



A REPORT ON THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE, MALAYSIA



In technical cooperation with



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Background

The goal of the Framework for Court Excellence (IFCE) has been to develop and maintain a framework of values, concepts, and tools by which courts worldwide can voluntarily assess and improve the quality of justice and court administration they can deliver. The IFCE Framework assists courts by introducing a path for improvement in the way they deliver services. The use of a whole-court approach to achieve court excellence differs from presentations of limited performance measures, by offering a holistic approach to court performance that can be applied to all courts.

In September 2012, upon invitation of the Chief Justice Office of Malaysia, Justice Robert Torres (Guam Supreme Court and former Chief Justice of that Court) and Daniel Hall (Vice President of the National Center for State Courts) conducted a workshop for the Judiciary introducing the IFCE in Putrajaya, Malaysia. The seminar introduced the concepts of the IFCE as a tool to improve the way justice is delivered to citizens of Malaysia. Following the 2018 International Conference, Judicial Excellence in Response to Today's Challenges, the Chief Justice of Malaysia chartered a course for consideration of entry points for comprehensive justice sector reform. Specifically, the Chief Justice requested a technical launch of the International Framework for Court Excellence (IFCE) In Malaysia, that would lead to developing practical plans to implement the IFCE, including strategic direction.

An IFCE workshop that was held on October 21, 2018 as the initial step in establishing strategic direction. Justice Torres of Guam, Judge Chi-Ling Seah of the State Courts of Singapore and Alicia Davis of the National Center for State Courts served as faculty. This report is presented now to be used by the Judiciary to continue the discussion that began in the workshop and as a guide for implementation moving forward. This report summarizes the preparation for the workshop, sets forth the results of the IFCE Self-Assessment and the UNDP Judicial Integrity Checklist, summarizes the conversation and action plans created by workshop participants and provides recommendations to support the Supreme Court in implementing the IFCE as a starting point for justice reform.

The Framework

An International Consortium consisting of groups and organizations from Europe, Asia, Australia, and the United States developed the original *International Framework for Court Excellence* in 2008. The original *Framework* has been applied by many courts across the world since 2008 and the Consortium has simplified and modified the original IFCE to reflect feedback on the IFCE and the experience of those courts.

The goal of the Consortium's efforts has been to develop and maintain a framework of values, concepts, and tools by which courts worldwide can voluntarily assess and improve the quality of justice and court administration they deliver. The IFCE presents the fundamental values that courts must adhere to if they are to achieve excellence. The IFCE also provides a methodology for assessing performance against seven areas of court excellence:

- 1. Court Leadership and Management
- 2. Court Planning and Policies
- 3. Court Resources (Human, Material and Financial)
- 4. Court Proceedings and Processes
- 5. Client Needs and Satisfaction
- 6. Affordable and Accessible Court Services
- 7. Public Trust and Confidence

The IFCE is a continuous improvement process that provides a path towards court excellence by ensuring the courts continuously renew performance and look for ways to improve. The four essential activities in the quality cycle of the Framework include self-assessment, analysis, a plan for improvement and review and refinement.

Methodology

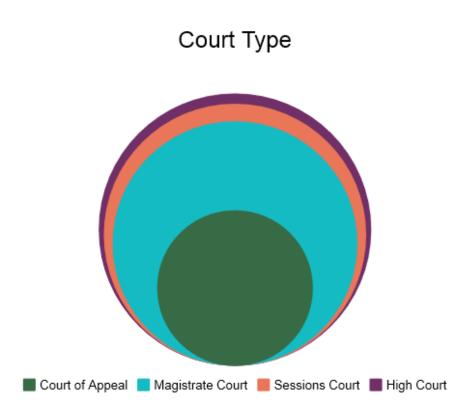
The first step in towards implementing the IFCE involves an assessment of the courts current performance using a self-assessment questionnaire reflecting the seven areas of court excellence. The IFCE Self-Assessment and the UNDP Judicial Integrity Self-Assessment Checklist were administered within the same survey tool.

The process leading to the workshop began with several web meetings held between the Office of the Chief Justice and the IFCE training team to identify areas of interest to the Office of the Chief Justice, consider past strategic planning and IFCE efforts and establish the agenda for the workshop. During the planning conversations, it was determined that the same demographics would be applied as in 2012, allowing for some comparisons to be made. It was also decided that the survey would request participants to supply their email addresses. While the responses of the survey were only seen by NCSC representatives, the email addresses allowed the Office of the Chief Justice to send reminders to complete the survey. The surveys were sent to approximately 700 recipients, garnering 539 responses, an exceptionally high response rate for both. By way of comparison, the IFCE Self-Assessment was sent out in 2012, receiving 170 responses from judges and staff.

Below follow the responses for the Self-Assessment questions as well as the UNDP Judicial Integrity Checklist. These results were presented and formed the basis of discussion for the workshop held on October 21, 2018. The purpose of the workshop was to allow for discussion of the results by court leadership in order to create actionable plans, consistent with the vision of court leadership. The results of the IFCE Self-Assessment as well as the UNDP Judicial Integrity Self-Assessment Checklist are presented below showing highest and lowest rated areas in order to consider priorities.

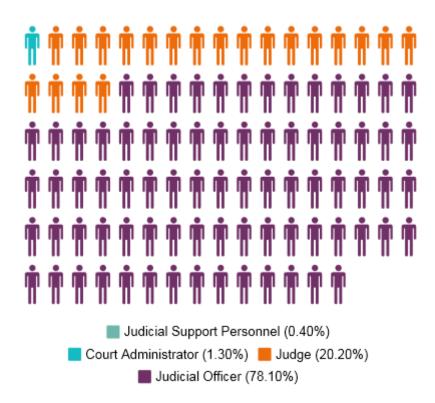
Demographics

Below we see a response rate that corresponds to the overall size of these courts respectively. The greatest participant group was from the High Court, the smallest representative group was the Court of Appeal.



Please indicate the type of court you work in.					
Federal Court	80	14.8 %			
Court of Appeal	49	9.1 %			
High Court	150	27.8 %			
Sessions Court	139	25.8 %			
Magistrate Court	121	22.4 %			
Total	539	100.0 %			

Judicial Officers represent the vast majority (78%). Judicial Officers include officials who sit as judges and also have court administration duties.



Please indicate your position.					
Judge	109	20.2 %			
Judicial Officer	421	78.1 %			
Court Administrator	7	1.3 %			
Judicial Support Personnel	2	0.4 %			
Total	539	100.0 %			

The division with the largest number of participants was Civil, but with good representation across the categories.

Please indicate the division you work in:					
Criminal	106	19.7 %			
Civil	186	34.5 %			
Both	166	30.8 %			
Administration (judicial)	66	12.2 %			
Administration (non-judicial)	15	2.8 %			
Total	539	100.0 %			

The Framework refers to all courts and tribunals whose function is to adjudicate matters impartially and fairly on the basis of rules of law. It is equally effective for larger or smaller courts, urban or remote. 78% of respondents represent courts with 25 or less employees.

Please select the size of staff for your court/division.						
1-25	421	78.1 %				
26-50	49	9.1 %				
51-75	23	4.3 %				
76-100	11	2.0 %				
101-125	8	1.5 %				
126-150	8	1.5 %				
151-200	9	1.7 %				
Over 200	10	1.9 %				
Total	539	100.0 %				

In the Self-Assessment, respondents were asked to rate their court's approach and the extent of deployment in each area: that is, the extent to which the court has developed and implemented actions addressing each of the statements listed under each of the Seven Areas for Court Excellence. Consideration needs to be given to how well the issue has been addressed by the court's initiative and the extent of coverage and impact of the initiative on the issue. In effect this involves assessing each initiative or issue relating to the particular statement and determining the relevance and extent of the court's attempts to address each matter.

None	No results; no improvement trends; and no targets met.
Limited	Poor results; some improvement trends in a few indicators; and
	limited publication of results of initiatives.
Fair	Performance nears benchmarks in some areas; some
	improvement trends; and results reported for some key
	indicators.
Good	Good performance levels (average or better) against bench-
	marks; improvement trends in most key indicators; and results are
	reported for most key indicators.
	Very good performance levels against benchmarks in most
Van Cood	key indicators; improvement trends are sustained in most
Very Good	areas; and results are reported for all key indicators.
Excellent	Excellent performance levels against benchmarks in all key
	indicators; exceptional improvement trendsin all areas; and
	results are reported for all indicators.

The final score is then computed based on weighted scoring. Each area of excellence has been assigned a "weight" of either 2 or 3. This has the effect of prioritizing key areas such as Client Needs and Satisfaction, Affordable and Accessible Court Services and Public Trust and Confidence.

Overall Weighted Scoring Results

Area of Court Excellence	Maximum Score Points	Score Achieved	Multiplier	Resulting Score	Maximum Weighted Score
Court Leadership and Management	70	59	2	118	140
Planning and Policies	40	33	3	99	120
Court Resources (Human, Material, and Financial)	80	65	2	130	160
Court Proceedings and Procedures	50	43	2	86	100
Client Needs and Satisfaction	50	42	3	126	150
Affordable and Accessible Court Services	60	52	3	156	180
Public Trust and Confidence	50	42	3	126	150

Below are the overall weighted scores of the 539 responses received for the Malaysia Courts:

The Total Score provides an overall indication of the court's performance based on a maximum score of 1,000 points. This can be compared with the IFCE Banding Table which provides an objective benchmark against which the court may measure its performance. The Malaysia Self-Assessment Weighted Score of 840 would reflect that the perception that the Malaysian Courts are on the lower end of the most developed category.

