



PILON - Sexual and Gender Based Violence Workshop, 25 - 27 March Apia, Samoa

In March 2019, the PILON Sexual and Gender Based Violence (SGBV) Working Group held a workshop on providing *Quality Evidence without Re-Victimisation: Promoting Special Measures for Vulnerable SGBV Complainants*.

The Attorney General's Office of Samoa hosted the workshop, with funding from the Australian Government and the Regional Rights Resource Team (RRRT) of the Pacific Community. It brought together Honourable members of the judiciary from across the Pacific, including NZ and Australia, senior lawyers and police from 14 Pacific Island countries. The Pacific island countries that participated are Fiji, Cook Islands, Federated States of Micronesia, Kiribati, Nauru, Niue, Papua New Guinea, Palau, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tuvalu, Vanuatu and Tonga, together with Australia and New Zealand.

SGBV is a significant problem across the Pacific region. The Prime Minister of Samoa,



From Left: The Samoan AG Retzlaff, Pastor Va'a Teueli, PM Samoa Tuilaepa Malielegaoi and HE Sara Moriarty, Australian High Commissioner

Mr Tuilaepa Sialele Malielegaoi, who opened the workshop, noted that domestic physical assaults can sometime be the tip of the iceberg, with other serious crimes committed against persons in vulnerable domestic situations, including our young children. He reinforced to delegates that the Samoan Government takes the fight against domestic violence very seriously. The costs of sexual and gender based violence to Pacific communities, including Samoa, are high and place enormous burdens on health, law and justice and other Government systems. The costs of SGBV, which limit full participation by women and girls in social, political and economic life holds back the development of Pacific Island countries.

What do we know?

Throughout the Pacific nations:

- 64% of women involved in intimate relationship have experienced sexual or physical violence
- 61% physically attacked, 34% sexually harmed
http://www.alnhuanet.com/english/2018-06/29/c_137290281.htm
- 70% of females suffer domestic violence abuse
- More than half of female population have been raped
- 78% of females have been physically assaulted by husbands
- 86% of children have been subject to physical violence
- 86% women experienced IPV (physical)
- 9.5% female respondents reporting to have been raped by a family member in their life time

A VIOLENT WORLD

Health Consequences

- **Physical** (e.g. brain injuries, chronic pain syndromes)
- **Psychological** (e.g. cognitive impairment, depression)
- **Behavioural** (e.g. substance abuse)
- **Reproductive** (e.g. STI's, unwanted pregnancy)



Vaiao Eteuati presenting their groups case report

In keeping with the commitment by Pacific Leaders at the Pacific Islands Forum in 2009 and the Pacific Leaders Gender Equality Declaration in 2012, PILON member countries have recognised that contributing to the eradication of SGBV through effective law and justice responses continues to be one of its key strategic priorities.

Pacific leaders, including Tuilaepa, have acknowledged the high rates of SGBV in Samoa and across the Pacific region and have committed to eradicating SGBV and ensuring all individuals have equal protection of the law and equal access to justice.



From Left: Judge Farish (NZ), Justice Gill (Australia), Judge Honora (Palau), Judge Witton (RMI)

The Workshop focused on implementing the [PILON General Principles for Obtaining the Best Evidence from Vulnerable Witnesses to SGBV](#), a regional document prepared by PILON for Pacific Island countries. A copy of the General Principles, which are publicly available, can be found at www.pilonsec.org.

The PILON General Principles were drawn upon the principles set out in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. They identify broad concepts that underpin best practice policies and procedures for protecting the interests of vulnerable witnesses of SGBV offences during criminal proceedings.



From Left: Judge Alalatoa Samoa, David Wells, Justice Tuatagaloa and Justice Nelson. Behind Alalatoa is Master of the Fiji High Court, Siainiu Faalogo-Bull

The General Principles are designed to assist a vulnerable witness who interacts with the criminal justice system. Vulnerability can be because of age and maturity, cognitive impairment or specific factors (such as isolation, stress and anxiety) and it can result from resulting being a survivor or witness of an SGBV offence, due to the relationship dynamics at play. While broadly applicable to the entirety of the criminal justice process, including from when an alleged offence is first reported and investigated by police, the main focus of the principles is the criminal trial and prosecution process.



