

United Nations Study on Violence against Children

Response to questionnaire received from the
Government of the Republic of VANUATU



United Nations Secretary-General's Study on Violence against Children

Questionnaire to Governments

Introduction

This questionnaire is designed to obtain information from Governments for the United Nations Secretary-General's in-depth Study on the question of violence against children requested by the General Assembly in its resolution 57/190. Mr. Paulo Sergio Pinheiro has been appointed by the Secretary-General as the independent expert to direct the study, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), and he has developed a concept paper on the study (E/CN.4/2004/68, annex).

In preparing the report, the independent expert will draw on a variety of sources and available information and statistics in addition to the responses to this questionnaire. These will include reports submitted by States parties under the Convention on the Rights of the Child, as well as other human rights treaties, and information generated by United Nations conferences and summits, and their reviews, including the special sessions of the General Assembly, in particular the twenty-seventh special session of the General Assembly on children. Official statistics available from the United Nations Statistics Division and other statistical information available in the United Nations system, including UNICEF, WHO and the International Labour Organization (ILO) will be used. United Nations field presences will also be asked to provide pertinent information. Information will also be gleaned from non-governmental organizations and from regional and field-level consultations and expert group meetings which will form an integral part of the study.

The Committee on the Rights of the Child has emphasized that the study "should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level and by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration" (A/56/488, annex). The General Assembly called for the study to put forward recommendations for consideration by Member States for appropriate action, including effective remedies and preventive and rehabilitative measures.

Responding to the questionnaire

In providing responses to the questionnaire, Governments are requested to consider approaches which have been adopted at national level with respect to violence generally, and towards children in particular. They are also asked to take account of the fact that responses to all forms of violence against children might not be the task of one Government department only, and depending on your Government's structure may be within the competence of the federal, state, provincial or municipal authorities.

Governments may wish to identify a **focal point** responsible for coordinating responses to the questionnaire, and make this focal point known to the secretariat of the study.

If information called for by the questionnaire has been provided by the Government in another context, for example in reporting under the Convention on the Rights of the Child,

reference to that document should be provided, and information contained in that document should not be repeated. Governments are also encouraged to provide copies of relevant laws, policies, reports etc.

The questionnaire is divided into seven parts, which deal with (I) the legal framework, (II) the institutional framework and resources to address violence against children, (III) the role of civil society in addressing violence against children, (IV) children as actors in addressing violence, (v) policies and programmes to address violence against children, (VI) data collection, analysis and research, and (VII) awareness, advocacy and training. Examples of issues and questions which are to be covered under each part of the questionnaire are provided for guidance. Governments are not required to cover each of these issues, but to select those which are most relevant to their national context. Additional issues, over and above those provided as guidance, can also be raised in responses.

Governments are encouraged to provide examples of good practices and innovative approaches to addressing all forms of violence against children, in order to assist in the dissemination and sharing of positive experiences. Governments are also asked to outline obstacles encountered in addressing the issue.

Definition of child

Governments should note that in providing information for this questionnaire, a child is defined as in article 1 of the Convention on the Rights of the Child as “[e]very human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier.” Accordingly, information on strategies to address violence against girls and boys under 18 should be provided throughout.

Submission of responses

Responses to this questionnaire should be sent in both hard copy and electronic format in one of the six official United Nations languages no later than 31 July 2004 to:

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QUESTIONNAIRE

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Convention on the Rights of Child (Ratification) Act No. 26 of 1996

Legal Provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

Legal Provisions on Violence Against Children

(i) Constitution of the Republic of Vanuatu – Article 5 Contains the provisions for the fundamental rights and freedoms for the individual. Sub-article 5(1)(k) in particular provides that all persons are entitled to ... “equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provision for the special benefit, welfare, protection or advancement of females, *children and young persons*, members of underprivileged groups or inhabitants of less developed areas.”

The above provision allows for laws to be made which will provide for special protection and advancement of children and other underprivileged groups in the society.

Sub-article 7(h) provides for the fundamental duties placed on parents. It provides “in the case of a parent, to support, assist and educate all his children, legitimate and illegitimate, and in particular to give them a true understanding of their fundamental rights and duties and of the national objectives and of the culture and customs of the people of Vanuatu.”