BAND	SCORE	APPROACH AND DEPLOYMENT	RESULTS
1	0	There is no approach and no deployment at all.	There are no results , or results show no improvement trends, or have not met targets.
2	1-199	Court has approaches but they are reactive, not systematic or not deployed.	Poor results ; or some improvement trends in a few indicators; or limited reporting of results for most key indicators/initiatives.
3	200-399	Court has set the direction for planned and prevention-based approaches. There is evidence of approaches being implemented in a few areas.	Performance nears benchmarks in some areas; some improvement trends; and results reported for some key indicators.
4	400-599	Court has sound effective approaches in place with evidence of prevention activities and some innovation. Approaches are aligned with basic organizational needs and there is evidence of implementation in some key areas.	Good performance levels (average or better) against benchmarks; improvement trends in most key indicators; and results are reported for most key indicators.
5	600-799	Court has proven and well-defined approaches overall with evidence of refinement through learning, innovation and improvement which is well integrated with organizational needs. Tangible evidence of implementation in all key areas.	Very good performance levels against benchmarks in most key indicators; improvement trends are sustained in most areas; and results are reported for all key indicators.
6	800-1000	Court has exceptionally well-defined innovative approaches overall with continuous refinement, which is fully integrated with organizational needs. Tangible evidence of both implementation and consistent practice at all levels and across all areas within and outside the court.	Excellent performance levels against benchmarks in all key indicators; exceptional improvement trends in most areas; and results are reported for all indicators.

Before considering each of the Areas of Excellence, it is interesting to compare the results from 2012 and 2018. While it must be noted that the Self-Assessment methodology and scoring mechanism was modified in 2014, one notes similarities in the patterns of scoring. Most of the areas of excellence tracked very closely except for notable differences between Court Resources and Public Trust and Confidence. These areas were prominent in the workshop discussions.

Below follows discussion for each Area of Court Excellence. For each area, we provide the weighted scoring across courts as well as a breakdown for court position, to note any key differences by court or position. In the first table, we present the overall weighted scores by Court. In yellow are the statements that received the lowest overall weighted scores and in green,

the highest overall weighted scores. We also present the responses by Position to see if responses changed in a noticeable way based on one's respective job responsibilities. With regards to position, Court Administrators and the Judicial Support Personnel had less than 10 respondents. To protect the anonymity of the respondents, the NCSC combined the results for those two demographics for each of the Areas throughout this report. The complete position responses are included as an appendix.

This information was presented and discussed during the October 21 workshop. For treatment of each Area, we briefly present the specific items identified in the Workshop as in need of change. As set forth above, the IFCE provides a path towards court excellence by assessing current performance, looking for ways to improve, establishing a plan for improvement, and reviewing progress towards that plan on an ongoing basis. Having completed Assessment and having discussed ways to improve, this report is now presented to the Court to help establish a plan of action for the prioritized Areas.

We first note the highest and lowest statements across the surveys. Affordable and Accessible Court Services is represented in 3 of the 6 highest statements. Reading across these statements, one can detect a theme of attending to court clients with respect, which must be commended.

Area of Excellence Highest and Lowest Statements*

Highest Statements (Average)

Area of Excellence	Statement	Average
Affordable and Accessible Court Services	We treat members of minority groups the same as everyone else	4.59
Affordable and Accessible Court Services	Our hours of operation make it easy for users to get their business done	4.54
Client Needs and Satisfaction	We listen to court users with respect	4.51
Court Leadership and Management	We set time and service delivery standards and targets for case management aiming to meet and exceed user expectations	4.49
Court Proceedings and Procedures	We endeavor to list cases and manage cases so as to minimize inconvenience and expense to court users	4.46
Affordable and Accessible Court Services	We ensure court proceedings are resolved in a timely manner to minimize costs to litigants	4.46

Of the lowest statements, Court Resources appears 4 out of 5 times, and the statements here refer primarily to financial resources. The other lowest statement, regarding use of court user feedback, was a concern that was roundly expressed by workshop participants. Both of these topics are included in the recommended strategies below.

Lowest Statements (Average)

Area of Excellence	Statement	Average
Court Resources (Human, Material, and Financial)	We allocate our budget efficiently and effectively to ensure that there is money for court initiatives and court innovation activities	3.67
Court Resources (Human, Material, and Financial)	We manage our financial resources efficiently and effectively	3.78
Court Resources (Human, Material, and Financial)	We have strategies and mechanisms to engage staff in innovation	3.95
Client Needs and Satisfaction	We use feedback on a regular basis (including surveys, focus groups, and dialogue sessions) to measure satisfaction of all court users	3.96
Court Resources (Human, Material, and Financial)	We predict and manage our resources to meet anticipated workloads	3.98

1: Court Leadership and Management

The presence of strong leadership ensures that the court is not operating in isolation from the broader community and external partners. Court organization with outstanding performance results can only be realized by cooperation with other organizations and partners that influence the work of the court. These organizations and partners include public prosecution agencies, governmental agencies, the local legal profession, the police, and user support groups.

The Self-Assessment showed this to be a fairly highly rated area. This is true across courts although it can be noted that respondents from the Court of Appeals had a more measured response across each of the seven Areas of Excellence. Highlighted in green is the statement that received the highest overall weighted score: "We set time and service delivery standards and targets for case management aiming to meet and exceed user expectations." In yellow is the statement that received the lowest overall weighted scores: "Our senior judicial officers are actively involved in our review, planning, court user and community education processes."

Overall Weighted Averages by Court Leadership and Management

Court Leadership and Management	Maximum Weighted Score	Federal Court	Court of Appeal	High Court	Sessions Court	Magistrate Court	Overall Weight- ed Score
Our court leaders have defined the vision, mission, and core values of our courts	10	8.32	7.45	8.50	8.79	9.01	8.58
Our court leaders communicate the vision, mission, and core values to all staff and stakeholders	10	8.25	7.27	8.44	8.75	8.93	8.51
Our court leaders demonstrate the core values of the courts	10	8.39	7.64	8.27	8.71	8.84	8.47
We have developed a court culture consistent with our court values	10	8.25	7.19	8.20	8.64	8.49	8.30
We set time and service delivery standards and targets for case management aiming to meet and exceed user expectations	10	8.93	8.12	8.94	9.13	9.24	8.99
We measure our performance on a regular basis against these standards and targets	10	8.72	7.81	8.72	9.24	9.07	8.86
We obtain feedback from court users regularly	10	8.32	7.53	8.07	8.58	8.54	8.30
We review our performance data and feedback on a regular basis	10	8.48	7.50	8.33	8.97	9.01	8.60
We use data and feedback to plan improvements in our performance procedures and processes	10	8.45	7.42	8.49	8.79	8.97	8.58
We regularly provide information to court users and the community	10	8.31	7.61	8.05	8.61	8.59	8.32
Our senior judicial officers are actively involved in our review, planning, court user and community education processes	10	8.14	7.60	8.08	8.56	8.43	8.25
Our leaders actively promote an innovative culture in our courts	10	8.18	7.58	8.14	8.87	8.59	8.38
We have developed a court culture consistent with our court values	10	8.18	7.31	8.16	8.90	8.48	8.35
Our leaders demonstrate and reinforce their commitment to court innovation in day-to-day activities	10	8.49	7.33	8.06	8.82	8.37	8.32
Total:	140	117.39	105.37	116.48	123.37	122.57	118.81

Throughout the Self-Assessment responses, Judges and Judicial Officers rated the most similarly. Staff and Court Administrators tended to rate each statement higher overall. In the highest overall weighted statement, "we regularly provide information to court users and the community," judges and staff rated this differently, 7.9 vs. 10.0 respectively. This could be because judicial officers and judges are rarely tasked with providing information to the public as they are not at the front desk of a court house. Most of the tasks associated with this statement would be done by staff members. This may reveal the opportunity to have all positions be aware of public information, as through a public website.

Analysis

Court Leadership is one of the highest rated areas in the Self-Assessment. In the Workshop, the Chief Justice expressed that strategic planning was of vital importance to the Courts of Malaysia to assist in addressing today's challenges and to ensure that the public had correct information about the functioning of the court. In the discussion that ensued, participants expressed that it was important to re-evaluate the factors that go into financial planning and prioritize the most important needs. Reviewing each of the statements in this section, another statement that seemed to echo a theme during the workshop was that of developing a court culture consistent with court values. This statement was one of the lowest scored items. During the workshop, discussion commonly turned on the need to establish resources according to priorities. One of the groups suggested that judges be able to provide input into the budget process. The discussion and the action plans point to the need to establish a working group to review the Self-Assessment, this report and establish a plan for action. Next steps could include a targeted workshop with a Strategic Planning Committee (SPC), to be able to spend more time with the concepts presented and establish a more detailed plan. It would also be possible and well-advised to pilot another workshop perhaps in a specific court and assist that court in developing a targeted local action plan. For either of these activities the IFCE Implementation Guide¹ or the Train the Trainer guide² could be used to guide the Court in these actions. Once these steps were taken, and as set forth by the IFCE methodology, the Strategic Planning Committee should evaluate progress against the plan to determine next steps.

Two other themes that emerged during the workshop and are set forth in greater detail below are Resources and Public Trust. These tie to budget allocation processes and interface with the public. Any strategic planning effort should focus on support for resources for the courts and a communications plan.

