



TALANOA

August 2021: Issue 2

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ANNOUNCEMENT



As we enter September 2021, the PILON Secretariat is happy to report to you on the recent work and activities undertaken by PILON since April.

The Covid-19 pandemic is still surging with the highly contagious Delta variant reported that it might cause more severe illness than previous strains in unvaccinated persons. On that aspect, all our PILON member countries' borders are still closed and endure restrictions of varying degrees. In the absence of physical meetings and conferences, PILON continues to hold webinars and produce live videos on the various Working Group projects.

The Cybercrime, Sexual & Gender Based Violence, and Corruption Working Groups hosted a variety of Webinars and we are delighted to report on them in this new edition.

Due to the importance of making digital and online connections this year, all these webinars have been uploaded onto the PILON website [PILON website \(www.pilonsec.org\)](http://www.pilonsec.org) and PILON Facebook page, so we encourage you to utilise these online resources and to keep in touch with the PILON Community.

PILON WORKING GROUP WEBINARS

Cybercrime - Addressing Child Sexual Abuse Material

This is the second of the two-part webinar series on 'Cybercrime and Children in a Covid-19 world'. This webinar was delivered on the 4th June and was chaired by the Attorney General of Tonga, Linda Folaumoetu'i:

<https://www.youtube.com/watch?v=GNmoEAVy3qQ&feature=youtu.be>

<https://pilonsec.org/our-work/working-groups/cybercrime/>

Increased use of the internet, social media and online platforms generally comes with many risks. The webinar explores one of these increasing risks; online child sexual abuse material (CSAM). This has grown in prevalence with increased access to technology and more daily interactions becoming increasingly prevalent and generating significant profit for facilitators.

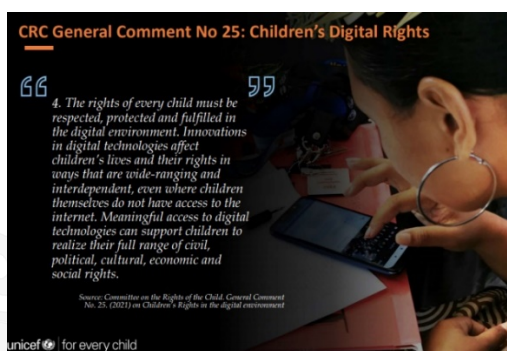


While these harmful practices take place online, and enable perpetrators to carry out these harmful activities with a level of anonymity, they translate to very real-world harms. The speakers were from the United Nations Children’s Fund (UNICEF), Australian Department of Home Affairs and the Solomon Islands Director of Public Prosecutions. They were:

- i. **Goimel Saolo** – UNICEF Child Protection Consultant, who supports the Ministry of Youth and Sports and Ministry of Justice and Community Services in Vanuatu to lead community-based and online child protection initiatives across the Pacific.
- ii. **Patrick Burton** – UNICEF Pacific Child Online Protection Consultant, who conducted a situation analysis of child online protection in the Pacific in 2019-2020, and is continuing to support various Government and non-government UNICEF partners in the Pacific region to implement the recommendations for online protection of children.
- iii. **Katie Hodges** – UNICEF Pacific Child Protection Specialist for social and behaviour change, who provided answers to questions at the end of the UNICEF presentation.

The UNICEF speakers also spoke about their research in the region. These researches covered negative online sexual experiences of children in the Pacific over the past year, other online sexual experiences over the past year with reference to some data collected from responses of children from Vanuatu, Tonga and Palau. Other research highlighted the responses/voices of children from Vanuatu in secondary school learners’ grades from 9-11. These data were collected in 2021.

Other information collected from Tonga include research with a focus on reporting and help seeking. One very notable finding was that the children were aware of risks that exist online on a superficial level and are most worried about hacking, cyberbullying, and only then encountering sexual content online.

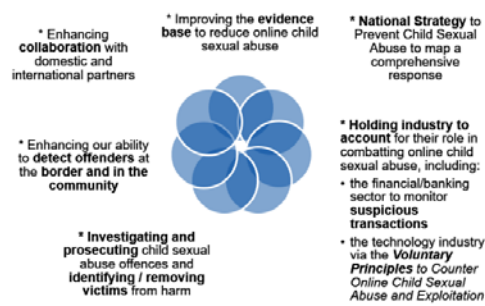


- iv. **Julie Zezovska** and **Kit Arjura** are policy experts from the Australian Department of Home Affairs Child Abuse and Family Violence Section. Both presented on Australia’s approach to addressing CSAM material.