(ii) Penal Code [CAP 135] – There are also some forms of violence against children such as sexual intercourse with a minor, and child prostitution, child pornography, killing unborn child and abortion, which are stated as prescribed offences.

3. Provide details of any specific legislative provisions on:
 - Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;
 - Protection of children from all forms of violence;
 - Redress, including compensation, for child victims of violence;
 - Penalties for perpetrators of violence against children;
 - Reintegration and rehabilitation of child victims of violence.

Details of Specific Legislative Provisions

Prevention of all forms of physical, sexual and mental abuse, neglect –

Penal Code {CAP 135} section:

- 95(1)(2)(3) prohibits incest – maximum penalty 10 years imprisonment;

- 96 which makes it an offence to have sexual intercourse with a child under the care and protection of an adult – maximum penalty 10 years imprisonment;
- 97 that makes it an offence of Unlawful Sexual Intercourse for a person to have sex with a child under 13 - maximum penalty 5 years imprisonment;
- 97A provides for aggravated sexual assault with a child - maximum penalty, life imprisonment;
- 98(1) creates the offence of Indecent assault with a child under 13 - maximum penalty 10 years imprisonment;
- 98(2) creates the offence of indecently and forcibly assaulting a person not under the age of 13 - maximum penalty 7 years imprisonment
- 101B makes it an offence for a person to promote or engage him or herself in acts of child prostitution - maximum penalty 10 years imprisonment- if child is under 14 years old maximum penalty is 14 years imprisonment;
- 101C makes it an offence for a person to benefit from proceeds of child prostitution - maximum penalty 10 years imprisonment;
- 101D makes it an offence for persons to use children for pornographic purposes - maximum penalty 5 years imprisonment- or if the child is under 14 maximum penalty 7 years imprisonment;
- 103 creates the offence of abandonment of physical or mentally incapable persons maximum penalty 5 years imprisonment;
- 104 creates the duty to every one to provide for the necessities of life - maximum penalty 7 years imprisonment;
- 113 creates the offence for killing an unborn child - maximum penalty life imprisonment;
- 117 creates abortion as an offence - maximum penalty 2 years imprisonment; and
- 147A & 147B both create as an offence the possession and publishing of child pornography - maximum penalty, 2 years and 5 years imprisonment respectively or 20 million vatu fine (if offender is a corporation).

There is currently no legislation that specifically provides for the protection of children from all forms of violence and no institution or legal framework that covers for the reintegration and rehabilitation of child abuse victims.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
- The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

The Penal Code [CAP 135] section 96 only provides for the offence of having sexual intercourse with a child that is under care or protection of an adult. However the other provisions of this Act do not specifically cover violence against children in such locations. The provisions of the Penal Code apply generally regardless of where the offence against a child has taken place.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

Corporal Punishment is not explicitly prohibited by any legislation in Vanuatu

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

The Penal Code is silent with regards to corporal punishment as a punishment of crimes committed by under 18 year olds. However in the rural areas, under custom law, young boys and girls who have been found to have broken village or custom rules, are punished with corporal punishment.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

Bullying, hazing, and sexual harassment are not expressly addressed by any piece of legislation in Vanuatu.

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

There is currently no current information with regards to harmful traditional practices which are addressed in Vanuatu. Most harmful traditional practices have been stopped in the early 1900's by missionaries who preached against such practices and managed to stop its practice.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

All the provisions of the Constitution and the Penal Code apply to persons within the jurisdiction of Vanuatu. There is currently no specific provision in any Act that applies to stateless children or non citizens.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- The sex or sexual orientation of the victim and/or of the perpetrator;
- The age of the victim and /or of the perpetrator;
- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.

- (1) Information with regards to the sex of the victim/accused:
Section 96 of the Penal Code provides:

“SEXUAL INTERCOURSE WITH CHILD UNDER CARE OR PROTECTION

96. (1) *A person must not have or attempt to have sexual intercourse with any child, not being the person's spouse, who is under the age of 18 years and who:*

- (a) *being the person's stepchild or foster child, is at the time of the intercourse or attempted intercourse living with the person as a member of the person's family; or*
- (b) *not being the person's stepchild or foster child, and not being a person living with him as the person's spouse, is at the time of the intercourse or attempted intercourse living with the person as a member of the person's family and is under the person's care or protection.*

Penalty: Imprisonment for 10 years.