Area of Change: Strategic Planning, Priorities

Problem Statement/Discussion: Two of the lowest overall statements are "We regularly provide information to court users and the community" and "Our senior judicial officers are actively involved in our review, planning, court user and community education processes."

Theory of Change: By establishing a strategic planning process that includes establishing priorities as well as a system for seeking resources, a representative committee can participate in planning and in setting budget requests. This will have the effect of reinforcing and communicating the priorities for the Court. Strategies are: a comment period, leadership meetings among various courts and positions. By establishing a strategic planning process, the Court may begin to work towards adequate funding for priorities and improved communication both within and outside the courts.

^{1 &}lt;a href="http://www.courtexcellence.com/lmplementation.aspx">http://www.courtexcellence.com/lmplementation.aspx (accessed 7 November 2018)

^{2 &}lt;u>http://www.courtexcellence.com/~/media/Microsites/Files/ICCE/Train_the_Trainers_Curriculum</u> Guide V2 080912.ashx (accessed 7 November 2018)

2: Court Planning and Policies

Planning ahead is fundamental to establishing clear goals, targets and plans for improvement. Refining processes and making change requires a proper management information system to register and process performance data that can be available for analysis. Planning must be based on the use of accurate data to ensure strong evidence supports strategies, plans and policies.

The maximum weighted score for most of these statements was a 15, but across the Courts and throughout Positions, the average score was around 12. This reflects an opportunity to review Court Planning and Policies. However, it is also interesting to note that perceptions in this area were notably lower in the 2012 Self-Assessment.

Overall Weighted Averages for Court Planning and Policies

Planning and Policies	Maximum Weighted Score	Federal Court	Court of Appeal	High Court	Sessions Court	Magistrate Court	Overall Weighted Score
We have a strategic plan that identifies the court's values, targets, and plans	15	12.86	11.44	12.57	13.40	13.16	12.86
We involve judges and court staff in the court's review and planning processes	15	12.21	10.18	12.22	12.73	12.85	12.35
We have a process for monitoring and reviewing the strategic plan	15	12.48	10.97	12.51	13.19	12.97	12.67
We allocate resources for actions identified in our strategic plan	15	12.33	10.55	11.98	12.30	12.40	12.10
We have judicial and court policies to support our values, targets, and plans	15	13.00	11.64	12.85	13.84	13.48	13.16
We publish our policies and monitor compliance	15	12.27	10.69	12.43	13.04	13.40	12.64
We review our policies reg- ularly to ensure court quality and efficiency	15	12.05	10.90	12.36	13.28	13.42	12.68
We have put in place a court innovation strategy, with short and long term goals, as an integral part of our planning that is aligned with our court's objectives and							
goals Total:	15 120	12.38 99.58	10.86 87.22	12.17 99.08	13.22 104.98	13.19 104.86	12.59 101.05

The statement with the most variance between Positions was: "We review our policies regularly to ensure court quality and efficiency." Court administrators may be the most acquainted with changing policies.

Analysis

Area of Change: Strategic Planning: Priorities, Budget and Communications

Problem Statement/Discussion: The lowest score dealt with allocating resources in accordance with a strategic plan, a theme described in Court Management, above. Another lower score was "We involve judges and court staff in the court's review and planning processes." During discussion, several judicial officers voiced that they would like to be more involved in budget discussions. Another group talked about the rules set in the Court of Appeal regarding timelines, given the extended briefing process as an example of the type of policies that would merit consideration.

Theory of Change: A Strategic Planning Committee should be comprised of members of different Courts and Positions in order to "involve judges and court staff in the court's review and planning processes." Working with the priorities set by the Office of the Chief Justice, the Committee should be charged with allocating resources in accordance with a strategic plan. By establishing a strategic planning process that includes establishing priorities as well as a system for seeking resources, a representative committee can participate in prioritizing, setting and advocating for budget requests. This Committee will review the strategic action plan to assure that it is fully developed to meet set priorities, prior to circulating it outside the Judiciary.

3: Court Resources (Human, Material, and Finance)

The most important resources of the courts are its personnel, the judges and court staff. The goal is for courts to have sufficient material resources to fulfil their objectives and carefully manage and maintain these resources. Poor quality of courtrooms, inadequate buildings, a lack of office space for judges, court staff, and court records, inadequate office material and equipment, including computers, will have a negative effect on the court's performance and the quality of the services delivered. Effective management of financial resources requires effective budgeting, fiscal management and independent auditing.

This was one of the lowest rated Areas throughout Courts and throughout Positions. While the items related to training and development rated fairly well (around 8.5 of 10 possible), the statements that rated the lowest had to do with financial resources. Financial resources and the budget allocation process must be given careful consideration.

Overall Weighted Averages for Court Resources (Human, Material, and Finance)

Court Resources (Human, Material, and Financial)	Maximum Weighted Score	Federal Court	Court of Appeal	High Court	Sessions Court	Magistrate Court	Overall Weighted Score
We manage the workload of judges and court staff so cases are decided in a timely and quality manner	10	8.03	7.04	7.66	8.32	8.20	7.95
We predict and manage our resources to meet anticipated workloads	10	7.87	6.94	7.72	8.33	8.32	7.97
We manage our financial resources efficiently and effectively	10	7.47	6.79	7.36	7.80	7.87	7.56
We have a professional development program for judges and court staff	10	8.41	7.46	8.30	8.68	8.78	8.44
We provide continuing pro- fessional education including management training to our judges and court staff	10	8.38	7.40	8.34	8.78	8.88	8.50
Our judges learn from, and communicate with, each other	10	8.55	8.04	8.59	8.72	9.07	8.68
We provide judges with the information necessary to make fair decisions	10	8.51	8.61	8.82	8.66	8.81	8.71
We have identified the training needs of court staff and our training program meets those needs	10	8.29	8.24	8.53	8.44	8.43	8.42
Court staff and judges are committed to quality of work	10	8.46	8.42	8.68	8.60	8.50	8.56
We have sufficient courtrooms to permit the timely processing of cases	10	8.03	7.66	8.51	8.68	8.60	8.43
Court users feel safe in our courtrooms	10	8.34	8.12	8.72	8.68	8.45	8.54
We allocate our budget effi- ciently and effectively to ensure that there is money for court initiatives and court innovation activities	10	7.03	7.02	7.72	7.50	7.07	7.35
We have a policy on the collection of fees and fines	10	8.63	8.22	8.60	8.53	8.66	8.57
We have strategies and mechanisms to engage staff in innovation	10	7.74	7.88	7.89	7.84	8.08	7.90
We deliver programs to meet the learning and development needs for court staff for court innovation	10	8.10	7.88	7.92	7.91	8.20	8.00
We recognize and reward staff for contribution towards court innovation	10	8.00	8.13	8.12	8.15	8.10	8.11
Total:	160	129.82	123.86	131.48	133.61	134.03	131.69

Analysis

Area of Change: Strategic Planning and Budget

Problem Statement: Across Courts and Positions, the statement that rated lowest was "We allocate our budget efficiently and effectively to ensure that there is money for court initiatives and court innovation activities." Here we see two elements:

1) a lack of funding, possibly resulting from the allocation process through the Office of Budget or 2) that strategic planning processes do not currently support effective allocations.

Discussion: "More money" is rarely an option in today's limited resource environment, nor is it necessarily a solution. Funding authorities often require efficiency measures or performance measures in order to consider budget increases. It was discussed during the workshop that the current allocation does not allow for the budget to come directly to the Courts. A number of challenges related to financial resources emerged, some as simple as establishing a budget for court facility maintenance, in order to keep courts secure and safe for judges, staff and clients to greater needs for the Judiciary to have budgetary autonomy. The Strategic Planning committee, recommended above, could be helpful in this process, by establishing priorities and overseeing communications with the public and funding authorities.

Theory of Change: By establishing a budget requisition process in alignment with strategic priorities, this will contribute to allocations meeting the Court's needs. A budget comment process or a report on the budget process would allow for participation by judges and court employees so that people are aware of the budget priorities and what has been requested.

4: Court Proceedings and Procedures

The conduct of court proceedings depends on the quality of court rules (and procedures), judicial oversight, application of the rules and court support (including technology). Duration of the litigation process and pending cases that have been in the process for an excessive period must be continually monitored so that the courts have fair and timely court proceedings.

This Area was rated high throughout Courts and Positions, averaging approximately 8.75 out of 10 overall. The two statements that rated the lowest are somewhat related and are: "We have a policy and procedure in place to generate, gather, and screen innovative ideas from all sources" and "We evaluate and improve the court innovation process on a regular basis." It is not unusual in other courts for these two statements involving innovation to rate lower than others. However, if the courts are to keep pace with the modern court users' expectations of timeliness, efficiency and connectivity, it is important to take concerted steps to receive and act upon innovations.

With regards to Position, the statement that varied the most among positions was: "We review the role of judges and court staff to ensure efficiency of processes." It could be that the review process is more regular for staff members while judges are not regularly reviewed.