- v. **Nathalie Espinoza** and **Cassandra Armstrong** from the Home Affairs Cybercrime and Online Safety Policy Section, Online Harms Policy Branch.

This part of the seminar, revealed that online child sexual abuse, both domestically and globally, is growing exponentially. Statistics provided were that within every five minutes, a webpage shows a child being sexually abused. The scale and complexity of this increasingly borderless crime is compounded by the continuing evolution of technology.

The Australian Government’s approach



Communication technologies have provided easier access to child abuse material, have enabled online coercion, manipulation and grooming of children, and also allowed for networks of offenders to come together and share abhorrent child abuse material and tradecraft. Other materials such as livestreamed child sexual abuse, including that which is ‘made to order’ or ‘pay per view’, are also used regularly.

The scale of the problem as reported is alarming. The National Centre for Missing and Exploited Children (NCMEC), the United States’ centralised clearinghouse for child abuse material to which US-based internet companies are legally mandated to report, received 21.7 million reports of suspected online child sexual abuse material in 2020. Over 93% of these reports were from Facebook. Just 6 years earlier – in 2014 – NCMEC reports surpassed one million for the first time in its 16-year history.

Sadly, child abuse material is not just becoming more prevalent but also more extreme. Research by the Internet Watch Foundation showing that the majority of online material contained images of children aged 13 years and under.

The COVID-19 pandemic has compounded the threat of child abuse in various ways.

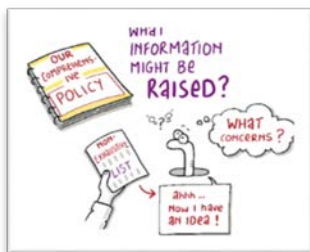
Isolation requirements have increased the time that children and offenders are spending at home and online, and offenders are actively seeking to exploit these conditions to offend.

vi. **Rachel Olutimayin** - the Director of Public Prosecutions in the Solomon Islands shared the Solomon Islands' experience of prosecuting CSAM cases using their existing legislation, including challenges and opportunities.

In her presentation, Rachel mentioned that while the Solomon Islands does not have specific cybercrime legislation, they do have Section 144 of the Penal Code (Amendment) (Sexual Offences) Act 2016, which they can use to prosecute offences relating to Child Sexual Abuse Material. She spoke also that most of the cases that come to their office involve sexual grooming of children. Most of the offensive images are downloaded from the internet and some are now being locally made.

Rachel also shared that despite not having specific cybercrime legislation, the Solomon Islands are not turning a blind eye to cyber related offences against children and will continue to use other legislation to bring offenders to justice. Where offenders cannot be charged for cyber related offences because of evidential deficiencies, they are charged and convicted under other legislation, and they use relevant facts as aggravating factors of the offending, at the sentencing hearing. Rachel emphasised that this carries a lot of weight with courts in the Solomon Islands.

Corruption – Whistleblower Protections



The PILON Corruption Working Group, in partnership with the United Nations Pacific Regional Anti-Corruption (UN-PRAC) Project, are pleased to announce the release of the second and

third webinars in our three-part series on Whistleblower Protections. The webinars can be accessed on the **PILON website members' zone**.

UN-PRAC is a joint UN Office on Drugs and Crime and UN Development Programme initiative.

The second webinar is titled **Legal and policy protections for whistle-blowers**. **Dr Ashley Savage**, a whistleblowing consultant for UN-PRAC discusses the elements that should be included in a good whistleblower policy and law, the role of organisations in creating strong internal whistleblower policies and some gender specific issues to keep in mind when thinking about reporting mechanisms and ways to mitigate against the risks of retaliation.

The key focus of the webinar is to consider legal protections for the whistle blowers and how that might be dealt with in whistleblower protection laws, continuing on from the issues raised in the previous webinar. Additionally, a focus is placed on the role of organisations and looking at how a whistleblower protection policy could be drafted, including a checklist of key things specifically that organisations should include in such a policy.

There are 2 separate ways a law can provide protections to whistle-blowers. The first way is post detriment or post dismissal only. This is where the law would say that a person who suffers from detrimental treatment or dismissal can make a legal claim. This is after something bad has happened and then the person makes a legal claim to obtain some form of damages or try and get reinstated back in their job.



