



Attachment C

PILON COUNTRY REPORT TEMPLATE

Please return this completed report to the PILON Secretariat (coordinator@pilonsec.org) by no later than **cob Thursday 30th September 2021**, to facilitate timely circulation to PILON members prior to the meeting. Please advise if you do not wish your Country Report to be made available on the PILON website.

COUNTRY REPORT PRESENTATION:

PILON Annual Meeting 2021 will be much shorter than previous years due to the constraints of meeting through a virtual platform. As the country report presentations are typically allocated 3 hours of meeting time, it will be a challenge to hear directly from each PILON member country. The Secretariat welcomes oral updates to the meeting this year on an opt-in basis. Please advise the PILON Secretariat by Tuesday 31st August 2021 if you wish to present a short update, so that we can allocate time on the agenda.

The time for presentation will be strictly limited to **ten (10) minutes** for an oral presentation but possibly less if there is a large uptake of countries wanting to present. We ask that the focus of the oral presentation be on **one key law and justice achievement** that is relevant to **one** of the PILON Strategic priorities; Sexual and Gender Based Violence, Cybercrime, Corruption.

A key law and justice achievement could include, for example, a report on any recent legal reform, a review or introduction of important legislation or accession to a new international treaty.

It is not necessary to prepare a power point presentation for this update; if a presentation is prepared it must be submitted to the Secretariat by the due date.

COUNTRY REPORT WRITTEN SUBMISSION:

The Country Report written submission should be limited to 10 pages and include the following titles:

1. Major law and justice sector developments and achievements

Parole Act

A new legislation passed by last Parliament session (23rd – 27th August, 2021) to allow offender who were sentenced more than 5 years or more to apply for parole upon the expiry of the following periods:

- a) 15 years for every offender undergoing life imprisonment sentencing;
- b) in the case of general offender, serving half of the term of imprisonment;
- c) in the case of child offender, one third of the term of imprisonment;

or such period fixed by court having regard to the circumstances of the case and offender.

Workman Compensation (Amendment) Act 2021

It allows dependent of the workman who caused his/her death at the time performing his duties to claim 36 months 'earning or \$25,000 or whichever is less

Constitution Amendment Act

This Act amends Section 55 (2) of the Constitution to remove both references to age restrictions for the appointment of the Governor General.

This Act amends Section 55 (3) (c) of the Constitution to remove the reference to age when the Governor General performs the functions of the Head of State.

Judiciary Reform

Island Court (Repeal) Act- to abolish Island Courts on each island of Tuvalu.

Native Land (Amendment) Act – to abolish Lands Court and Lands Appeal Panel.

Magistrate Courts (Amendment) Act – to delete any word within the Act reflects Island Court, Lands Court and Lands Appeal Panel, and to be absorbed their authority and jurisdiction by Magistrate. Any land matters that normally heard by Lands Court will be given to the Senior Magistrate to adjudicate if the two parties consent to it. It also gives power to the Senior Magistrate to appoint 3-5 assessor that are well versed with traditions and customs of each island. The amendment also allow court sittings to be done virtually.

These reforms will commence next year.

Appointment of High Court Judge

On 8th April 2021, the Acting Head of State appointed the High Court Judge Sir John Muria from the Solomon Island as resident High Court for Tuvalu. The ceremony was done virtually, however no case has ever been decided since his appointment (no virtual court). The High Court Judge still remains in Fiji due to border closure.

[Countries are encouraged to report on recent developments and achievements in the law and justice sector (e.g. establishment of a new court).]

2. Significant court decisions

The High Court have few cases delivered electronically and none related to the PILON strategic areas

[Countries are encouraged to report on recent court decisions which may be of interest to members.]

3. PILON strategic priorities

[Countries are encouraged to provide an update in relation to the three PILON strategic priorities, on relevant domestic developments (introduction or amendment of legislation, significant court decisions, policies or practices introduced, institutions established), challenges faced, or other observations.]

[Please indicate whether any PILON activities or resources (listed below) are relevant for your jurisdiction and whether they have been used, or are intended to be implemented in the future and what further support might be needed.]

(a) Cybercrime-

- a. The Cybercrime Bill is yet to be tabled in Parliament unless the ICT Policy is finalised and endorsed.

(b) **Corruption-**

- a. The Office of the Attorney General is working closely with Government departments and agencies on responding review questions from Afghanistan in regards to the Draft Country Review Report of Tuvalu.

(c) **Sexual and Gender-Based Violence-**

- a. Child Protection Bill is pending for cabinet's response on whether to table in Parliament or put on hold. However the Bill is ready and all consultations were made with outer-island and communities
- b. Police Service continues with their awareness programs on Domestic Violence with island, women and youth communities.

4. Technical legal assistance

[Countries are encouraged to identify main law and justice training priorities or technical assistance needs, as well as any significant or particularly useful law and justice training or technical assistance that has been provided to the country in the last 12 months.]

Technical Assistance-

Cybercrime

Climate Change

Disaster Law

Intellectual Property Law

5. Contact information for key law and justice agencies

[Including but not limited to: Attorney General's Office, Ministry of Justice, Directors of Public Prosecutions, Crown Law Office, Courts, Law Reform Commission, People's Lawyer, Office of Parliamentary Counsel, etc.]

Agency	Key responsibilities	Contact person and position	Phone number and email
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Office of the Attorney General	Principal Legal Adviser to Government and Parliament	Eselealofa Apinelu Attorney General	eselealofa@gmail.com
Office of the Attorney General	<ul style="list-style-type: none"> - Heads the Criminal Division - Represent the State in criminal cases 	Efren Jogia Senior Crown Prosecutor	efrenjogia@gmail.com
Office of the Attorney General	<ul style="list-style-type: none"> - Assist the Attorney General in areas of civil litigation and legal drafting, 	Vaipuna M Liai Crown Counsel	vyunaliai@gmail.com
Office of the People's Lawyer	Provide legal aid services to members of the public.	Nele Semu Tusipese People's Lawyer	winsconsinusa@gmail.com
Office of the People's Lawyer	Provide legal aid services to members of the public.	Fa'au'i Ekapale Telii Assistant People's Lawyer	faauitelii@gmail.com
Office of the Ombudsman and National Human Rights Institution	<ul style="list-style-type: none"> - The Ombudsman investigate any complaint against any breach of the Leadership Code - Investigate any complaint by a resident of Tuvalu against the unfairness of a decision or action made by a public office - Promote Human Rights 	Saaga Talu Chief Ombudsman	saagatalu@gmail.com

Office of the Judiciary	<ul style="list-style-type: none"> - Senior Magistrate of the Magistrates Court - Heads the Administration of the Office of the Judiciary especially administration work for lower courts 	Corinna Ituaso Laafai Senior Magistrate	seniormagistrateoj@gmail.com
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