Overall Weighted Averages for Court Proceeding

Court Proceedings and Procedures	Maximum Weighted Score	Federal Court	Court of Appeal	High Court	Sessions Court	Magistrate Court	Overall Weighted Score
We manage cases against established benchmarks of timely case processing	10	8.69	7.88	8.66	9.10	9.18	8.83
We review the role of judges and court staff to ensure efficiency of processes	10	8.00	6.97	8.35	8.93	9.03	8.49
We regularly review our processes and procedures	10	8.18	7.42	8.33	9.01	8.76	8.51
People are able to get their business with the court done in a reasonable time	10	8.60	7.76	8.55	9.11	8.82	8.69
We endeavor to list cases and manage cases so as to minimize inconvenience and expense to court users	10	8.88	8.12	8.68	9.33	9.10	8.91
Court orders are enforced in cases of non-compliance	10	8.42	8.06	8.62	9.11	8.97	8.75
Court records and case files are complete, accurate, able to be retrieved quickly, and maintained safely	10	8.24	7.44	8.46	9.09	8.88	8.60
Decisions by our court are written clearly and accurately apply the law	10	8.45	8.06	8.66	9.07	9.12	8.79
We have a policy and pro- cedure in place to generate, gather, and screen innova- tive ideas from all sources	10	8.21	7.57	7.85	8.65	8.59	8.25
We evaluate and improve the court innovation process on a regular basis	10	8.29	7.00	7.89	8.77	8.63	8.26
Total:	100	83.95	76.28	84.06	90.17	89.08	86.08

Analysis

Area of Change: Strategic Planning and Review of Policies

Problem Statement: It is common for courts to lag behind in innovations, but today's court user expects quicker, more automated interface with the courts. Responses and discussion would indicate that establishment of a process for reviewing policies would be beneficial, specifically those related to innovations.

Theory of Change: By establishing an innovation or task force as part of the strategic planning effort, the Malaysia courts can work to generate, gather, and screen innovative ideas from attorneys, stakeholders and other sources. This would assist the court in improving on court innovation processes on a regular basis and may also serve the secondary goal of reflecting the Court in a more positive public light.

5: Client Needs and Satisfaction

Research has consistently shown that the perceptions of those using the courts are influenced more by how they are treated and whether the process appears fair, than whether they received a favorable or unfavorable result. Court users include members of the public and businesses that use court services (e.g., litigants, witnesses, crime victims, those seeking information or assistance from court staff) and professional partners (lawyers, public prosecutors, enforcement agents, governmental agencies, court experts, and court interpreters). Measures must address the level of satisfaction with the outcome of proceedings and also how parties are treated by judges and court staff.

It is positive to note that the Courts and Positions equally rated listening to court clients with respect. As the survey responses and the workshop discussion would indicate, processes have not been established by which parties' complaints can be considered, acted upon, and the results communicated. There is an opportunity to use external stakeholder feedback to a greater degree. One may also note the lower responses in this Area as relating to public perception of the courts. External stakeholder feedback is crucial, and their views will need to be obtained before the strategic planning committee is able to establish priorities.

Overall Weighted Averages for Client Needs and Satisfaction

Client Needs and Satisfaction	Maxi- mum Weighted Score	Federal Court	Court of Appeal	High Court	Sessions Court	Magistrate Court	Overall Weighted Score
We use feedback on a regular basis (including surveys, focus groups, and dialogue sessions) to measure satisfaction of all court users	15	11.63	9.87	11.42	12.42	12.80	11.89
We use feedback on a regular basis to improve our services to all court users including: court website for users and the media; litigants, prosecutors, and lawyers representing users; witnesses and court experts; and registry/office users	15	12.00	10.50	11.59	12.65	13.19	12.19
We analyze surveys and adjust policies and procedures	15	11.46	9.80	11.64	12.80	12.63	11.99
We report publicly on changes we implement in response to the results of surveys	15	12.42	11.17	11.83	12.81	13.07	12.39
We communicate clearly to defendants and their lawyers	15	12.88	12.18	12.85	13.84	13.86	13.27
We listen to court users with respect	15	13.26	12.27	13.28	14.02	14.02	13.54
Advocates and court users assess the court's actions as fair and reasonable	15	12.74	11.90	12.59	13.78	13.70	13.10
There is a high level of court users' satisfaction with the court's administration of justice	15	12.53	11.61	12.52	13.46	13.06	12.81
There is a high level of court users' satisfaction with the court's services	15	12.42	11.61	12.52	13.37	12.90	12.74
We have leveraged on innovation and technology in understanding the needs of our court users better and to enhance the	45	40.54	44.45	40.00	40.04	40.07	40.00
delivery of services to court users Total:	15 150	12.54 123.87	11.45 112.38	12.36 122.60	13.31 132.45	12.87 132.10	12.66 126.58

Analysis

Area of Change: Strategic Communication

Problem Statement: Recent press treatment and the perception of the public in generally has not been positive towards the Court. Participants talked about the fact that in contested cases, the losing party is dissatisfied with the process. The public may not be well-informed with the actual functioning of the court. While there is information available through the Court website, discussion in the workshop turned on the need to work with the public, by gathering input as well as by communicating out to the public the work that the Courts are doing.

Theory of Change: The Office of the Chief Justice has indicated interest in creating a process by which to gather external input, a concept that was roundly supported during the workshop discussion. The Singapore Courts have created an effective survey and methodology that could be modeled. Gathering attorney and stakeholder feedback would provide invaluable information that could be used by the Court, perhaps through its Strategic Planning Committee, to take into account court user feedback, establish priorities, and work towards more positive public perception of the Courts.

6: Affordable and Accessible Court Services

Court should be affordable and accessible to litigants. Fees should not prevent members of the public from accessing the judicial process; procedures and requirements should not drive up litigation expenses; and forms and comprehensible basic information about court processes should be readily available. Physical accessibility should also be easy, while making sure safety is guaranteed. The importance of Affordable and Accessible Court Services gives it a higher weighting than others.

For the respondents here, this Area rated fairly high. Survey responses indicated with consistency across Courts that they treat members of minority groups the same as everyone else, which is to be applauded. The survey and discussion would indicate that access to court facilities for people with disabilities is an area of need. Other lower rated items included publication of information regarding fees and fee waivers and accessibility of information on the website. The two last items, dealing with the use of technology to assist clients, also rated lower.

Overall Weighted Averages for Affordable and Accessible Court Services

Affordable and Accessible Court Services	Maximum Weighted Score	Federal Court	Court of Appeal	High Court	Sessions Court	Magistrate Court	Overall Weighted Score
We review court policies on court fees to ensure that court services are affordable	15	12.84	12.45	12.71	13.50	13.40	13.06
We ensure court proceedings are resolved in a timely manner to minimize costs to litigants	15	12.88	11.91	12.97	14.14	13.90	13.37
We endeavor to limit the court's requirements to what it necessary to resolve cases efficiently	15	13.00	12.00	12.94	13.89	13.71	13.28
We have a clear and published policy on the charging waiver or postponement of fees	15	12.48	11.70	12.25	12.95	13.18	12.62
We make it easy for people the find the relevant courtroom in which a hearing is taking place	15	13.24	12.55	12.71	13.87	13.68	13.28
We provide people with disabilities with support and easy access to the court and our services	15	12.68	12.27	12.24	13.22	12.20	12.54

Total:	180	154.74	148.31	152.68	163.78	161.65	157.38
We have leveraged on innovation and technology to make our court services more accessible	15	12.70	12.56	12.48	13.50	13.42	12.98
We have leveraged on innovation and technology to make our court services more affordable	15	12.47	12.45	12.41	13.47	13.38	12.90
We provide information to assist litigants without representation	15	13.05	12.45	12.81	13.90	13.84	13.32
We treat members of minority groups the same as everyone else	15	13.47	13.59	13.35	14.14	14.19	13.77
Our website is easy to negotiate, contains relevant information, and is useful to users	15	12.21	11.18	12.55	13.16	13.00	12.64
Our hours of operation make it easy for users to get their business done	15	13.71	13.18	13.25	14.05	13.74	13.62

Analysis

Area of Change: Strategic Communication

Problem Statement: More information should be available on the court website regarding the court's priorities, progress towards key performance indicators, positive court initiatives, and the policy on court fees and waivers. As referenced above regarding the Budget process, a process should be established to request funding for facility upkeep as well as to make court facilities more accessible to the handicapped.

Theory of Change: By working with the Strategic Planning Committee, a Communication Plan should be established to include information that should be on the website and sent out to media and social media outlets. A website audit should be conducted to ensure that the website is as accessible as possible and that it leverages technology to the greatest degree possible to make services more accessible and that it presents information about court fees and waivers so that court services are more affordable.

7: Public Trust and Confidence

A high level of public trust and confidence in the courts is an indicator of successful operation and the lack of corruption, high quality judicial decisions, respect for the judges, timely court proceedings and transparent processes will increase public trust in the judiciary. A high level of public trust will enhance voluntary compliance with court orders, strengthen respect for the rule of law and increase support for the provision of resources to meet court needs. This is also a more heavily weighted Area.

For the Malaysia Courts, this was the area that showed the greatest decrease in the overall weighted score from 2012 to 2018. It was a prominent topic during the Workshop. What can be noted overall from the responses of this Area is that policies for good stewardship of the courts exist, such as annual financial accountings. A complaint policy exists. Key performance indicators also exist. However, it would appear based on the responses that there is a deficiency in communication out to the public. For example, performance measures are not being published, nor is information on court processes or fees. If one considers that the policies may be in place, but the communication is not, this is potentially good news because this can be easily remedied by a thoughtful and well-considered Communications Plan.