The second way is a pre-detriment or dismissal. This is where there is something to deter wrongdoers from taking action against the whistleblower, as well as actions that can be taken post-detriment or post-dismissal.

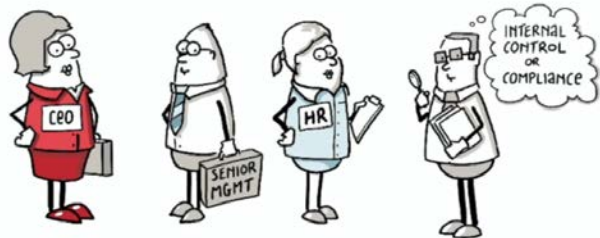


A very strong deterrent for protection of a whistleblower is **confidentiality**. This is the organisation should ensure that every step be taken possible to safeguard the protection of the identity of the person coming forward with the information. We should also make sure that there are strong criminal or civil penalties for making an unauthorised disclosure of that person's identity, because of the negative consequences of that person's identity is being revealed.



The third webinar was titled **Practical advice on setting up a whistleblower policy and reporting mechanisms**.

This webinar was also presented by *Dr Savage*, and was full of detailed, hands-on suggestions for organisations that wish to establish a whistleblower policy in their workplace.



The webinar covered issues such as who to consult when establishing a whistleblower policy, the things that you need in a strong policy, and the dangers or pitfalls that you should avoid.

The webinar covered the ways that an organisation could accept reports from a whistleblower, and the importance of providing multiple options that can accommodate people who prefer to talk to someone in person, as well as a whistleblower who wants to remain anonymous.

Sexual Gender Based Violence (SGBV) – Video Project

The SGBV WG initiated the production of a series of videos, to capture positive stories from around the Pacific about supporting vulnerable witnesses. These videos are highlighting significant efforts by Pacific Island justice agencies to provide better treatment and services for victims and witnesses of crimes.

The first video features three prosecutors from the Solomon Islands (SI) Department of Public Prosecutions who share their experiences of supporting vulnerable witnesses in the criminal justice system.

The prosecutors shared that prosecuting SGBV offences was not always a straightforward case nor easy, and there are challenges when working with different vulnerable witnesses in different categories such as young children, witnesses with disabilities, young under-aged girls and others.

Cases involving SGBV are very sensitive and it is crucial that methods to support vulnerable witnesses are made available. They shared that the SI Evidence Act 2009 sets out measures to support vulnerable witnesses and they can apply for a closed court, can ask for screening or obscuring of the accused from the vulnerable witness and can also ask

for a support person to sit in with the vulnerable witness. They can also request the court to restrict any publication of evidence for these cases.

The prosecutors shared two detailed case studies. The first is about a successful prosecution with the use of an audio video facility for giving evidence by a vulnerable witness. The second is about an unsuccessful application for the use of a screen during a prosecution and the impact this has on the vulnerable witness.

It is hoped that sharing experiences such as these may assist in providing ideas and motivating PILON members to continue to improve relevant processes, policies and legislation in their countries.

You can access this video and stories on the **PILON website members' zone**.

PIDC, PTCC AND PILON UPDATE

On the 14th May 2021, the 3 regional agencies hosted in Apia, Samoa met and provided updates on their most recent work and activities amid COVID restrictions.

The *Pacific Immigration Development Community (PIDC)* was established in



1996, and is a forum for official immigration agencies of the Pacific Region. They discuss issues of mutual interest and foster multilateral co-operation and mutual assistance aimed at strengthening members' territorial borders and the integrity of their entry systems.

PIDC Vision is a secure international movement of people for safe and prosperous Pacific Communities. PIDC has 22 members including Australia and New Zealand.





The **Pacific Transnational Crime Coordination Centre (PTCCC)** is located in Apia, Samoa and is responsible for coordinating and analysing criminal intelligence data in the Pacific region.

The Australian Federal Police invested in supporting law enforcement in the Pacific region to combat crime and to be self-sufficient. The PTCCC is a vital component of this joint policing approach and provides a central point for the exchange of criminal intelligence, not only between Pacific nations, but also the wider international law enforcement community.

The PTCCC was first opened in Fiji in 2004, bringing together law enforcement, customs and immigration agencies from across the Pacific to tackle transnational crime. It has been relocated to Samoa as a base for the network of Transnational Crime Units in various Pacific nations.