- (2) *It is no defence to a charge under this section that the child consented."*

Section 99 provides:

"HOMOSEXUAL ACTS

99. No person shall commit any homosexual act with a person of the same sex under 18 years of age, whether or not that person consents.

Penalty: Imprisonment for 2 years."

- (2) *Age: Section 97 of the Penal Code- No person is to have sex with a child under 13 years old. He penalty is 14 years maximum. Sex with child under 15 is 5 years imprisonment maximum.*

Section 97A- No person shall have aggravated sexual intercourse with a child under 15 years old. Penalty is life imprisonment maximum.

Section 98 provides- No person shall indecently assault a child under 13. Penalty is 10 years maximum.

- (3) Section 95 of the Penal code provides for the offence of Incest-

95(1) Incest is sexual intercourse between -

- (a) *parent and child (including an adopted child);*
- (a) *brother and sister, whether of the whole blood or of the half blood, and whether the relationship is traced through lawful wedlock or not; or*
- (b) *grandparent and grandchild,*

where the person charged knows of the relationship between the parties.

- (2) *No person of or over the age of 16 years shall commit incest.*

Penalty: Imprisonment for 10 years.

- (3) *Upon the conviction of any male of an offence or attempted offence under subsection (2) against any female under the age of 18 years, the court may divest the offender of all authority over such female and if the offender is the guardian*

of such female, remove him from such guardianship and in such case appoint another guardian in his place.

Section 96 as already mentioned provides that for the prohibition of sexual intercourse with a child under care or protection of an adult.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

The most recent amendments to the Penal Code in 2003 managed to amend the Penal code to include several provisions relating to acts of violence against children. Such new provisions included insertion of a new section 97A (Aggravated Sexual Assault with a Child), 101A (Defining Child Prostitution), (101B (Promoting and Engaging in Acts of Child Prostitution), 101C (Obtaining Benefit from Child Prostitution), 101D (Children not to be used for Pornographic Purposes), 147A (Possession of Child Pornography), and 147B (Publishing Child Pornography).

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

Studies underway to assess the impact of legal measures to address violence against children.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

Vanuatu does not have juvenile courts. Most offences involving violence against children are dealt with by either the Magistrates Court or by the Supreme Court of Vanuatu.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

Minimum age for sexual activity.

The Penal Code does not explicitly give a minimum age for sexual activity. Section 97 provides that no person should have sex with a child under 15 years old. This infers that the minimum age for sexual activity for both sexes is 16.

For homosexuals, the prescribed age would be 18 years and over.

15. Provide information on the minimum age of marriage for women and men.

The Control of Marriage Act [CAP 45] section 2 prescribes the minimum age for marriage as 16 years for girls and 18 years for boys.

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation

are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents. Section 101A to 101D of the Penal Code would properly address this question as they provide for the prohibition of child prostitution and using children for the purposes of child pornography.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

Section 101D prohibits the use of children for pornographic purposes. It provides:

- “101D. (1) A person must not:*
- (a) use a child for pornographic purposes; or*
 - (b) cause or procure a child to be so used; or*
 - (c) having the care (but not necessarily entitled by law to have the custody) of a child, consent to the child being so used or allow the child to be so used.*
- Penalty: Imprisonment for 5 years or, if the child is under the age of 14 years, to imprisonment for 7 years.*
- (2) For the purposes of this section, a child is used by a person for pornographic purposes if:*
- (a) the child is engaged in activity of a sexual nature (for example, actual or simulated sexual intercourse or a striptease) for the purpose of the production of pornography by that person; or*
 - (b) the child is in the presence of another person engaged in such an activity for that purpose.”*

Section 147A and section 147B provide:

“POSSESSION OF CHILD PORNOGRAPHY

- 147A. (1) In this section:*
- “child pornography” means a film, publication or computer game that would on the basis that it describes or depicts, in a way that is likely to cause offence to a reasonable adult, a person (whether or not engaged in sexual activity) who is a child under 16 or who looks like a child under 16.*
- (2) A person must not have in his or her possession any child pornography.*
Penalty: Imprisonment for 2 years.
- (3) Nothing in this section makes it an offence for any member or officer of a law enforcement agency to have any child pornography in his or her possession in the exercise or performance of a power, function or duty conferred or imposed on the member or officer by or under any Act or law.*