Overall Weighted Averages for Public Trust and Confidence

Public Trust and Confidence	Maxi- mum Weight- ed Score	Federal Court	Court of Appeal	High Court	Sessions Court	Magistrate Court	Overall Weighted Score
We publish our performance against time/service standards and other benchmarks	15	12.77	12.61	12.69	12.88	12.91	12.79
We respond promptly to requests for information from court users	15	13.22	13.16	12.94	13.21	13.21	13.13
We can demonstrate that people leaving court understand the court programs and services they have experienced	15	12.84	12.73	12.72	12.83	12.98	12.82
We have a policy which we adhere to, that outlines the process for making and dealing with complaints and we report on complaints received and their resolution	15	12.84	12.92	13.09	12.98	13.28	13.05
We publish information on court procedures and our complaints policy	15	12.65	12.75	12.65	12.77	12.81	12.73
We publish details of our services, fees, and related court requirements	15	12.94	13.19	12.91	13.00	12.88	12.95
Our accounts/expenditures are independently audited annually	15	13.22	13.88	12.75	13.21	13.20	13.14
a. Performance data and survey feedback b. Details of our purpose, role, and proce- dures c. Information on court reforms/improvements	15	12.68	12.86	12.71	12.70	12.58	12.69
There is a high level of public trust and confidence in the fair administration of justice in our courts	15	12.80	12.43	12.90	12.38	12.73	12.67
We engage the public and court users in an innovative manner so as to build up public trust and confidence	15	12.67	12.83	12.61	12.62	12.53	12.62
Total:	150	128.60	129.36	127.97	128.57	129.10	128.60

Analysis

Area of Change: Strategic Communication

Problem Statement: More information should be available on the court website regarding the court's priorities, progress towards key performance indicators, positive court initiatives, and the policy on court fees and waivers.

Theory of Change: By working with the Strategic Planning Committee, a Communication Plan should be established. Each of the statements for this Area could be used as a checklist of the information that should be included in the Communication

Plan. A website audit, referenced under Affordable and Accessible Court Services should be conducted to ensure all elements are included on the public website and in easy to understand, non-legal language.

UNDP Judicial Integrity Self-Assessment Checklist

The Judicial Integrity Self-Assessment Checklist was commissioned by the United Nations Development Programme and was developed in cooperation with the International Consortium on Court Excellence. The questions of the Checklist provide a helpful addition to the questions posed under Public Trust and Confidence and help to illuminate specific issues, different from those of the Self-Assessment. The Checklist is currently under discussion within the IFCE governing body to consider incorporation.

This is the first time that the Checklist had been administered. Participants appeared from response patterns to be able to understand and respond to the questions. The Checklist responses are provided here as an average on a 5-point scale. Participants in the workshop reflected that they had no problems in completing the Checklist.

Our system of government provides:	
Constitutional guarantees of judicial independence	4.06
Transparent process for merit appointment to judicial office and promotion of judges	3.64
Constitutional guarantees of security of tenure of office, remuneration, and immunity from suit for judges	4.09
Fair process for removal from office or discipline of judges	3.94
5. Adequate resources for the court having regard to the financial resources available to government	3.61
Values	
6. Our judges adhere to a set of values that include the "Bangalore" values of independence, impartiality, integrity, propriety, equality, competence, and diligence	4.20
7. We observe our Judicial Code of Conduct and enforce it	4.23
Judicial Independence	
8. Judges exercise their judicial function impartially, transparently, and free from influence from other judges, the executive and legislative branches of government, the	4.45
business sector, parties, media, or citizens	4.15
9. Judicial proceedings are open to the public and are conducted impartially, fairly, and respectful of the rights of the parties Output Description:	4.34
Standards of Judicial Behavior	
10. We have and comply with a set of Principles of Ethical Conduct and Propriety	4.26
11. Our court maintains a register of each judge's financial interests and affiliations and judges declare conflicts of interest and do not sit on matters relating to family, friends,	
or financial interests	4.16
12. Judges exercise their freedom of expression and assembly in a manner that preserves the dignity of their office and the impartiality and independence of the judiciary	4.12
13. Our courts has a complaints policy and a fair and expeditious system for investigation of complaints against judges and court officers and discipline where necessary	4.00
Corruption Prevention	

14. Our court has a pre-determined open and fair process for allocation of work which is either random rotation or according to specialty skills or experience	4.04	
15. Our court administration and registry systems and records are designed to minimize the opportunity for corruption	4.09	
16. By promptly publishing our reasons for decisions and our court lists, policies and annual report, we ensure community confidence in the integrity of our practices and decision making processes	4.16	
Ethics Training and Support		
17. Judges engage in judicial training that includes ethics and conduct and have access to mentoring or independent guidance on ethical issues	4.17	
Community Confidence	ce	
18. Judges actively ensure the court's officers, facilities, procedures, and fees support the right of all citizens to open access to justice, a fair hearing, and reasonable support for disabilities or language difficulties	4.15	
19. Our court encourages media access to and reporting of our proceedings and recognizes this reinforces confidence in the impartiality of the court, judges, and staff	4.12	
20. Our court regularly surveys court users and the public on perceptions of and experiences with the court and we address any issues	3.85	

		Score		Resulting	Maximum Weighted
	Maximum Score	Achieved	Multiplier	Score	Score
Integrity Checklist Score:	100.00	81.39	2	162.79	200

Workshop

Chief Justice Malanjum opened the Workshop saying that this was a first step. The Chief Justice acknowledged the commitment and hard work of court professionals in Malaysia as well as the reality that public perception of the Courts has waned recently. In order to respond to today's court challenges, the Chief Justice engaged this effort in order to infuse new energy into the International Framework for Court Excellence efforts that began over six years ago.

Eagerness to identify points for comprehensive justice sector reform was demonstrated by enthusiastic participation from court judges, participants and the UNDP. The intent to improve the way the court delivers services bolstered the high survey participation with 539 of the 700 surveys being completed. The workshop also benefited from a good size of approximately 60 court leaders that were divided into the identified priority areas and consisted of a fairly broad representation across the various courts. The openness and engagement by participants in the workshop led to deep discussion of actionable plans to build a strategy that will lead to improvements within agreed upon priority areas. When discussing the areas needing improvement, participants expressed a high degree of consensus on the types of strategies that should be implemented. Specific steps included: gathering attorney and stakeholder input on court functioning, improving communications with the public and working towards more direct funding mechanisms. There was also some discussion of the need to re-evaluate key performance indicators to monitor and improve upon performance. Participants agreed upon the need for an annual report with some of the measures that will support performance management going forward, as through the Yearbook, in order to provide information to attorneys, funding bodies and the public at large on court performance.

Having engaged in preliminary consideration of the IFCE in 2012, the Malaysia courts had an appreciation for the concepts and a strong capacity for meaningful engagement. It is interesting to reflect on the similarity of responses from 2012 and 2018 across all 7 Areas except for Court Resources, which rated somewhat higher than in 2012, and Public Trust and Confidence, which rated lower than in 2018. These areas were prominent in the workshop discussions, particularly Public Trust and Confidence. As discussed throughout this Report, a perception was broadly shared that public trust in the Judiciary as well as other areas of government had declined sharply in the recent past. Several persons discussed negative news treatment of the courts.

Noticeable progress has been made by the Supreme Court in effort to prepare to implement the IFCE. The Supreme Court acknowledges that despite differences in funding and structure from other courts, all courts must judge fairly on the rule of law in a way that is binding, due to the broad role and effect the courts have on the values of a community. In taking this initial step, the Supreme Court has exhibited leadership that will facilitate further efforts to implement the IFCE.

Opportunities

A few adjustments in this process are recommended going forward in order to take full advantage of the significant strengths of this jurisdiction. Participants arrived prepared, having completed the survey, with some familiarity of the IFCE and with enthusiasm to discuss the issues at hand.

The planning for this event was carried out on a compressed schedule, that if expanded, could have yielded more robust discussion and more in-depth treatment of the issues. The participants showed a great interest in the IFCE materials. Additional preparation time may have allowed the attendees to spend more time with the materials in advance, thus contributing to a greater understanding of the concepts.

Due to the heroic efforts of the Office of the Chief Justice, over 539 responses to the surveys were received, which is a tremendous response rate. However, some persons were not initially able to respond to the survey given the three-day turnaround provided and their responses were not counted or provided in the original analysis. Survey results also reflected a very limited representation on non-judges and non-judicial officers. The lack of feedback from non-judicial officers offers survey results that may not be reflective of the views of an adequate cross section of the Malaysian judiciary. Increased feedback from non-judicial staff will be important to establish planning priorities, and the Strategic Planning Committee may wish to take steps to ensure that a proper cross section of staff of all levels are represented.

It is helpful to have the survey results in at least 7-10 days prior to the workshop so that the results can be deliberated carefully, to highlight themes and issues before the workshop and to tailor the exercises to make the best use of the participants' time and skills. To encourage candid responses, it would also be helpful if subsequent surveys could be carried out in a way that provides a higher degree of assurance of anonymity, by not requiring respondents to report their email addresses.

It was an ambitious schedule to cover the Framework and engage in strategic planning work in one day. This report recommends the formation of a Strategic Planning Committee to reflect upon this report and use the discussion of the October participants to move forwards towards creation of a strategic plan for the Malaysia Courts. Once a plan has been created and implemented, a one-day workshop can be useful for updating or revamping an existing plan.

National Center for State Courts

Recommendations, Next Steps and Conclusion

To capitalize on the productive conversation during the October 21 Workshop, it is recommended that the Malaysia Courts convene a leadership meeting to discuss this plan within one month of the workshop to decide upon actions to be taken.