PILON COLLEAGUES APPOINTED AS JUDGES

Judge Claire Loek



In June 2021, the Republic of the Marshall Islands (RMI) prosecutor Ms Claire Loek was recently appointed by Cabinet and confirmed for the position by Nitijela, as Associate Judge for the Traditional Rights Court of RMI. She has been an Assistant Attorney General and registrar of corporations for the RMI for many years.

Judge Loek grew up observing and participating in Marshallese customary and traditional practices and is well informed on the customary law and traditional practices of the Marshall Islands.

Judge Loek graduated from the Marshall Islands Mission Academy (SDA High School) in 1993 and earned her LLB Degree (Bachelor of Laws) from the University of the South Pacific in June of 2015.

Senior Magistrate. Ms. Corrina Ituaso Laafai

Tuvalu also appointed senior prosecutor Ms Corinna Ituaso Laafai as a Senior Magistrate.

Ms. Laafai, hails from the Island of Nanumaga. She is a lawyer and has served as a Crown Counsel in the Office of the Attorney General before she became the new Senior



Magistrate. Laafai is the first local lawyer to be appointed to the position of Senior Magistrate.

Ms. Laafai holds the following academic qualifications: BA in Politics, Bachelor of Legal Legislation (LLB), Professional Diploma in Legal Practice and a Graduate Certificate in

Public Administration, all from the University of the South Pacific, Suva, Fiji.

Both judges were members of the PILON SGBV Working Group and our PILON family wishes them both all the best in their new journeys.

THE PRP YOUTH FORUM



The Pacific Resilience Partnership (PRP) held a Youth Forum in July and PILON Secretariat attended this 3-day meeting. The meeting was opened and closed by the Prime Minister of Tuvalu.

The theme of this meeting was “Our people, our journey: nurturing Pacific resilience from home”. It emphasises that building resilience starts with our people, our homes and our communities and recognises that our Pacific people have been culturally and traditionally resilient whilst at the same time embracing new and modern challenges and opportunities.

PRP is Pacific-owned and Pacific-led, and provides a platform that elevates and demonstrates relevant Pacific-led resilience actions that inspire learning and connection through diverse and inclusive approaches from our home to the global stage.

It also emphasises that we all have a responsibility and are accountable through the actions and approaches we take for a resilient Pacific.

Information and knowledge sharing, learning and improving from our experiences is key to ensure that, as a collective, our journey towards a resilient future is achievable.



Ms Vapuak has developed a comprehensive issues paper on proposed reforms, including options to increase the penalty for domestic violence. The projects are high priorities for the respective governments, with COVID-19 driving a global spike in rates of family and domestic violence, and sexual offences in general.

UPCOMING EVENTS

'Addressing Image-Based Abuse' webinar: Part 2

The Cybercrime and SGBV Working Groups are pleased to announce that Part 2 of the 'Addressing Image-Based Abuse' webinar will be held via zoom on **Thursday 23 September 2021 at 1pm Apia time**. Panellists will include representatives from Tonga Police, the Australian eSafety Commissioner and New Zealand Crown Law. To submit your interest and receive a link to join the webinar, please register your details via this zoom link:

<https://us06web.zoom.us/join/93JUZEszMjhTcqL81MLi9UO>

Please keep an eye out for the recording of Part 1 of this webinar and the webinar poster, which we will share in the coming weeks.

Thank you for your support and we look forward to e-seeing you soon.

AUSTRALIAN ATTORNEY-GENERAL'S DEPARTMENT – TWINNING PROGRAM

The Australian Attorney-General's Department (AGD) held its first remote Pacific Legal Policy Twinning Program from 17 May to 26 July 2021, successfully partnering with Solomon Islands and PNG officials on two sexual and gender-based violence projects.

AGD officers partnered with their Pacific counterparts using Zoom and email, offering joint sessions for regional networking and collaboration. AGD convened discussions between Pacific Twins and Australian and New Zealand law and justice officials and academics to support professional development and project needs.



Ms Margaret Suifaásia, Chief Legal Officer, Office of the Director of Public Prosecutions Solomon Islands, developed best-practice Guidelines for prosecutors and witness support officers to assist complainants throughout the prosecution of sexual offences. She also developed information brochures to help adults and young children give evidence in the Magistrates Court and the High Court.



Ms Racheal Vapuak, a Lawyer at the PNG Department of Justice and Attorney General, reviewed the Family Protection Act 2013 and Family Protection Regulation 2017 to strengthen laws on family and domestic violence.