- (4) *It is a defence to a prosecution under this section to prove:*
- (a) *that the defendant did not know, or could not reasonably be expected to have known, that the film, publication or computer game concerned is or contains pornographic material involving a child under 16; or*
 - (b) *that the person depicted in the material was of or above the age of 16 at the time when the film, computer game or publication was made, taken, produced or published.*
- (5) *A court that convicts a person of an offence under this section may order that any child pornography in respect of which the offence was committed is to be destroyed or otherwise disposed of as the court thinks fit.*

PUBLISHING CHILD PORNOGRAPHY

147B. (1) *In this section:*

“article” includes any thing:

- a) *that contains or embodies matter to be read or looked at, or*
- (b) *that is to be looked at, or*
- (c) *that is a record, or*
- (d) *that can be used, either alone or as one of a set, for the production or manufacture of any thing referred to in paragraphs (a), (b) or (c).*

“child pornography” has the same meaning as it has in section 147A.

“publish” includes:

- (a) *distribute, disseminate, circulate, deliver, exhibit (including on an internet website), lend for gain, exchange, barter, sell, offer for sale, let on hire or offer to let on hire, or*
- (b) *have in possession or custody, or under control, for the purpose of doing an act referred to in paragraph (a), or*
- (c) *print, photograph or make in any other manner (whether of the same or of a different kind or nature) for the purpose of doing such an act.*

“record” means a gramophone record or a wire or tape, or a film, and any other thing of the same or of a different kind or nature, on which is recorded a sound or picture and from which, with the aid of a suitable apparatus, the sound or picture can be produced (whether or not it is in a distorted or altered form).

(2) *A person must not publish an indecent article that is child pornography.*

Penalty: In the case of an individual - imprisonment for 5 years or, in the case of a corporation - 20,000,000 Vatu.

- (3) *A court that convicts a person of an offence under subsection (2) may order forfeiture to the Government of any computer used to publish the child pornography.*
- (4) *On the making of an order under subsection (3) the computer becomes the property of the Government.*
- (5) *Nothing in this section makes it an offence for any member or officer of a law enforcement agency to publish an indecent article in the exercise or performance of a power, function or duty conferred or imposed on the member or officer by or under any Act or law.*
- (6) *For the purposes of this section, an article may be indecent even though part of it is not indecent.*
- (7) *If a corporation contravenes, whether by act or omission, another provision of this section, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the provision if the person knowingly authorised or permitted the contravention.*
- (8) *A person may be proceeded against and convicted under a provision pursuant to subsection (7) whether or not the corporation has been proceeded against or been convicted under that provision.*
- (9) *Nothing in subsection (7) or (8) affects any liability imposed on a corporation for an offence committed by the corporation under a provision of this section.”*

The Obscenity Act [CAP 73] also does provide provisions for the prohibition of producing, possessing and importation of obscene materials into Vanuatu.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

There is currently no legislations or guidelines that are in place at the moment to protect children from accessing these injurious types of information. The only piece of legislation that I think would cover this area is section 93 of the Penal Code which provides:

“INDECENT MATTER

93. (1) *No person shall without lawful justification or excuse -*
- (a) *sell, expose for sale or otherwise distribute to the public any indecent model or object;*
 - (b) *exhibit or present in or within view of any place to which the public have or are permitted to have access any indecent object or indecent show or performance;*
 - (c) *exhibit or present in the presence of any person in consideration or expectation of any payment or otherwise for gain, any indecent show or performance.*

Penalty: Imprisonment for 2 years.

- (2) *It is a defence to a charge under this section to prove that the public good was served by the acts alleged to have been done.*
- (3) *It is a question of law whether the sale, exposure for sale, distribution, exhibition or presentation may in the circumstances serve the public good, and whether there is evidence of excess beyond what the public good requires but it is a question of fact whether or not the acts complained of did so serve the public good and whether or not there was such excess.*
- (4) *It is no defence that the person charged did not know that the model, object, show or performance to which the charge relates was indecent, unless that person also satisfies the court that he had no reasonable opportunity of knowing it and that in the circumstances his ignorance was excusable.”*

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

There is no reporting requirements in Vanuatu for violence against children. Usually complaints of acts of violence against children are the same as making complaints for other offences.