Strategic Planning is an iterative process and requires reinforcement. We recommend the formation of a Strategic Planning Committee to be formed by the Office of the Chief Justice, formed of broad representation among Courts and Positions. Other strategic planning efforts are in place within the Malaysia Courts. It is recommended that the Judiciary determine how to coordinate efforts and strategic plans among players, so that plans from other courts coincide and support the plan established by the Superior Judiciary.

Once this determination is made and membership formed of broad representation of all of the courts, this representative committee should schedule regular meetings, perhaps even monthly to begin, to review the actions to be taken in this process and guide implementation efforts. A suggested immediate task of the Strategic Planning Committee would be to continue working to finalize the improvement plans put forward during the workshop, which are included as Appendix B. Given the limited time during the workshop, completing the improvement plans will require more work to build off the starting points and formulate the final improvement plans using the techniques imparted by the workshop. This leadership committee will be tasked with assisting in the review and development of the consolidated action plan prior to circulating the plan outside of the judiciary, to assure that accurate and meaningful action will be taken.

In formulating the improvement plans, the Strategic Planning Committee can consider if it is possible for one improvement plan to be prepared for the Malaysian judiciary through the Office of the Chief Justice Plans. Courts of other levels may want to re-evaluate any existing plans to ensure that plans are mutually supportive and congruent both in vision and mission as well as individual activities. The variance in scores of super courts and lower courts in certain areas (e.g. client needs and satisfaction; affordability and accessibility) may suggest that priorities and actions to be taken by courts of different levels may be different. However, given the limited resources available (both human and otherwise), it is imperative to ensure that plans do not conflict and in fact drive to the same ultimate goals. Agenda items for such a committee could include:

How to refine Priorities, Action Steps and Policy Campaigns. The Malaysia Courts should consider existing strategic planning committees and how the work of those committees can be unified. This review could begin by reviewing documentation of other past strategic planning efforts. The Strategic Planning committee referenced above should then convene a meeting to discuss how planning efforts can be coordinated. An approach applied in other courts is to establish agreement on the mission and vision of the court system as a whole, and then to decide how implementation efforts can best occur throughout the courts and court levels.

The Malaysia Courts should establish a monitoring process to ensure that activities propel the Strategic Plan. Successful implementation of the IFCE requires application of the "Continuous Quality Cycle," a concept explored during the October workshop. It was discussed during the Workshop that Malaysia has established KPIs and is able to gather data for various measures, but that proper monitoring and documentation of efforts stands to improve. The Singapore have established an external set of KPIs for reporting purposes, but also have internal measures used for managing court business. This is a concept that Malaysia could explore, put in place, and monitor through the Strategic Planning Committee as a best practice. The Strategic Planning Committee should monitor data on Strategic Plan activities regularly, maybe monthly to begin. When activities fail to produce the expected short-term, mid-term and long-term objectives, then the Committee should convene to consider whether adaptations need to be made.

- 1. How to circulate this report and the plan of action broadly to integrate feedback into the Plan. This could include consideration of an attorney or external stakeholder survey. The consolidated action plan is presented as Appendix B.
- 2. Use the survey responses as a checklist for consideration of other priority areas. This can be achieved by reviewing the survey responses in their entirety and discussing the items that received a lower scoring across Courts.
- 3. Establish next steps. Suggestions include a follow-up workshop to allow for deeper consideration of specific issues or of additional priority items established through (c) above. Another concept successfully applied in other courts is to use the Train the Trainer methodology to replicate the workshop at the local level.
- 4. Formation of special work groups to address discrete issues, such as the calendaring of Court of Appeal cases; Judicial Workload; Facilities and other substantive areas, such as:
- **a. Funding Mechanisms.** Workshop participants expressed the need to pursue judicial budgetary independence, that court funding would come directly to the courts rather than through the Office of Public Ministry ("OPM"). This was recommended not to remove authority or funding from OPM, but simply to reinforce budget autonomy, to afford the Courts greater discretion to meet priority funding needs.
- **b.** Time Standards for Different Case Types. The Malaysia Courts have established Key Performance Indicators for civil and criminal cases. While this is a step in the right direction, there are vast differences in timing for cases within those broad categories. It is recommended that Malaysia consider time standards for specific case types within those categories. Information has been supplied to court representatives of the same.³ This would allow the Court to be more granular in its analysis of reasons for delay in criminal and civil cases, which is the first step in countering delay.
- c. Court Process Improvement. Related to the above, and towards consideration of court efficiencies, it is recommended that the Court consider areas of business that could be simplified or streamlined. One example that was discussed during the Workshop was that of the Court of Appeals writing full briefs which are so time-consuming that it delays issue of judgment. One example that was discussed during the Workshop was that of the Malaysia Court of Appeals writing full grounds of decisions for their judgements which can be so time-consuming that it delays the issuance of judgement. Other courts have on suitable occasions (e.g. in less complex cases) issued ex tempore judgments, or provided oral grounds of decision, as one example of an efficiency that could be implemented.

t was a pleasure to work again with the Malaysia Courts with the International Framework for Court Excellence. The National Center for State Courts, representatives of the International Consortium for Court Excellence and the United Nations Development Programme appreciated the opportunity. As partners, we offer our continued support to the Court in realizing its vision of a Judiciary operating according to the Areas of Excellence.

^{3 &}lt;u>https://www.ncsc.org/Services-and-Experts/Technology-tools/~/media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx; https://ncsc.contentdm.oclc.org/digital/collection/appellate/id/1032/</u>

Appendix AAverages by Position

Court Leadership and Management	Maximum Weighted Score	Judge	Judicial Of- ficer	C.A. and Jud. Sup.	Overall Weighted Score
Our court leaders have defined the vision, mission, and core values of our courts	10	8.42	8.60	10.00	8.58
Our court leaders communicate the vision, mission, and core values to all staff and stakeholders	10	8.37	8.52	10.00	8.51
Our court leaders demonstrate the core values of the courts	10	8.48	8.45	10.00	8.47
We have developed a court culture consistent with our court values	10	8.38	8.25	10.00	8.30
We set time and service delivery standards and targets for case management aiming to meet and exceed user expectations	10	8.77	9.03	10.00	8.99
We measure our performance on a regular basis against these standards and targets	10	8.92	8.82	10.00	8.86
We obtain feedback from court users regularly	10	8.40	8.25	9.60	8.30
We review our performance data and feedback on a regular basis	10	8.67	8.56	9.60	8.60
We use data and feedback to plan im- provements in our performance proce- dures and processes	10	8.52	8.59	9.60	8.58
We regularly provide information to court users and the community	10	7.93	8.40	10.00	8.32
Our senior judicial officers are actively involved in our review, planning, court user and community education processes	10	7.86	8.34	9.60	8.25
Our leaders actively promote an innovative culture in our courts	10	8.40	8.36	9.60	8.38
We have developed a court culture consistent with our court values	10	8.36	8.33	9.60	8.35
Our leaders demonstrate and reinforce their commitment to court innovation in day-to-day activities	10	8.51	8.24	10.00	8.32
Total:	140	117.98	118.75	137.60	118.81

Planning and Policies	Maximum Weighted Score	Judge	Judicial Officer	C.A. and Jud. Sup.	Overall Weighted Score
We have a strategic plan that identifies the court's values, targets, and plans	15	12.79	12.90	14.00	12.89
We involve judges and court staff in the court's review and planning processes	15	12.17	12.37	13.67	12.35
We have a process for monitoring and reviewing the strategic plan	15	12.61	12.62	14.00	12.64
We allocate resources for actions identified in our strategic plan	15	11.51	12.21	12.67	12.08
We have judicial and court policies to support our values, targets, and plans	15	12.88	13.19	14.00	13.14
We publish our policies and monitor compliance	15	12.08	12.83	13.67	12.69
We review our policies regularly to ensure court quality and efficiency	15	12.51	12.69	13.33	12.66
We have put in place a court innovation strategy, with short and long term goals, as an integral part of our planning that is aligned with our court's objectives and goals	15	12.14	12.72	13.67	12.62
Total:	120	98.69	101.52	109.00	101.08

Court Resources (Human, Material, and Financial)	Maximum Weighted Score	Judge	Judicial Officer	C.A. and Jud. Sup.	Overall Weighted Score
We manage the workload of judges and court staff so cases are decided in a timely and qual- ity manner	10	7.77	8.01	7.56	7.95
We predict and manage our resources to meet anticipated workloads	10	7.72	8.03	8.00	7.97
We manage our financial resources efficiently and effectively	10	7.32	7.62	7.56	7.56
We have a professional development program for judges and court staff	10	8.23	8.50	8.44	8.44
We provide continuing professional education including management training to our judges and court staff	10	8.22	8.56	9.11	8.50
Our judges learn from, and communicate with, each other	10	8.28	8.78	8.67	8.68
We provide judges with the information necessary to make fair decisions	10	8.48	8.77	8.89	8.71
We have identified the training needs of court staff and our training program meets those needs	10	8.26	8.49	7.33	8.42
Court staff and judges are committed to quality of work	10	8.36	8.63	7.78	8.56
We have sufficient courtrooms to permit the timely processing of cases	10	7.89	8.58	7.56	8.43
Court users feel safe in our courtrooms	10	8.27	8.63	7.78	8.54
We allocate our budget efficiently and effectively to ensure that there is money for court initiatives and court innovation activities	10	6.96	7.47	6.22	7.35

Total:	160	128.00	132.73	127.33	131.69
We recognize and reward staff for contribution towards court innovation	10	7.96	8.15	7.78	8.11
We deliver programs to meet the learning and development needs for court staff for court innovation	10	8.02	8.00	7.78	8.00
We have strategies and mechanisms to engage staff in innovation	10	7.75	7.92	8.44	7.90
We have a policy on the collection of fees and fines	10	8.50	8.59	8.44	8.57

