



35TH PILON ANNUAL MEETING 2016

OUTCOMES REPORT

1. Members of the Pacific Islands Law Officers Network (PILON) met in Pohnpei, Federated States of Micronesia for the 35th annual PILON meeting from 26-28 October 2016.
2. Mr. Berney Martin, Vice-Speaker of the 19th Congress of the Federated States of Micronesia, delivered keynote address commending the successes of PILON and encouraging Members to remain committed to tackling important issues relating to domestic violence, threats of environmental crimes, corruption and the escalating concerns over cybercrimes.

Strategic Priority 1: Environmental Crime and Corruption

3. Members noted the report from Nauru as the chair of the Environmental Crime and Corruption Working Group, and thanked Nauru and the other Working Group members (Federated States of Micronesia, Republic of the Marshall Islands, Palau and Solomon Islands) for their work over the past year.
4. In particular, Members noted that following the Member survey conducted by the Working Group the two highest priority issues of concern in this area were identified as the bribery or other corruption of public officials and illegal fishing.
5. Members also noted that the 'culture of silence' often made it difficult for law enforcement authorities to obtain informants in corruption-related cases, and that whistle-blower or other protections were needed to encourage the reporting of corruption.
6. Members noted that the Working Group is still in the process of developing its 2017/18 Work Plan. It intends to focus on Corruption in Illegal Fishing during 2017, and to consider Whistleblowing as a tool for this purpose.

7. Members agreed to commit to ensuring continued support and commitment to the work of Environmental Crime and Corruption Working Group.
8. Members:
 - (1) Committed to continue to support measures to address illegal, unreported and unregulated fishing in the region, including taking steps, where appropriate, to encourage flag States to take more responsibility for regulating their flagged vessels.
 - (2) Noted their ongoing efforts to implement the Niue Treaty Subsidiary Agreement.
 - (3) Noted the valuable assistance provided by Australia under the Pacific Maritime Boundaries and Continental Shelf Project, to assist Members in delineating their maritime boundaries and outer limits of continental shelf, and expressed strong support for the continuation of that Project.

Strategic Priority 2: Sexual and Gender Based Violence

9. Members noted the report from Samoa as the chair of the Sexual and Gender Based Violence (SGBV) Working Group for their work over the past year, and in particular:
 - (1) Noted the report on the SGBV workshop hosted by Samoa in May 2016 for police and prosecutors, and in particular, the resolutions endorsed by that workshop.
 - (2) Endorsed the proposed activities of the Working Group for 2016/17, being:
 - a. Finalisation of guidelines dealing with children, in coordination with the Pacific Prosecutors Association, for later endorsement by Members, and
 - b. Updated comparative analysis of Members' SGBV legislation.
10. Members thanked Samoa (as current chair) and Tonga (as past chair) and the other Working Group members (Australia, Cook Islands, Federated States of Micronesia, Papua New Guinea, Nauru, Solomon Islands, Tonga, Republic of the Marshall Islands and Vanuatu) for their work over the past year.
11. Members committed to ensuring continued support and commitment to the work of SGBV Working Group.
12. Members also:
 - (1) Thanked Palau for the offer to provide training on the prosecution of sexual offences.
 - (2) Thanked Ms Alicia Limtiaco, US Attorney, Districts of Guam and the Commonwealth of the Northern Mariana Islands, for her presentations on sex crime investigations and prosecutions and human trafficking.
 - (3) Noted the variety of special measures that Members have in place to modify the court room or the way that vulnerable witnesses (such as sexual assault victims or children) can give evidence, and encouraged Members to consider these.

Strategic Priority 3: Cybercrime

13. Members noted the report from Tonga as the chair of the Cybercrime Working Group, and thanked Tonga and the other Working Group members (Australia, Nauru, New Zealand, Solomon Islands and Vanuatu) for their work over the past year, and in particular:

- (1) Noted the importance of the Working Group continuing to coordinate regional and international assistance and collaboration, to avoid duplication of efforts.
 - (2) Thanked Tonga for hosting the cybercrime workshop in February 2016 focused on electronic evidence and international cooperation, delivered by International Association of Prosecutors with support from the Commonwealth Secretariat, the Council of Europe, and the PILON Secretariat.
14. Members endorsed the proposed activities of the PILON Cybercrime Working Group for 2016/2017:
- (1) Finalisation of Report on Members' current cybercrime legislation;
 - (2) Regional Cybercrime Multi-sector Workshop; and
 - (3) Development of Work Plan for 2017-2019.
15. Members committed to ensuring continued support and commitment to the work of Cybercrime Working Group.
16. Members:
- (1) Noted the work by the Commonwealth Secretariat to update its model cybercrime bill – expected to be finalised in 2017;
 - (2) Expressed appreciation for the Commonwealth Secretariat's interest in working with PILON to address cybercrime issues in the Pacific;
 - (3) Thanked Ms Alicia Limtiaco, US Attorney, Districts of Guam and the Commonwealth of the Northern Mariana Islands, for her presentation on cybercrime awareness; and
 - (4) Thanked Mr Christopher Cardani, Department of Justice Attaché, United States Embassy in the Philippines, for his presentation highlighting issues involved in obtaining electronic evidence using mutual legal assistance.

