution to these problems lay in the co-operative work of the various agencies that comprise the criminal justice system of PNG.

I identified that to reduce the number of remandees the following was required:

1. Investigations should continue prior to arrest to the extent possible to reduce the number of remandees who are eventually released because the evidence against them is insufficient;

2. Where they are able police should be more rigorous in granting bail at the first instance;

3. Courts should be more proactive in considering granting bail where the offender is unrepresented;

4. Courts must be more proactive in ensuring cases before them are processed expeditiously.

In conclusion I commented:

"…it must be strongly emphasised that these measures cannot be achieved without the full understanding and cooperation of all the institutions dealing with the criminal justice administration…"

Since Independence in 1975 there has been a decrease in the number of persons serving sentences whilst proportionally the number of remandees has increased. The following table compares the prison populations in August 1974, August 1984 and September 2002

TABLE 1

Date	Convicted (%)	On remand (%)	Total
August 1974*	3672 (94)	242 (6)	3914
August 1984*	3483 (87)	517 (13)	4000
September 2002*	2032 (62)	1235 (38)	3267

**Source Review of the Law and Justice Sector Agencies undertaken by the Public Sector Review Management Unit, Department of Prime Minister and the National Executive Council supported by the Australian Government, in October 2002*

There is a concern that there has been a significant increase in the proportion of remandees but a decrease in the proportion of persons convicted. There are no current figures available for prison populations. However, the following information will indicate that the situation has not improved since 2002.

A resent visit undertaken by a National and Supreme Court Judge in his capacity as "Visiting Justice" under the Correctional Services Act of four (4) Correctional Institutions namely; Buimo (Lae), Beon (Madang), Lakiemata (Kimbe) and Boram (Wewak) revealed a continued problem of overcrowding.

The most recent of the visits was to Buimo Correction Institution in Lae on the 8th of May 2006 and found that there were 282 prisoners serving terms and 285 remandees. The detailed break-up is shown below in tables 2, 3 and 4.

TABLE 2: BUIMO CORRECTIONAL INSTITUTION
CONVICTED DETAINEES (PRISONERS) BREAK-UP
8 MAY 2006

Categories	High risk	Medium risk	Low risk	Total
Male Adult	80	100	74	254
Female adults	0	5	10	15
Male Juveniles	0	3	10	13
Female Juveniles	0	0	0	0
Total	80	108	94	282

TABLE 3: BUIMO CORRECTIONAL INSTITUTION
REMAND DETAINEES (REMANDEES) BREAK-UP
8 MAY 2006

Categories	National Court	Committal Matters	Summary Offences	Total
Male Adult	110	80	41	231
Female adults	5	7	8	20
Male Juveniles	8	14	12	34
Female Juveniles	0	0	0	0
Total	123	101	61	285

TABLE 4: BUIMO CORRECTIONAL INSTITUTION
DETAINEE BREAK-UP 8 MAY 2006

Categories	Convicted	Remand	Total
Male Adult	254	231	485
Female adults	15	20	35
Male Juveniles	13	34	47
Female Juveniles	0	0	0
Total	282	285	567

His Honour observed that firstly, Buimo was a large gaol compared to others he visited in the last few months where the total number of detainees was 337 at Beon (Madang) as at 23.02.06, 146 Lakiemata (Kimbe) as at 18.04.06 and 280 Boram (Wewak) as at 27.04.06.

Secondly the number of female detainees (35, comprising 15 prisoners and 20 remandees) was quite high.

And thirdly the number of juvenile detainees (47, comprising 13 prisoners and 34 remandees) was also quite high.

It appeared that the number of remandees, which stood at 285, was extremely high in that it represented 50.3% of the total detainee number. This can be properly appreciated when contrasted with 93 remandees or 27.5% of the total detainee number at Beon (Madang) as at 23.02.06; 20 remandees or 14% of the total detainee number at Lakiemata (Kimbe) as at 18.04.06; and 77 remandees or 27.8% of the total detainee number at Boram (Wewak) as at 27.04.06.

His Honour visited the remand, maximum security, female compounds, and detention and confinement cells and found them to suffer from serious problem of overcrowding.

The remandees raised the following concerns:

- Lack of Regular Visiting Justice visits;
- Lack of a forum to raise their concerns;
- Overcrowding;
- Backlog of cases
- Orders made by the National Court in 2003 to renovate and upgrade facilities have not been complied with;
- Long period spend in custody;
- Difficulties in granted bail;
- Delays in handing down reserved judgements;
- Poor health of remandees due to overcrowding and poor diet; and
- The standard of clothing and bedding was poor.