Court Proceedings and Procedures	Maximum Weighted Score	Judge	Judicial Officer	C.A. and Jud. Sup.	Overall Weighted Score
We manage cases against established benchmarks of timely case processing	10	8.40	8.93	10.00	8.83
We review the role of judges and court staff to ensure efficiency of processes	10	7.62	8.71	10.00	8.49
We regularly review our processes and procedures	10	7.91	8.66	9.20	8.51
People are able to get their business with the court done in a reasonable time	10	8.29	8.80	9.20	8.69
We endeavor to list cases and manage cases so as to minimize inconvenience and expense to court users	10	8.60	8.99	10.00	8.91
Court orders are enforced in cases of non-compliance	10	8.30	8.86	9.60	8.75
Court records and case files are complete, accurate, able to be retrieved quickly, and maintained safely	10	7.96	8.79	8.00	8.60
Decisions by our court are written clearly and accurately apply the law	10	8.31	8.92	9.20	8.79
We have a policy and procedure in place to generate, gather, and screen innovative ideas from all sources	10	8.00	8.31	8.80	8.25
We evaluate and improve the court innovation process on a regular basis	10	7.82	8.37	9.60	8.26
Total:	100	81.19	87.34	93.60	86.08

Client Needs and Satisfaction	Maximum Weighted Score	Judge	Judicial Of- ficer	C.A. and Jud. Sup.	Overall Weighted Score
We use feedback on a regular basis (including surveys, focus groups, and dialogue sessions) to measure satisfaction of all court users	15	11.00	12.14	12.00	11.89
We use feedback on a regular basis to improve our services to all court users including: court website for users and the media; litigants, prosecutors, and lawyers representing users; witnesses and court experts; and registry/office users	15	11.48	12.38	13.20	12.19
We analyze surveys and adjust policies and procedures	15	10.88	12.29	12.60	11.99
We report publicly on changes we implement in response to the results of surveys	15	12.00	12.50	12.00	12.39

We communicate clearly to defendants and their					
lawyers	15	12.63	13.45	13.80	13.27
We listen to court users with respect	15	12.90	13.71	14.40	13.54
Advocates and court users assess the court's actions as fair and reasonable	15	12.44	13.28	13.80	13.10
There is a high level of court users' satisfaction with the court's administration of justice	15	12.20	12.97	13.20	12.81
There is a high level of court users' satisfaction with the court's services	15	12.14	12.91	12.00	12.74
We have leveraged on innovation and technology in understanding the needs of our court users better and to enhance the delivery of services to					
court users	15	12.13	12.81	12.60	12.66
Total:	150	119.81	128.43	129.60	126.58

Affordable and Accessible Court Services	Maximum Weighted Score	Judge	Judicial Officer	C.A. and Jud. Sup.	Overall Weighted Score
We review court policies on court fees to ensure that court services are affordable	15	12.70	13.15	13.80	13.06
We ensure court proceedings are resolved in a timely manner to minimize costs to litigants	15	12.53	13.59	14.40	13.37
We endeavor to limit the court's require- ments to what it necessary to resolve cases efficiently	15	12.63	13.46	13.80	13.28
We have a clear and published policy on the charging waiver or postponement of fees	15	12.21	12.72	13.80	12.62
We make it easy for people the find the relevant courtroom in which a hearing is taking place	15	12.99	13.34	14.40	13.28
We provide people with disabilities with support and easy access to the court and our services	15	12.53	12.54	12.75	12.54
Our hours of operation make it easy for users to get their business done	15	13.52	13.66	12.60	13.62
Our website is easy to negotiate, contains relevant information, and is useful to users	15	11.84	12.85	14.40	12.64
We treat members of minority groups the same as everyone else	15	13.52	13.83	14.40	13.77
We provide information to assist litigants without representation	15	12.83	13.45	13.80	13.32
We have leveraged on innovation and technology to make our court services more affordable	15	12.47	13.03	13.20	12.90
We have leveraged on innovation and technology to make our court services more accessible	15	12.65	13.08	12.60	12.98
Total:	180	152.41	158.70	163.95	157.38

Public Trust and Confidence	Maximum Weighted Score	Judge	Judicial Officer	C.A. and Jud. Sup.	Overall Weighted Score
We publish our performance against time/service standards and other benchmarks	15	12.73	12.80	13.00	12.79
We respond promptly to requests for information from court users	15	13.14	13.12	13.67	13.13
We can demonstrate that people leaving court understand the court programs and services they have experienced	15	12.83	12.82	13.00	12.82
We have a policy which we adhere to, that outlines the process for making and dealing with complaints and we report on complaints received and their resolution	15	12.83	13.10	13.33	13.05
We publish information on court procedures and our complaints policy	15	12.59	12.75	13.33	12.73
We publish details of our services, fees, and related court requirements	15	12.94	12.96	13.00	12.95
Our accounts/expenditures are independently audited annually	15	13.43	13.07	13.00	13.14
a. Performance data and survey feedback b. Details of our purpose, role, and procedures c. Information on court reforms/improvements	15	12.69	12.69	12.33	12.69
There is a high level of public trust and confidence in the fair administration of justice in our courts	15	12.72	12.64	13.00	12.67
We engage the public and court users in an innovative manner so as to build up public trust and confidence	15	12.70	12.59	13.33	12.62
Total:	150	128.61	128.54	131.00	128.60

Appendix B Strategic Plan

	Area of Court Excellence	Problem Statement and Expected Outcome	Additional Data Needed		Strategies/ Steps to Address Problem	In	erformance dicator for Each rategy/Step		Timing of Each Strategy/ Step	Responsi- bility
1	Area 1: Court Lead- ership and Manage- ment	To provide organis culture, pursues ir	ational leader	rshi _l is a	that promotes ccountable and	a p	proactive and en.	pro	ofessional m	anagement
1.1	Planning and acting strategically Anticipate and identify challenges facing the court and formulate and adopt innovative policies and programs in response.	1.1.1 Strategic Leadership. Establish and maintain a strategic planning working group to anticipate and identify challenges facing the court, and oversee strategic direction for the Courts.		 3. 	Establish a strategic planning working group. Consider desirability of other task force or work groups. Strategic planning working group to hold regular meetings. Consider re-administering the Self-Assessment	1. 2. 3.	Action taken by target date. Action taken by target date. Two meetings held a year. Action taken by target date.		30/12/19 31/01/19 31/01/19	

1.2 Communicating with court users Demonstrate external orientation of the court, by communicating the court's vision, goals, programs, and outcomes to court users, society, and legal professional and other participants in the administration of justice.	1.2.1 Develop a communication strategy. Prepare and implement a communication strategy.	1.	Draft strategy. Implement strategy.	1. Action taken by target date. 2. Action taken by target date.	 30/09/19 31/12/19 	
1.3 Collecting management information Establish a program of collecting reliable information pertaining to quality indicators (e.g., surveys of court staff, users, professional partners, and, the public).	1.3.1 Employee survey. Design and distribute a court employee survey and consider and implement changes in response to the evaluation results.	1. 2. 3.	Develop the scope and methods of a baseline survey. Administer the baseline survey. Collate survey results & submit a report on the outcome.	1. Acceptance of proposed survey scope by the Chief Judge. 2. Most non-judicial staff have responded to the online survey by the deadline. 3. Acceptance of the outcome report by the Chief Judge.	1. 01/09/19 2. 01/11/19 3. 01/12/19	

1.3.2 Staff suggestions scheme: Implement a staff suggestions scheme for improvements in court administration.	1. Set up a register for taken by target suggestions, including outcomes and actions for suggestions. 1. Action 1. 25/09/19 1. Action taken by target date. 2. 25/09/19
	2. Set up template for staff to log suggestions. 2. Action taken by target 3. 25/09/19
	3. Provide formal notice in relation to process for making suggestions. 3. Action taken by target date.
	4. Identify person/body to whom suggestions, including outcomes and progress on action items should be reported on a regular
	basis. 5. 4 reports per year. 5. deports per year.

			1				T
1.3.3 User	1.	Design a	1.	Survey de-	1.	01/12/19	Consultant to
surveys: Design		baseline		sign is ap-			be appointed
and undertake		paper survey		proved by			
surveys of users		aimed at		the Chief			
of court services.		assessing		Judge for			
		user views		implemen-			
		about the		tation			
		Court's main					
		services and	2.	Survey			
		processes,		consultant			
		the survey to		reports			
		incorporate		that the			
		qualitative		intended			
		as well as		number			
		numerical		of survey			
		elements.		responses			
				have been		0.4.10.0.14.0	
	2.	Administer		received.	2.	01/02/19	
		the baseline					
		survey.	3.	Survey			
				outcomes			
	3.	Collate sur-		report is			
		vey results		accepted	3.	01/03/19	
		and report		by the			
		on the out-		Chief			
		come.		Justice as			
				satisfactory			
	4.	Design the					
		scope of	4.	Survey			
		an online		design is	4.	01/11/19	Consultant to
		web survey		submitted			be appointed
		software		and is ac-			
		application		cepted by			
		that may be		the Chief			
		developed		Judge			
		by the AG's		as fit to			
		Dept IT		commence			
		Branch for		design.			
		ongoing		_			
		surveying of	5	Web survey			
		court users.	ر.	design			
				and trial	5.	01/02/19	
	5.	Develop the		report is		-	
		web survey		accepted			
		application		by the			
		and trial it		Chief			
		with court		Judge as			
		users.		satisfac-			
				tory.			

