



## FINAL – 37<sup>th</sup> PILON ANNUAL MEETING 2018

### OUTCOMES REPORT

1. Members of the Pacific Islands Law Officers' Network (PILON) met in Rarotonga, Cook Islands for the 37<sup>th</sup> annual PILON meeting from 9-11<sup>th</sup> October 2018.
2. The opening formalities began with an address from Johnathen Kawakami, Deputy Attorney General of the Republic of the Marshall Islands.
3. The incoming chair, Mr David James, Solicitor General of the Cook Islands, welcomed PILON members to the meeting.
4. The Honourable Mr Henry Puna, Prime Minister and Attorney General of the Cook Islands delivered the keynote address emphasising to PILON Members the importance of the Blue Pacific, or Te Moana Nui a Kiva that ties Pacific nations together just as PILON does for the region's senior law officers. He emphasised the importance of PILON's role in the Pacific in promoting and maintaining the rule of law, acknowledged the significant contribution of PILON Working Groups to law and justice in the region and encouraged delegates to ensure that PILON's valuable role is continued.
5. Papa Orometua welcomed delegates to the Cook Islands and delivered the opening prayer.

### PILON Strategic Priorities

#### *Cybercrime*

6. Members noted the presentation from Ms Esther George, Lead Cybercrime Consultant of the Global Prosecutors E-Crime Network (GPEN), thanked her for her contribution and welcomed further collaboration between GPEN and PILON.
7. Members noted the report from Tonga as the Chair of the Cybercrime Working Group and thanked Tonga and the other Working Group members (Australia, Cook Islands, New Zealand, Nauru, Solomon Islands and Vanuatu) for their achievements over the last year.
8. In particular, Members:
  - a) noted the regional training in June 2018 in Tonga on *Combatting online child abuse in the Pacific* and received in appreciation the booklet summarising the discussions and activities of the 2018 Cybercrime workshop.
  - b) acknowledged the funding secured from the Australian Department of Foreign Affairs and Trade's Cyber Cooperation Program for 2019 and 2020 to hold further regional cybercrime workshops and noted the in-principle agreement from Vanuatu to host the 2019 cybercrime workshop;
  - c) acknowledged the Working Group's proposed continued engagement with the Council of Europe, Interpol, Facebook and other experts to support the activities of the Cybercrime working group; and

- d) encouraged members to consider acceding to the Council of Europe's Convention on Cybercrime (Budapest Convention).
9. Members endorsed the proposed work plan of the Cybercrime Working Group, including a further two regional workshops on cybercrime in 2019 and 2020; and Members committed to ensuring on-going support for the work of the Cybercrime Working Group.

#### *Environmental Crime and Corruption*

10. Members thanked Mr Josaia Naigulevu, Director of Public Prosecutions, Vanuatu for his presentation on the recent bribery related prosecution in Vanuatu.
11. 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 (Australia, Cook Islands, Federated States of Micronesia, Palau, Republic of the Marshall Islands and Solomon Islands) for their work over the last year, including in particular, the development of the booklet *Who, Why, What of Whistleblower Protection for the Pacific*, which was gratefully received.
12. Members encouraged delegates to review the model internal whistleblower policy in the booklet, contextualise to their own jurisdiction and consider incorporating into an internal policy for their own agencies.