In the light of the concerns raised it is important to mention again that bail is a constitutional right guaranteed under Papua New Guinea Constitution and applications can be made in any court or at police stations unless a person is charged with a serious offence such as wilful murder or treason or an offence in which a firearm was allegedly involved where only the National or Supreme can grant bail.

Section 37(3) and 37(14) of the Constitution (Protection of the Law) provide as follows:

Section 37(3) states –

> *A person charged with an offence shall, unless the charge is withdrawn be afforded a fair hearing with a reasonable time, by an independent and impartial court.*

Section 37 (14) states –

> *In the event that the trial of a person is not commenced within four months of the date of which he was committed for trial, a detailed report concerning the case shall be made by the Chief Justice to the Minister responsible for the National Legal Administration*

With the decrease in convicted prisoners held in gaol one might suggest that Papua New Guineans have become more law abiding but unfortunately that is far from reality. The criminal justice system has become less capable of investigating, arresting and successfully processing criminal offenders in a timely and efficient manner. This has led to increased remand populations and decreasing convicted populations.

There are many reasons for this problem including the type of training received by police, their resource constraints and attitude of citizens and residents to law enforcement.

Some of the problems that Papua New Guinea has to confront in order to process cases in a timely and efficient manner are detailed here.

Identification

Papua New Guinea is not equipped with a national system for the registration of births deaths and marriages. This can have significant adverse results for the successful prosecution of criminals, such as:

- Criminals change their names and can be tried as first offenders;

- There is reluctance to grant bail as once persons are granted bail there is a real chance that they will fail to appear;
- Once a person fails to appear the possibility of executing a bench warrant is almost impossible. Many retread to the bush and adopt another identity; and
- Recapturing escapees is also difficult for the same reason.

At this point I should mention that a photographic database of prisoners has been developed in Bomana goal in Port Moresby, which has assisted greatly identifying remandees and serving prisoners.

The use of fingerprints has also fallen into disuse. It was anticipated that with the Australian Assisting Police force under the Enhanced Cooperation Package (ECP) that the use of fingerprints as an investigative tool would be resurrected. In fact initial work had already been undertaken until the ECP Supreme Court decision that slowed down the momentum.

Bench warrants

The level of outstanding bench warrants in Papua New Guinea has reached unmanageable proportions. Offenders are granted bail and then disappear. Many of them will not be captured. It is easy to disappear where there are no photographic records of you. In addition you can slip into a society where protection is afforded by your friends and relatives (Wantoks).

As a by-product courts and police are often reluctant to grant bail.

The high number of bench warrants has resulted in many matters still on the books but for which there is little hope of resolution.

Arrest and charge

Under the Papua New Guinean Criminal Code and the Summary Offences Act arresting police have no alternative but to arrest and charge offenders. There is no alternative of proceeding by way of complaint and summons.

Adjournments

During the course of a charge through the criminal justice system there are adjournments. Some of the adjournments are a necessary part of the process however; many are due to inadequate preparation by various stakeholders in the system. In addition, excessive leniency from the judiciary in granting adjournments only exacerbates the problem.

In many cases, arrests are made before evidence is sufficiently collected. The end result that many cases, particularly in the District Court, are struck out as the brief of evidence is incomplete. The District Court has set a time limit of three (3) months from the time of arrest for the police to have the brief completed in indictable cases. If the brief of evidence is incomplete the Magistrate will discharge the defendant. Police will then often recharge the offender and the process starts again.

In 2002 the Police Prosecutions Branch undertook a Study. At the time there were 54 remandees at Bomana gaol, near Port Moresby. The following table details the number of adjournments:

Table 4

Number of adjournments	Number of remandees
Between 6 and 10	14
Between 11 and 15	28
Between 16 and 20	11
More than 20	1

Source Review of the Law and Justice Sector Agencies undertaken by the Public Sector Review Management Unit, Department of Prime Minister and the National Executive Council supported by the Australian Government, in October 2002

This study was in relation to remandees in the lower court. Even if there were 3 or 4 adjournments in the National Court the total number of adjournments would be unacceptably high.