	Area of Court Excel- lence	Problem State- ment and Expected Out- come	Addition- al Data Needed	Strategies/ Steps to Ad- dress Problem	Performance Indicator for Each Strate- gy/Step	Timing of Each Strate- gy/Step	Responsi- bility
2	Area 2: Court Plan- ning and Policies			view plans and poli of its performance.		n achieving the	Court's pur-
2.1	Quality improvement	2.1.1 Quality improvement problem: The court is unable to focus on improving quality due to high volume of work. Answer: Find strategies and mechanisms to reduce the workload by reviewing work protocols and rules, and implement a culture of continuous review and improvement.					

	Area of Court Ex- cellence	Problem Statement and Expected Outcome	Additional Data Need- ed	Strategies/ Steps to Address Problem	Perfor- mance Indicator for Each Strategy/ Step	Timing of Each Strategy/Step	Responsibility
(Area 3: Court Resources (Human, Material and Finan- cial)	To manage the C the aim of gaining			ancial resourc	es properly, effec	tively and with
t	Court facili- ties mainte- nance and repair	3.1.1 Repair/ Maintenance Problem: There is a limited budget to repair and maintain court facilities. Answer: Crite- rion needs to be developed for selection of repairs and maintenance work of Court Buildings for the year 2019 and The work needs to be implemented where repairs or maintenance is identified.	 The existing budget for maintenance and repairs. Identify the normal cost for each type of repair. Data of blacklisted contractors. Identify a normal work timeline a for a needed repair. 	 Develop criterion for selection of repair or maintenance (e.g. based on age of defect/type of damage identified/cost/estimated time repair). Invite the submission to list out the projects that have quotes. Select the project that fulfill the criterion and announce it during Court Directors meeting. Monitor the project. 		 31/01/19 28/2/2019 31/3/2019 31/12/19 	 Top Management. Appoint Committee to do this (one member must be from Accounts Department and one from top management). State Court Directors to submit Committee. Top Management & State Court Directors and Committee.

3.2	Budget target and allocation	3.1.2 Budget/ Allocation: Problem: There is not enough budget and it is expected that the target will not be achieved. Answer: Allocate the budget efficiently and effectively to ensure that there are sufficient funds.	1. Need to know the allocation of the budget that does not come directly to the court.	1. The strategy is to shift the power of financial control from the Chief Secretary of the government to the Chief Registrar of the Federal Court.	1. Action taken by the targeted date	01/06/19	The financial department of the Federal Court. Each States Court Directors
3.3	Policy of the collection of fees and fines	3.3.1 Cashless system problem: A cashless system cannot be implemented fully because not all courts have the machine.	1. Repair and Mainte- nance infor- mation on he machines al- ways having breakdown issues	1. More machines should be made available. 2. Education and dissemination about the advantages of using cashless system.	Action taken by the tar- geted date	01/06/19	Financial Department of the Federal Court Each States Court Directors
3.4	Financial Planning	3.4.1 Financial Planning problem: Financial planning is underutilized. Answer: The factors that go into financial planning can be re-evaluated and the most important needs can be prioritized.					
	Area of Court Excellence	Problem Statement and Expected Outcome	Additional Data Needed	Strategies/ Steps to Address Problem	Perfor- mance Indicator for Each Strategy/ Step	Timing of Each Strategy/Step	Responsibility

4.	Area 4: Court Pro- ceedings and Pro- cesses	To ensure the Cocient.	ourt's proceedin	gs and dispute	resolution serv	vices are fair, effe	ctive and effi-

	Area of Court Excellence	Problem Statement and Expected Out- come	Additional Data Needed	Strategies/ Steps to Address Problem	Perfor- mance Indicator for Each Strategy/ Step	Timing of Each Strategy/ Step	Responsi- bility
5	Area 5: Client Needs and Satisfaction	To understand an Court's purpose.					
5.1	Client needs and satisfaction	5.1.1 Feedback Problem: Courts are not currently using clients' feedback on a regular basis to measure their satisfaction.	1. A da- tabase compiled of infor- mation on customer needs and require- ments.	 Disseminate surveys on clients' needs and satisfaction. Regular engagement with stakeholders and study the outcome of the engagement. Address the issues are raised and identified. Prepare an action plan on the implementation. 	 Customer satisfaction index. Reduction in public complaints. Action taken within targeted date. 	1. Quarterly	The Corporate Communication Unit. State Courts Directors.

5.2	Gather client needs	5.0.1 Client needs problem: Answer: Establish a client survey to gather client needs and adjust policies and procedure.	1.	Survey information on clients' needs.	2.	Prepare and disseminate survey forms to all court users and stake-holders. Study and make findings on the surveys. Respond on the outcome of the surveys.	1.	Communicate and report the findings to stake-holders.	1.	Quar- terly	1.	Corporate Communication Unit. State Courts Directors.
5.3	Analyze surveys and adjust policies and procedures	5.3.1 Analyze feedback from stakeholders (i.e. lawyers, prosecu- tors, police)	1.	Amend the relevant rule or practice direction.	1.	Take action within 12 months or less.			1.	Every 12 months		1. The CR's Of- fice
		Collect and analyze statistics on the cause of delay and number proceedings.	2.	Hold regular meetings with stakeholders.					3.	Every 4 months Every12 months		
			3.	Link up computer system with the prison, police, insolvency department, and registrar of the company								

5.4	Use feedback on regular basis (include surveys, focus group and dia- logue session) to measure satisfaction of	5.4.1 Complaint problem: The Courts receive complaints. Answer: Collect and analyze in-	1.	Auto- mated statistic collection to im- prove the collection and anal-	1.	Take action taken with- in 12 months	2.	12 months	1.	CR's Office
	all users.	ternal statistics.		ysis of the statistics.						

	Area of Court Excellence	Problem Statement and Expected Outcome	Additional Data Needed	Strategies/ Steps to Address Problem	Performance Indicator for Each Strategy/ Step	Timing of Each Strategy/ Step	Responsibility
6	Area 6: Affordable and Acces- sible Court Services	To ensure the co	ourts are afforda	able and easily	y accessible for lit	gants.	

	Area of Court Excellence	Problem Statement and Expect- ed Outcome	Additional Data Needed	Strategies/ Steps to Ad- dress Problem	Performance Indicator for Each Strategy/Step	Timing of Each Strategy/ Step	Responsibil- ity		
7	Public trust & confi- dence	To maintain ai justice.	nd reinforce pul	blic trust and confid	dence in the Cou	rt and the admii	nistration of		
7.1	There is a high level of public trust and confidence in the fair administration of justice in our court.	1.1.1 Problem: 1. There is inaccurate reporting by the media to the public at large. 2. The ground of judgments are prepared only when notice of appeal is filed. 3. Judges prepare brief ground/reasons of judgement when judgement are delivered.	 Brief ground of judgment data is needed. Full ground of judgment data is needed. A press summary of cases decided by the court. The media reports that involve relevant cases. 	 Issue practice direction to prepare a brief ground of judgment for every case decided by the courts. Issue press summary of high profile cases before and immediately after a decision. A team or a consultant to analyze the public perception on media reporting to observe public trust and confidence towards the court. Periodic engagement with the media. A media unit to publish decision of the court as soon as possible. Disseminate information through social media and the website. 	1. Examine the survey and results on public trust and confidence towards the judiciary. 2. A comparison on the result of the survey to international ranking (E.g. Singapore Public Trust Index). 3. A survey on media representative.	 From time to time. During every decision of high profile cases. Quarterly. From time to time. 	 The Corporate Communication Unit. The States Court Director. 		

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7.2	Publish information on court procedure complaint	7.2.1 Improve the existing policy on complaints.	1.	SOP from other departments.	1.	Automatic acknowl- edgement of receipt of a complaint.	1.	Statistic on complaints.	1.	Quarterly. Time to time.	1.	The CR Office.
	policy.	1. Uniform the complaint procedures of all divisions.	2.	Identification of various category of complaint.	2.	Create a task force to come up with a uniform complaints procedure.					2.	Corporate Commu- nication Unit.
		plaint procedure need to be upgraded to be in line with current technologies and it must be fast and prompt.			3.	Open communication about court performance with stake holders.					3.	The States Court Director.

7.3	Publishing of information	7.3.1 Publication of information problem: 1. We do not publish enough information on court procedures and our complaints policy. Expected outcome: Increase sharing of information with stakeholders and the public at large.	1.	Use surveys on what information is needed from stake-holders and the public.	ste the Bes info	e strategies/ ps to address problem. sides the ormation that have on the bsite: Provide pamphlets and leaflets at our information counter Provide information through social media – tweeter, FB, Instagram of Fed Ct. Collaboration with – BAR Other government agencies like the Ministry of Information. Provide an evaluation form to be filled up at the point of registration through on- line system or through the service bureau.	2.	Analyze statistics before and after the complaint on court process and policy to see whether the complaints are increased or decreased. Verify the validity of the complaints, either it's a valid complaint or not. Keep track of the surveys done from the stakeholders and the public.	 1. 2. 3. 	continuously Continuously Quarterly (once in four months) Every time when a new case is filed.	2.	The Corporate Communication Division and channeled to respective divisions to address on specific areas of complaints. The CR's office/ Head of respective units/state directors. The E-Court and Information Technology Division
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