



PILON COUNTRY REPORT

CROWN LAW OFFICE

GOVERNMENT OF NIUE

This report provides an overview of the recent developments and achievements within Niue's law and justice sector over the past year. It highlights major legislative reforms, and the progress made in addressing key strategic priorities. The report examines ongoing challenges and initiatives undertaken to bolster legal frameworks and improve justice delivery whilst providing an insight into Niue's evolving legal landscape and commitment to enhancing governance and legal effectiveness in the region.

1. Major law and justice sector achievements

a. Constitutional Reform

The recent referendum on 31 August 2024 saw the people of Niue vote to pass the changing of the title of the country's leader from 'Premier' to 'Prime Minister'. This change marks a significant shift in the political terminology, aligning Niue more closely with other Commonwealth nations. The referendum also resulted in the passage of a bill to change all references from the 'New Zealand Audit Office' to the 'Governor Generals Office' in reflection of current practices.

The referendum did not pass the proposed bill to increase the term of the government from three to four years. The people of Niue opted to maintain the current three-year terms for their legislative assembly. The bill proposed to increase the number of Cabinet Ministers from four to six, while abolishing the role of Members Assisting Ministers, was also declined by voters. The Cabinet will therefore continue to consist of four ministers.

b. Amendments to Sexual Offences

One of the most significant legal reforms in the last year, is the decriminalisation of homosexuality in Niue. The offence of buggery has been removed from the Niue Act, marking a critical step forward in human rights. The definition of rape has been expanded to include male victims, reflecting a more inclusive understanding of sexual violence and recognising that such crimes can affect all genders. The penalties for sexual and gender-based crimes have also increased. This amendment demonstrates Niue's commitment to combating these serious offences and protecting victim's rights.

c. Strengthening the Justice Sector

Niue recently strengthened its judiciary by enhancing the capabilities of the Niue High Court. This includes the implementation of digital systems to streamline case management and improve access to legal resources. The court has also introduced virtual hearings, allowing

for greater flexibility and efficiency in handling cases, especially considering the challenges posed by geographic isolation.

d. Anti-Corruption Efforts

Niue is continuing its efforts to strengthen its legal framework to combat corruption. As part of these efforts, Niue is scheduled to undertake its Anti-Money Laundering in country review at the end of this year. Additionally, Niue will conduct the United Nations Convention Against Corruption in country review early next year. These reviews are essential components of Niue's broader strategy to enhance transparency, accountability and governance.

2. Significant court decisions

Crime rates in Niue remain remarkably low, with police typically handling a couple of cases per month. This low incidence of crime is partly attributed to the small population and low rate of crime reporting. Niue's close-knit community and strong social bonds also play a significant role in maintaining this level of safety.

However, Niue faces challenges similar to those in other Pacific jurisdictions, particularly in the area of land ownership disputes. These disputes are relatively common and reflect the complexities of land administration in a small island community where land is held communally and passed down through generations. The Niuean legal system frequently deals with cases involving land boundaries and ownership, illustrating the importance of clear and effective land management policies.

In the past 12 months, while there may not have been any particularly groundbreaking court decisions, this in itself is indicative of the overall stability and safety in Niue. The absence of significant cases underscores Niue's reputation as a safe place to live, where serious crimes are rare, and the legal system primarily addresses civil matters.

Niue's legal system continues to focus on maintaining this peace while addressing the practical issues that arise in a small unique jurisdiction.

3. PILON strategic priorities

a. Cybercrime

Niue is currently revising its cybercrime legislation to align with international standards, incorporating provisions that address emerging threats such as online child exploitation provisions and cyberbullying. This aligns with legislative overview efforts across the Pacific to ensure consistency in combatting cybercrime.

b. Corruption

Niue has been actively working to strengthen its anti-corruption measures, particularly by aligning its efforts with international standards and regional cooperation frameworks. Niue is focusing on enhancing transparency, accountability, and the integrity of the public sector to combat corruption more effectively.

Recent efforts include implementation of anti-corruption strategies that are in line with the United Nations Convention against Corruption, as well as participation in regional initiatives

under the Asia-Pacific Economic Cooperation. Niue is committed to improving legal frameworks, increasing public awareness, and fostering cooperation with both domestic and international organisations to prevent and address corruption.

c. Sexual and Gender-Based Violence (SGBV)

Following the publication of the Regional Guidelines for Prosecutors and Witness Support Officers, Niue has begun implementing these guidelines to better support vulnerable witnesses in SGBV cases. This includes specialised training for law enforcement, legal practitioners, community affairs and Ekalesia Niue as support services and Commissioners from the judicial arm, on how to handle such cases with sensitivity and care.

In the last 12 months, the Crown Law Office has delivered two workshops on the Family Relationships Act to relevant stakeholders. These workshops aimed to broaden the understanding of the Act's objectives and the application of the criminal offence of domestic violence, which was introduced by the Act, prior to this, domestic violence cases were handled under the offence of assault from the Niue Act. This development ties into broader SGBV efforts by improving the legal framework and responses to such violence.

4. Significant issues affecting the law and justice sector, and options to address these issues

The law and justice sector in Niue faces challenges related to limited resources, both in terms of skilled personnel and financial support. There is a need for ongoing training and capacity building, especially in areas such as cybercrime, corruption, and SGBV, to keep pace with evolving legal standards and emerging threats.

Geographic isolation and limited resources continue to impact access to justice in Niue. Although recent improvements have been made, there is still a need for enhanced digital solutions and better connectivity to ensure that all the people of Niue can access legal services.

5. Significant initiatives/projects involving the member country and its law and justice sector

The government has launched campaigns to raise awareness about cybercrime and corruption. These initiatives aim to educate the public about their rights and legal frameworks in place to protect them, encouraging greater community participation in upholding the rule of law.

6. Technical legal assistance

Niue requires technical legal assistance in several areas to strengthen its legal and justice systems. Primary needs include capacity building in areas such as anti-corruption measures, cybercrime, and the enforcement of sexual and gender-based violence laws. Niue requires support in development and implementation to update legal frameworks to align with international standards.

In the last 12 months, Niue has received technical assistance from various international organisations and regional bodies. This assistance includes training and workshops on corruption and protection of vulnerable witnesses in cases involving sexual and gender-based violence. These initiatives have been supported by PILON and other regional partners, helping Niue to enhance its legal capacity and implement effective legal reforms.

This ongoing support is crucial for Niue as it continues to navigate challenges related to legal expertise and resource limitations, aiming to bolster legal infrastructure to meet both domestic needs and international obligations.

7. Contact information for key law and justice agencies

Agency	Key responsibilities	Contact person and position	Phone number and email
Crown Law Office	Legal advice and representation, legal policy development, international law and relations, public law matters, training and capacity building, litigation management	Mr. Justin Kamupala – Solicitor General Mrs. Elizabeth Bestgen – Senior Crown Counsel	Justin.kamupala@gov.nu Elizabeth.bestgen@gov.nu
Department of Justice, Lands and Survey and Community Affairs	Administration of justice, land administration, surveying and mapping, land tenure and land use policy, Victim Support	Mr. Darren Tohovaka – Secretary of Justice	Darren.tohovaka@gov.nu
Prosecutions Division – Niue Police	Case Management, law enforcement	Mr. Romeo Jackson - Prosecutor	romeo.jackson@gov.nu

NZ PCO	Legislative drafting	Cathy Rodgers – Parliamentary Counsel	cathy.rodgers@pco.govt.nz
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