There are a number of outcomes as a result of these unacceptable delays. Firstly, remandees grow tired of waiting their trial and escape. There have been a number of breakouts from Papua New Guinea gaols by remandees. It is difficult to re-arrest offenders due to identification problems. Secondly, witnesses grow tired of waiting and refuse to come to court to give evidence or disappear. Also they are more likely to be induced by payment or intimidation the longer the wait. Thirdly, evidence from witnesses becomes less reliable as time goes on, particularly where the investigation was not adequate in the first place.

CURRENT ATTEMPTS AT SOLUTIONS

Within the Office of the Public Prosecutor

In my current position as the Public Prosecutor I am acutely aware of the importance that my office holds in ensuring that cases are dealt with expeditiously. I have implemented a number of strategies within my office to ensure that delays in the prosecution process are kept to a minimum, including:

1. Daily briefings with prosecutors as to their work commitments for the day;

2. Regular meetings with police to discuss sensitive or high profile cases;

3. Constant screening of cases by a team of prosecutors headed by one of my Deputies to ensure cases are properly prepared;

4. Development of a prosecutor's manual to be utilised by prosecutors;

5. Development of a checklists for use by prosecutors;

6. Preparation of sentencing schedules to assist the court on sentence;

7. Adoption of the International Association of Prosecutors standards on professional independence, impartiality, role in criminal proceedings, cooperation and empowerment;

8. Adoption of model guidelines for the effective prosecution of crimes against children as produced by the International Association of Prosecutors Best Practice Series;

9. Establishing a proper case management system;

10. Regular visits by my Deputies and myself to the 7 Provincial offices within the Office of the Public Prosecutor.

11. Monthly Continuing Legal Education on all identified issues affecting the professional discharge of prosecutorial functions including speedy processing of cases.

However, the Office of the Public Prosecutor is just one part of the criminal justice system. There needs to be cooperation from all of the stakeholders in the system to ensure that cases are dealt with expeditiously.

WITHIN THE CRIMINAL JUSTICE SYSTEM

There has been significant action to reduce the delays within the criminal justice system.

National Court Listing

Until 2001 the National Court did not publish a Court Calender. This meant that until recently the Court Calender for a particular month was not known until the last minute. This caused problems in pre-trial preparation for all participants in the criminal justice system leading to many delays.

Whilst a Court Calender is now published at the end of the Court year for the following year, it is subject to change within the year. This raises resource issues within the criminal justice sector and can lead to adjournment of cases.

The listing system within Waigani (Port Moresby) has been in place now for some time. Under this system the National Court listing Judge takes more control of the case management from committal to listing for trial. Outstanding cases for the years 2003 and 2004 have been reduced on average by approximately 67%[6].

There has been a more efficient disposal of cases but more work needs to be done.

Court Users Forum

The Court Users Forum (CUF) was established officially in February 2005. The CUF is headed by Justice Los but for practical purposes it is now led by Justice Mogish, of the National Court. It was originally established in Port Moresby.

CUF's have been established in Lae by Justice Kirrowom, Kokopo by Justice Mogish and Goroka, by Justice Batari.

This year it is anticipated CUF's will be established in Kimbe, Madang, Mt Hagen and Wabag.

It was recognised that stakeholders have not in the past worked cooperatively. The process that comprises the criminal justice system includes investigating, arresting, charging, prosecuting, defending, hearing scheduling and sentencing.

CUF's bring together representatives from all stakeholders involved in processing indictable cases to discuss best practices in an effort to resolve bottlenecks experienced within the criminal justice system.

They are held regularly in each centre.

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[6] Source the 2006 Annual Program Plan of the Papua New Guinea Law and Justice Sector Program page 53

The agenda is usually flexible with each stakeholder given the opportunity to raise issues affecting their performance. Resolutions are made, which are followed up at the next meeting.

At a CUF in Kokopo in November last year two remandees asked to be given time to speak. One of the remandees indicated he had been on remand for 2 years for wilful murder, whilst his co-accused had been acquitted. It was recognised that he had brought some of his problems on himself by changing his legal representation on a number of occasions. However, it was acknowledged that the system had let him down by allowing the delay to occur. Action was undertaken to fast track his case.