#### *Sexual and Gender Based Violence*

13. Members thanked Ms Alison Mills and Professor Fred Seymour for their presentation on counter-intuitive evidence and a recent example in the Cook Islands of implementing special measures for vulnerable witness.
14. Members noted the report from Samoa as the Chair of the Sexual and Gender Based Violence (SGBV) Working Group and thanked Samoa and the other Working Group members (Australia, Cook Islands, Federated States of Micronesia, Kiribati, Nauru, Niue, Papua New Guinea, Republic of the Marshall Islands, New Zealand, Solomon Islands, Tonga, Tuvalu and Vanuatu) for their work over the last year, including in particular, the development of the Model Provisions for amending *Evidence Acts* (or *Criminal Procedures Acts*) to incorporate special measures for vulnerable witnesses to sexual and gender based violence offences.
15. Members agreed that any comments or feedback on the draft Model Provisions will be provided to the Secretariat no later than 5 November 2018 and that if no further comments are received, the draft Model Provisions will be taken to have been formally adopted by Members.
16. Members noted the proposed regional training in March 2019 on implementing the PILON General Principles for obtaining the best evidence from vulnerable witnesses.
17. Members reiterated their commitment to addressing sexual and gender based violence in the region, including the importance of encouraging victims of domestic and sexual violence to report such crimes to the police.
18. Members committed to ensuring on-going support for the work of the SGBV Working Group.

## **Regional initiatives and updates from Observer Members**

### *Pacific Islands Forum Secretariat (PIFS)*

#### 19. Members:

- a) Thanked PIFS for its report and update on the outcomes of the Pacific Islands Leaders' Forum meeting in Nauru in September 2018; and
- b) Noted the *Boe Declaration* dealing with regional security cooperation, which was endorsed by Leaders at the Pacific Islands Forum in September 2018 and aligns with the current strategic priorities of PILON.

### *Australian Department of Foreign Affairs and Trade*

20. Members thanked the Australia Department of Foreign Affairs and Trade for the update provided on the proposed Australia-Pacific Security College and Pacific Information Sharing Network.

### *PILON Litigation Skills Program*

21. Members thanked New Zealand for the ongoing support provided through the PILON Litigation Skills Programme and noted the high quality of the training in litigation skills. Members noted the ongoing need for qualified and well trained lawyers in the region.

### *Asia-Pacific Group on Money Laundering (APGML)*

22. Members thanked APGML for their presentation and welcomed APGML's ongoing technical assistance to the region in implementing the standards set by the Financial Action Taskforce developing in particular model provisions on proliferation and terrorist financing and developing a mutual evaluation preparation guide.

### *Pacific Islands Chiefs of Police*

#### 23. Members:

- a) Thanked the Pacific Islands Chiefs of Police (PICP) for the update on its activities;
- b) Noted the adoption by PICP of a Pacific Methamphetamine Action Plan to tackle the increasing transnational crime threat of illicit drugs in Pacific Island countries, in light of the identification of illicit drugs (and in particular methamphetamine) as the highest transnational crime threat to the Pacific;
- c) Agreed that, to address the threat of illicit drugs, it is essential that countries have appropriate criminal law frameworks in place, and in this respect noted the stocktake and gap analysis of the criminalisation of methamphetamines presented by Australia at the 2017 annual meeting and re-committed to using this as a tool to consider and, if appropriate, progress illicit drugs law reform.
- d) Noted the partnership agreement between PICP, the Pacific Immigration Directors' Community (PIDC) and the Oceania Customs Organisation (OCO);
- e) Thanked Australia for the report on collaboration between PILON and PICP over the past year, particularly on the recent *Review of Pacific Child Abuse Offences*; and
- f) Agreed to use PILON's review and gap analysis report on the child abuse offences as a tool to consider and, if appropriate, progress law reform.

*University of the South Pacific*

24. Members:

- a) Emphasised the importance of the Pacific Legal Information Institute (PaLI) as an essential tool for legal practitioners in the region and committed to raising the issue of funding with their respective governments;
- b) Members thanked the USP for their update on a program for the training of lay magistrates through a Certificate Program on legal skills which commenced in 2018 in collaboration with the Pacific Judicial Strengthening Initiative (PJSI); and
- c) Members noted the possibility of an online cybercrime course, to be delivered in conjunction with the Council of Europe, with the intention that this be commenced in 2019.

*Regional Rights Resources Team (RRRT)*

25. Members thanked the RRRT for their update to PILON on recent activities of the team and noted the development of a regional network to support implementation of Pacific family violence legislation.
26. Members welcomed RRRT's offer to collaborate with PILON'S SGBV Working Group on SGBV-related issues.