From Left: Inspector Efo, Samoan Police; Charlotte Brooke, NZ Crown Law; Ross Elwood, NZ Police and Lemalu Herman Retzlaff, AG of Samoa

Implementation of the principles is intended to minimise distress experienced by vulnerable witnesses and maximise the ability of these witnesses to give reliable and truthful evidence in SGBV court proceedings. In doing so, the Principles seek to ensure that the criminal process does no further harm to the person and that their safety is prioritised while ensuring a fair trial for the accused. Maximising the ability of vulnerable witnesses to provide their best evidence and preventing their re-traumatization may also improve trust in the criminal court process, thereby increasing the likelihood of reporting of SGBV offences.

Delegates to the PILON SGBV workshop were able to identify a number of new practices that they could begin implementing on their return home and were enthusiastic about improving court processes to better support vulnerable witnesses in their jurisdiction.



From Left: Tafailagi Peniama, Lucymaria Sio, and Fuifui Ioane presenting their groups final report

The PILON SGBV working group will continue to support PILON members on implementation of the General Principles and are currently working on model provisions to encourage the enshrining of some of these practices in legislation.

The PILON Secretariat would like to acknowledge the invaluable contributions made to the Conference by all distinguished speakers, delegates and others that made this event possible, in particular the staff from the Pacific Community's RRRT whose support for this workshop was greatly appreciated.



From Left: Ross Ellwood, NZ Police, Dr Julia Ioane AUT, NZ, Kieran Raftery, QC, NZ Bar

Pacific Human Rights Law Digest Vol 6

28 March Apia, Samoa

One of the highlights of the SGBV Workshop was the launching of RRRT's Pacific Human Rights Law Digest, Volume 6. To officially open the ceremony was Justice Vui Nelson and members of the Samoa diplomatic core, government officials, and all SGBV delegates were invited.



From Left: Danica Waiti, Neomai Maravuakula, Justice Vui Nelson, Lemalu H. Retzlaff, and Alexander Su'a

This is the sixth volume of the *Pacific Human Rights Law Digest* (PHRLD) produced by the Pacific Regional Rights Resource Team (RRRT) of the Pacific Community (SPC). The previous volume (Volume 5) was released in September 2015.



Justice Vui Nelson officially launched the Pacific Human Rights Law Digest

Over the past 20 years RRRT has been working with, and has engaged in training of, members of parliament, non-governmental organisations, law students, lawyers, magistrates and judges in the Pacific region. This training has focused on encouraging the use of conventions, international standards and constitutional bills of rights in the courts and contributed to increased reliance on, and use of, these instruments by magistrates, judges and lawyers across the region.

The overall purpose of this *Pacific Human Rights Law Digest* is to disseminate, for use by Pacific law students, lawyers, magistrates, judges and human rights advocates, a collection of analysed, recent human rights case law that can be used as precedents in the courts, and as tools for policy initiatives.

The PHRLD is not just for lawyers, but also for human rights activists and other stakeholders. It is therefore not just a compilation or compendium of cases with headnotes, as commonly found in law reports, but rather it is an analysed summary of judgments, highlighting significant human rights issues.



Delegates at the RRRT PHRLD launch

SPC's RRRT has a vast network of local-level human rights defenders who are increasingly using the law as a tool for change in the areas of governance and human rights. The experience of this network of human rights actors has now been reflected in the Diploma in Leadership, Governance and Human Rights, which is jointly sponsored by SPC's RRRT and the University of the South Pacific (USP), and is offered through 12 USP campuses in the Pacific region.

RRRT's ultimate objective is to help to build a human rights culture that enhances the rule of law and democracy in the Pacific region. Promoting the use of human rights standards in law, practice and policy is part of RRRT's broad, long-term strategy for achieving that goal.



Staff of the Samoan Attorney General's Office

PILON Executive Committee Meeting

29-30 April Nadi, Fiji

The PILON Executive Committee met at the Nalagi Hotel in Nadi, Fiji on the 29-30 April 2019.