The Court User Forums have identified procedural blockages leading to delays. These have included:

1. Inadequate police training and resources leading to poor initial investigations;

2. Whether committals are necessary in the Papua New Guinea context;

3. Methods to identify and fast track pleas of guilty to the National Court;

4. Priority listing of sexual assault offences;

5. Accused being recharged after being discharged at committal for lack of evidence or the brief of evidence not being finalised;

6. Legal representation of the accused not being available until after committal as the Public Solicitors office does not represent persons in the District Court;

7. Delays in the preparation of the Committal depositions by the District Court, particularly in the Provincial areas;

8. Reduction in the amount of court time devoted to trials in the National Court;

9. Representation shopping by accused's leading to unnecessary adjournments;

10. Witnesses refusing to come to court; and

11. Lack of funding to bring witnesses to court leading to trials being adjourned or no evidence offered.

All these matters lead to delays. More importantly these blockages can lead to remandees being released after the presentment of a nolle prosequi or no evidence being offered having spent significant periods on remand.

It was realised that the original concept of the CUF was cumbersome and was not leading to resolutions. It was resolved in Waigani to form a Task Force to meet, examine issues and report back to the main CUF. This process has been followed in some of the Provincial centres.

Task Force

The Task Force has representatives from all stakeholders in the criminal justice system and had its first meeting on Saturday 27th May 2006.

The mission statement is to provide the people of Papua New Guinea greater access to justice services.

Objective

Its objective is to identify improved processes across the indictable case stream to ensure cases are progressed in a timely, just and cost effective and affordable manner.

Task

Eight (8) immediate tasks have been identified to start work on namely:

i) Review and determine the relevance of the committal process;

ii) Identify the cost of indictable cases from the time crime is reported to the time it is completed in the National Court and determined if current jurisdictional limits remain appropriate;

iii) Critically analyse each of the current steps taken in the indictable case stream to determine any weaknesses, identify if all steps remain relevant and effective for today's needs and are completed in a timely manner;

iv) Review of law reform in general including Criminal Code and Criminal Practice Rules;

v) Review processed delays and backlogs;

vi) Investigate the efficacy of the current witness management system including funding arrangements;

vii) Identify current success levels of hearing certainty; and

viii) Identify areas of duplication of effort, resources and process;

Note that the Stakeholders are many including all the citizens of Papua New Guinea hence it is important to ensure appropriate consultation with all relevant stakeholders is undertaken through the course of the Taskforces operation.

It is anticipated that the work of the Taskforce will result in ensuring that those committing serious criminal offences will be captured by streamlined, cost effective and timely criminal justice process.

Potential Outputs

Potential improved outcomes of the system should include the following:

i) Co-ordinated and timely information flows between all the Criminal Justice Agencies;

ii) Improved information sharing;

iii) Fast tracking pleas for those intending to plead guilty;

iv) Improved access by defendants to legal representation at the earliest stage in a criminal proceeding;

v) Hearing date certainty; and

vi) Improved systemic reporting and analysis.

Review of Underlying Issues

The Taskforce will also undertake review of underlying issues which will involve the analyses of matters such as the reasons for ineffective investigations, charging, usage of hearing time, establishing the major reasons for delays at all points across the Criminal Justice System, and identifying the major issues which can be resolved pre-trial, including the need to reduce the steps within the current processes.

The Taskforce will develop new processes and procedures designed to achieve increased efficiency and effectiveness across the system including avoidance of unnecessary inconvenience to witnesses and victims of crime and relatives. A set of procedures will require construction and possible legislative amendments to enact the changes.

Amendment/ Adjustments to Policy and Processes

There will be need for the preparation of detailed documentation on process, people and policy change in relation to procedures, protocols, legislation, forms and documents.

For purposes of implementation of the above matters a general change management plan will be developed and adopted.

Implementation

At the conclusion of the work undertaken the Taskforce will return to the CUF as well as the judicial council members with detailed proposed changes to provide acceptance or suggested amendments before forwarding recommendations to the National Coordination Mechanism (NCM).

Indictable Case Stream

It has been identified that technology support is extremely limited throughout the criminal justice system. What technology support there is operates independently. This leads to cases being "lost" in the system.

The Indictable Case Stream (ICS) is an attempt to track cases from the time of arrest to disposition.

It was rolled out in January of this year. The first input of information occurred with the first arrest in 2006. A coordination committee made up of operational staff has been drawn from stakeholders.

The ICS requires the cooperation of all stakeholders in the criminal justice system as it requires input from the time of arrest to commencement of any sentence.

It is anticipated that it will be rolled out in Lae next and later to other major provincial centres.