*Pacific Immigration Directors' Community (PIDC)*

27. Members thanked the PIDC for their update on the ongoing efforts to address Pacific security issues, including through modernising Pacific immigration legislation.

*Pacific Legal Policy Capacity Development*

28. Members:

- a) Thanked Australia for the ongoing support provided through the Legal Policy Twinning Program, Legal Policy Champions Program and Pacific Legal Policy Network to develop PILON members' capacity to develop legal policy; and
- b) Noted the projects being progressed as part of the 2018 Legal Policy Twinning Program.

*Oceania Customs Organisation (OCO)*

29. Members thanked the OCO for their update to PILON on recent activities of the OCO, including to address border security issues, consistent with the *Boe Declaration*.

*Pacific Community (SPC)*

30. Members thanked the Pacific Community for their update and acknowledged the development of a legislative framework on non-communicable diseases.

*Pacific Legislative Drafters' Forum*

31. Members thanked the Pacific Islands Forum Secretariat (PIFS) for the report on the recent activities on the Pacific Legislative Drafters' Forum and welcomed the ongoing support for Pacific legislative drafting capacity. Members agreed to provide updates to the *Regional Legislative Drafting Action Plan*.

*International Committee of the Red Cross (ICRC)*

32. Members thanked the ICRC for their update to PILON on recent activities of the ICRC and noted the ongoing opportunities for PILON members to collaborate with ICRC on issues regarding international humanitarian law.

*International Federation of the Red Cross (IFRC)*

33. Members thanked the IFRC for their update to PILON on recent activities of IFRC, and welcomed the support that can be provided for policy and legislative development concerning disaster management and response.

**Country reports**

34. Members welcomed the country reports provided by PILON members on recent developments and issues of interest in their jurisdictions.

**PILON Governance**

*PILON Charter*

35. Members agreed to amend the PILON Charter, subject to amendments to:
- a) Replace 'means' in article 1(2) with 'includes'
  - b) Update articles 3(1) and 3(3) to reflect current membership
  - c) Remove article 4(4)(a)
  - d) Update article 5(4) to include: 'e. the PILON member country that is hosting the PILON Secretariat'
  - e) Remove the words 'printing and copying facilities for delegates, and providing Secretariat stationery and office supplies' and replace with 'and providing support to the PILON Secretariat'.
36. It was agreed by members that the PILON Rules of Procedure would be revoked.

*PILON Secretariat*

37. Members:
- a) Thanked the Secretariat for its report on activities during 2018;
  - b) Endorsed the Secretariat's 2019 work plan;
  - c) Noted the 2017-18 PILON Activities Financial Report and the 2017-18 Secretariat Operational Financial Report;
  - d) Noted the 2018-19 PILON Activities Budget and the 2018-19 Secretariat Operational Budget;
  - e) Thanked the Secretariat for its outstanding work in supporting members over the past year and in particular the heavy demands of supporting a large number of face to face meetings and teleconferences throughout the year; and

*PILON Strategic Plan*

38. Members:

- a) Noted that the 2016-2018 PILON Strategic Plan expires at this year's PILON Annual Meeting;
- b) Endorsed the 2019-2021 Strategic Plan, subject to the amendments agreed at the meeting, with three strategic priorities of Cybercrime, Sexual and Gender Based Violence and Corruption.

**Planning for 2019**

39. Members:

- a) Welcomed and accepted the offer of Samoa to host the 38<sup>th</sup> PILON Annual Meeting in 2019.
- b) Agreed that the Executive Committee will consist of the Cook Islands (Chair), Samoa (Incoming Chair), Australia, the Federated States of Micronesia, New Zealand, Nauru and the Republic of the Marshall Islands;
- c) Thanked the Cook Islands for hosting the 2018 annual meeting and their very generous hospitality.