In attendance were Committee members, Chair, Mr Stuart Baker, Solicitor General, Cook Islands, Incoming Chair, Mr Lemalu Hermann Retzlaff, Attorney General, Samoa, Ms Karen Moore, Assistant Secretary, Australia, Mr Joses Gallen, Secretary for Justice, FSM, Mr Graham Leung, Secretary for Justice and Border Control, Nauru, Ms Jo Mildenhall, Senior Crown Counsel, New Zealand, and Mr Johnathan Kawakami, A/g Attorney General, RMI.



From Left: Johnathan Kawakami, Karen Moore, Lemalu Hermann Retzlaff, Jo Mildenhall, Hon. Joses Gallen, Sasae Walter and Stuart Baker

The Executive Committee welcomed presentations from the Pacific Islands Forum Secretariat including the Pacific Legislative Drafters Technical Forum, the United Nations Pacific Regional Anti-Corruption Programme (UN-PRAC), the Pacific Community's Regional Rights Resource Team (RRRT) and Oceania Customs Organisation. The Committee embraced the opportunity to engage with these regional organisations and investigated options for further strengthening PILON's working relationship with fellow Pacific agencies and coordination of activities across the region.

Photo Gallery

Following the successful and well received workshop on special measures for victims of Sexual and Gender Based Violence, funded jointly by RRRT and PILON, the Committee encouraged further collaboration as the forward work plans of the two organisations continue to complement one another. The workshop, held in Samoa in March 2019, demonstrated the value of partnership and regional teamwork on these important issues facing the Pacific law and justice community.



From Left: Johnnathen Kawakami, Karen Moore, Sasae Walter, Lemalu Hermann Retzlaff, Stuart Baker, Jo Mildenhall, Hon. Joses Gallen, Graham Leung

The Committee took advantage of the opportunity to explore continued and increased collaboration with UN-PRAC on Corruption issues into the forward years of PILON's Strategic Plan and discussions will be ongoing with this key regional stakeholder to ensure that efforts are joined up and coordinated.

The Executive Committee reviewed PILON's progress in the key areas of Cybercrime, Sexual and Gender Based Violence and Corruption, as well as broader governance matters and preparations for the 2019 Annual Meeting. Updates on progress towards PILON's key strategic priorities will be provided at the 38th PILON Annual Meeting to be hosted by the Samoan Office of the Attorney General, at the Taumeasina Island Resort, in Apia from the 4th - 7th November 2019.



From Left: Viliame Wilikilagi, PIFS; Graham Leung; Johnnathen Kawakami; Jo Mildenhall; Stuart Baker; Karen Moore, AGD; Mihaela Stojkoska, UNPRAC; Nola Faasau, PIFS; Joses Gallen; Tevita Tupou, OCO



Judge Witton RMI, Justice Vui Nelson Samoa, Justice Mata Tuatagaloa Samoa



Delegates from PNG, From Left: Rachel Vapuak, Leslie Mamu, Linda Shank, Mercy Tamate, Friedrick Kirriwom



Delegates visiting Robert Louis Stevenson Museum



From Left: Dolyn Tell, Palau; Gemma Nelson, Samoa; Stephanie Dunn, Fiji; Rebecca Ngirngegbedangel, Palau



From Left: Khylee Quincee AUT, NZ; Delegates from the Cook Islands Rebecca Hosking-Ellis, Catherine Bell, Claudine Henry-Anguna



Associate Professor David Wells, Victorian Institute of Forensic Medicine



From Left: Delegates from Fiji; Siainiu Faalogo-Bull; Amelia Tokotuivuna; Stephanie Dunn; Rajesh Krishna



From Left: Sasae Walter, PILON, Ofa Guttenbeil-Likiliki, Tongan Women's Crisis Centre, Janine McFarlane, Australia



From Left: Pale Fuimaono, Dep Director Samoa Law Reform Commission; Quentin Sauaga Samoa AG Office-Criminal Division; David J. Fong Samoa AG Office - Civil Division



Honourable Justice Judy Ryan giving presentation



Delegates listening to presentation by Ofa Guttenbeil-Likiliki, Tongan Women's Crisis Centre



Closing night

NOTICE BOARD

Are you a high performing
Pacific law or justice
officer looking to develop
your policy skills?