Regional initiatives

PILON Litigation Skills Program

17. Members thanked New Zealand for the ongoing support provided through the PILON Litigation Advanced Skills Program and noted its importance in the region. The Members also noted that New Zealand agreed to consider consultation on selection criteria given the high turnover of staff and continued demand for training and capacity building.

Pacific Legislative Drafters Technical Assistance Forum

18. Members:
- (1) Expressed appreciation for the assistance provided by the Pacific Islands Forum Secretariat (PIFS) for the Pacific Legislative Drafters Technical Assistance Forum;
 - (2) Acknowledged the funding constraints faced by PIFS in continuing the Forum; and
 - (3) Agreed to support the Secretariat in exploring ways in which the Forum could continue to operate in the future.

Pacific Prosecutors Association

19. Members thanked Nauru for the report on the activities of the Pacific Prosecutors Association and in particular, the annual meeting hosted by Nauru in Fiji in September 2016 and PNG's offer to host the 2017 annual meeting.

PILON collaboration with the Pacific Island Chiefs of Police

20. Members:

- (1) Thanked Australia for the report on collaboration between PILON and PICP over the last year, particularly in the areas of forensics laws, drugs laws, criminal deportees, and cybercrime;
- (2) Noted that the model forensics law provisions developed as a collaborative project by PICP and PILON (through the Australian Attorney-General's Department) are a resource that members can draw on when undertaking forensics law reform (available at <http://www.picp.co.nz/wp-content/uploads/2016/01/Pacific-Forensic-Model-Provisions.pdf>);
- (3) Noted that cybercrime and sexual and gender based violence are also strategic priority focus areas for PICP; and
- (4) Encouraged further collaboration between PILON and PICP in areas of common interest.

Criminal Deportees

21. Members:

- (1) Thanked Australia, New Zealand, Samoa and Federated States of Micronesia for leading discussion on issues surrounding the deportation of criminals to PILON Member States after they have served their prison sentences;
- (2) Noted that this issue affects many Members around the Pacific region;
- (3) Urged countries that initiate deportation to timely provide destination countries with relevant information regarding individual deportees, including reason for deportation, criminal record, and service of sentence;
- (4) Noted that, in some cases, there is the need to strengthen bilateral information sharing arrangements about the arrival and background of criminal deportees, and encouraged any Member who is concerned about this to take this up with the sending country at the bilateral level; and
- (5) Noted the importance of supporting the integration of criminal deportees into the local community and minimising the likelihood of future criminal offending, and that:
 - a. New Zealand had recently implemented reforms to deal with this issue under the *Returning Offenders (Management and Information) Act 2015*, and
 - b. Referred Members to the Pacific Islands Forum Regional Security Committee Guidelines developed in 2011 for the Development of a National Policy to Manage Arriving Criminal Deportees, as guidance for developing national strategies to deal with criminal deportees.

PILON Secretariat, Governance and Other Issues

Secretariat

22. Members:

- (1) Thanked the Secretariat for its report on activities during 2016;
- (2) Endorsed the Secretariat's 2017 work plan;
- (3) Noted that the 2015/16 financial report and the 2016/17 Secretariat budget would be provided to the Executive Committee for endorsement before the end of 2016, and that, once endorsed, these would be distributed to all Members;
- (4) Noted that the PILON website is in the process of being upgraded and would include a list within that closed area of expert witnesses in different areas of speciality (such as sexual and gender based violence, medical experts, forensics and accountants), as a resource to assist Members in more readily identifying potentially suitable expert witnesses;
- (5) Noted that the Secretariat would be seeking nomination from Members of experts for inclusion on the closed 'Members only' area of the PILON website shortly; and
- (6) Thanked the Secretariat for its excellent work in supporting Members over the past year, particularly given the heavy demands on the Secretariat arising from staffing constraints.

Applications for membership

23. Members:

- (1) Approved the application of the Oceania Customs Organisation as an Observer Member to PILON; and
- (2) Approved the application of the Pacific Islands Chiefs of Police as an Observer Member to PILON.

Future of PaCLII

24. Members:

- (1) Noted that the maintenance of PaCLII is essential to the ability of Pacific lawyers in both the private and public sectors to engage in legal practice; and
- (2) Agreed in principle to support PaCLII's request for financial support upon submission of a detailed funding proposal from PaCLII.

Pilot PILON Secondment Program

25. Members:

- (1) Noted the establishment of a pilot secondment program for Members' legal staff for 2-3 month placements with other Members, to provide expert assistance to other Members;
- (2) Expressed interest in utilizing this pilot program; and
- (3) Thanked Australia for offering to fund those aspects of the pilot program as outlined in the concept paper discussed during the meeting.

Planning for 2017

26. Members:

- (1) Welcomed the offer of the Republic of Marshall Islands to host the 2017 PILON Annual Meeting and the interest of the Cook Islands to host in 2018;
- (2) Agreed that the Executive Committee will consist of Republic of the Marshall Islands (Chair), Federated States of Micronesia, Samoa, New Zealand, Australia, Nauru, and Solomon Islands; and
- (3) Thanked the Federated States of Micronesia for hosting the 2016 annual meeting and for its very generous hospitality.