National Co-ordinating Mechanism

Since political independence in 1975 individual institutions within the Criminal Justice System operated independently from each other in the supervision, enforcement and processing of their respective functions. No one institution really came to appreciate the others role and how important it was for them to be complementing each other in processing the offender or victim that became the subject of the criminal justice process. No one institution appreciated that each establishment was one component only of the whole criminal justice system and that they depended on each other to assist in achieving a satisfactory overall objective of the institution.

It is with this back drop that the National Co-ordinating Mechanism (NCM) came to be established with the aim to move beyond the weakness of the past approaches including uncoordinated programmes of government agencies and other stakeholders within criminal justice system and more broadly the Law and Justice Sector.

The National Co-ordinating Mechanism (NCM) is a body that is constituted by the chief executive officers of each of the law and justice sector agencies, which include the following:

- Chief Justice
- Attorney General
- Chief Ombudsman
- Chief Magistrate
- Public Prosecutor
- Public Solicitor
- Commissioner of Police
- Commissioner of Corrections
- Secretary of National Planning & Development

The NCM sets the policy framework for the Law and Justice Sector and each member being the head of the institutions within the sector they take the initiative in driving the policy.

In October 2004 the Law and Justice Sector Stratergic Framework 2004-2007 was developed to guide strategic planning in the sector with the intention to develop a common frame of reference and collective vision as to where the sector is headed, upon which further planning was to be elaborated.

This laid the basis for subsequent planning, which developed outcomes and indicators for sector objectives.

In this process the NCM had initially identified ten (10) priorities for the sector, which were then reduced to seven (7) with the broad goal of achieving "A just, safe and secure society for all."

The seven objectives are:

1. Improve Safety and Security
   - In the community
   - In the justice institutions

2. Increase Access to Justice
   - Provide a more timely response to public needs for court services
   - Improve public access to and confidence in the courts and tribunals
   - Increase outcomes that contribute to the well being of the community
   - Increase use of diversionary strategies in the courts and tribunals
   - Improve public education regarding laws, courts and legal processes
   - Review jurisdiction and improve operation of courts and tribunals connected with settlement of land disputes
   - Improve performance of the Village Courts
   - Increase public confidence in community based justice processes as a means to settle disputes and restore justice

3. Improve the Corrections and Rehabilitation System
   - Improve planning and coordination of the Corrections and Rehabilitation System
   - Curtail over-use of correction institutions

- Improve living conditions within correctional institutions
- Improve rehabilitation of offenders
- Improve quality of Community Based Corrections

4. Improve Accountability and Leadership
   - Improve public confidence that discrimination and unfairness in the public sector are being addressed
   - Increase public confidence that the Leadership Code is being reinforced
   - Increase public confidence that fraud and corruption are being addressed

5. Improve the Quality of Governance for Justice Functions
   - Improve corporate governance within formal justice sector agencies
   - Improve corporate governance within key NGOS
   - Strengthen law reform
   - Undertake law review
   - Enhance focus on human rights
   - Reduce claims against the State

6. Provide an Enabling Environment for Private Sector Development and Export Led Growth
   - Improve confidence in PNG's legal and judicial framework and institutions to support investment and operations of business
   - Improve the legal regulatory environment for export of PNG produced goods and services
   - Improve legal and regulatory environment to support operation of informal sector business activities

7. Provide Effective Sector Coordination
   - Institutionalize sectoral coordination function
   - Maintain effective central coordination
   - Develop means for coordination in a decentralized context including responses to specific issues

CONCLUSION

A sector approach is aimed at holistically addressing the weakness in the criminal justice system. It is captured through a process that can be referred to as "Walking the Track" within the criminal justice system.

What I visioned in 2001 when I delivered a Paper in a PNG Judicial Conference at the Holiday Inn calling for a coordinated approach to be undertaken by all agencies within the criminal justice system whilst respecting each others constitutional independence to achieving better results in the processing of cases is slowly but truly taking shape.

It must now be allowed to process its agenda and to grow whilst monitoring its performance and progress along the way.

Remandees awaiting unreasonable delays are a symptom of a system that is inefficient or not working. Papua New Guinea is undertaking action to unblock and stream line the system. It is hoped that it will lead to a criminal justice system that is more appropriate and affordable.

It is an exciting time for Papua New Guinea and I look forward to updating you on our progress some time in the future.

Chronox Manek
Public Prosecutor of Papua New Guinea
14 June 2006