Pacific Legal Policy Programs applications are now open!

The Australian Attorney-General's Department (AGD) is pleased to invite PILON member countries to apply for AGD's Pacific Legal Policy Programs. Applications for the 2019 Programs are now open and due by Wednesday 7 August 2019.

There are two programs, the Pacific Legal Policy Champions Program from 14 to 25 October 2019 and the Legal Policy Twinning Program from 14 October to 6 December 2019.

AGD is happy to welcome seven places for Policy Champions and three places for Policy Twins.

The Pacific Legal Policy Programs are delivered in Canberra, and are intensive training and professional development opportunities focussed on strengthening legal policy-making skills to build Pacific law and justice agencies capabilities, which align with PILON strategic priorities.

More information about the Programs and application process are available at AGD's Pacific Law and Justice Program webpage, click [here](#). Please do not hesitate to contact Pacific@ag.gov.au to find out more.



Pacific Legal Policy Champions 2018; From Left, First Line: Shamila Tiatia-Leavai, Samoa; Limawali Yalapan, PNG; Teresa Drecala, Tuvalu; Sasae Walter, PILON; From Left, Second Line: Bradley Dalipanda, Solomon Islands; Victor Soriano, Nauru; Melissa Ako, Tuvalu; Jackson Miake, Vanuatu; Charles Dean, Samoa;



PACIFIC LEGAL POLICY CHAMPIONS PROGRAM

Date: 14 October – 25 October 2019

Location: Canberra, Australia

PACIFIC LEGAL TWINNING PROGRAM

Date: 14 October – 6 December 2019

Location: Canberra, Australia

PILON 38th ANNUAL MEETING

Date: 4 November – 7 November 2019

Location: Apia, Samoa

Venue: Taumeasina Island Resort

PILON LITIGATION SKILLS WORKSHOP

Date: 25 November – 4 December 2019

Location: Apia, Samoa

Venue: Tanoa Tusitala Hotel

Tribute to Lorrie Johnson-Asher from PILON Litigation Skills Faculty



Beloved Lorrie Johnson-Asher

It is with much sadness that the faculty of the PILON litigation skills programme acknowledge the passing of fellow faculty member, Lorrie Johnson-Asher

Lorrie obtained her law degree from the University of the South Pacific School of Law in 2002. For eleven years she was a prosecutor for the various Attorney-General's offices throughout the Federated States of Micronesia (FSM). She first served as an Assistant Attorney-General for the Pohnpei State Government in 2004, then moved on to the Federal Government's Department of Justice in 2008.

In 2013, Lorrie was appointed as the Attorney-General for Kosrae State Government. In 2010, Lorrie obtained her LLM Degree from the University of Hawaii William S. Richardson School of Law. With a keen interest in the protection of human rights, Lorrie joined the FSM criminal defense team at the FSM Office of the Public Defender in March 2015. In September 2015, she was appointed the Chief Public Defender for the FSM and became a cabinet member to FSM President, H.E. Peter Christian.

We came to meet, and get to know, Lorrie when she was a participant in the Litigation Skills programme; first in the 2010 Basic course in Vanuatu and then in the 2016 Advanced course in New Zealand. With her admirable skills together with her personable nature, Lorrie became an obvious target for recruitment as faculty for future courses.



PILON Litigation Skills faculty, Apia, November 2017

Participating as faculty for a senior government lawyer is a big commitment in time and energy but offers the chance not only to share skills but also to increase continuing education opportunities in their home offices. Lorrie was a hard-working teacher which, in combination with her gentle manner and natural flair for teaching, made her an immediate friend and colleague to all other faculty. She inspired both the participants and her fellow faculty to achieve their best.

The news of her death, with so much achieved and obviously so much still ahead of her, was met with shock and grief by all those who had the PILON faculty connection.

In addition to her many professional accomplishments, Lorrie was a lovely woman. She was clever, courageous, warm and fun. Lorrie was a leader of the Pasifika region, committed to access to justice and upholding the rule of law. She will be greatly missed by all those that knew her. We pay special tribute to her husband, their children, families and community.

*Moe mai ra e
temareikura, moemai
– Rest well sister,
rest well.*