In Vanuatu all complaints relating to criminal matters are lodged with the police, who then draft up charges and then the charges are sent to the Prosecutors office to be checked before the accused is summoned to court to answer to the charge against him or her.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- The family/ home;
- Schools and pre-school care and education (both formal and non-formal, state and private);
- Military schools;
- Institutions, state and private, including care, residential, health and mental health;
- The context of law and public order enforcement including in detention facilities or prisons;
- The neighbourhood, street and the community, including in rural areas;
- The workplace (informal and formal);
- Sports and sporting facilities.

All complaints procedures regarding all the listed forms of acts of violence against children follow the same process as lodging complaints for any other criminal offences.

Complaints should be made to the Police, and the police or the Prosecutors will draw up the charges and then the accused is summoned to court to answer the charges against him or her in the Magistrates Court. If the accused pleads guilty, he or she will be convicted and sentenced. If he or she denies the charges, then the matter will either be dealt with by the Magistrates Court or be referred to the Supreme Court depending on the gravity of the offence.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

The above procedures are widely known. There are however no Legal Aid available to facilitate complaints on instances of violence against children.

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

There have not been any steps to raise awareness about the procedures to make reports or complaints on violence against children.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

The Common Law rules of evidence are still observed with regards to evidence given by children. There is however the Evidence Bill which has not yet been passed in Parliament in which has incorporated into it the Common Law principles relating to evidence and testimonies given by children.

The rules at the moment do allow the child to give evidence in a closed Court if the child so requests.

There is also the rule that prohibits the publication or broadcasting of the names of children who are victims of such offences.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

The most usual punishment of those found guilty of committing acts of violence against children is imprisonment.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

In cases where juveniles are found to have committed such crimes, they usually face jail terms. But we should note that the Penal Code provides for the age of responsibility.

Section 17 provides that a child under 10 cannot commit a criminal offence. A child over 10 but under 14 is presumed to be incapable of committing a criminal act unless proved otherwise by evidence.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

While the Government of Vanuatu ratified the CRC in 1993, there is however no specific government ministry with a mandate to address violence against children. However since 2004 the Ministry of Education has established partnership with Save the children to manage the Pacific Childrens Programme which looks into strengthening strategies to prevent child abuse and neglect. Essentially the aim is to strengthen the primary givers such as the parents and communities to ensure that children are growing up in a safe environment.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children? No

If YES, provide details.

28. Are specific financial and/or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

There are child related activities carried out in Vanuatu through awareness raisings that are funded by international /bilateral donors. Most programs such as that of the Pacific Children's Program aims at strengthening existing frameworks to prevent child abuse and neglect. The program has a community-based development approach which strengthens local organizations and communities specifically in discussing good parenting and other issues that provides a positive perspective on child rearing and good family relationships.

Child Rights Project is another donor funded program that educates people about the categories and principles of CRC.

If YES, indicate the extent of these resources and the way in which they are used.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children? no

If YES, provide details.

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

33. Are there any particular parliamentary structures (for example special committees) to address violence against children? no

If YES, provide details.

34. Have there been any recent parliamentary initiatives to address violence against children? no

If YES, please give details.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Please note that the response to this question is not exhaustive but indicative of past and current initiatives within Vanuatu.

Initiatives directly addressing violence

(i) **Pacific Children's Program (PCP)**

AusAID-funded, managed by UNICEF, targeting Vanuatu, Samoa and Fiji. The program will be implemented over a five-year period, starting in April 2001 and ending in June 2006.

The goal of the PCP is to "contribute to the reduction of child abuse and neglect in Pacific countries." The purpose is to "increase family, community and government responsibility for child protection in Fiji, Vanuatu and Samoa." Activities under the program are designed and implemented with a community-based, primary prevention approach to development.

Program components are: strategies for preventing Child Abuse; information systems; family and community preventive action programs; regional coordination and management; and national and local advocacy.

To date, achievements of the PCP in Vanuatu include:

- Research conducted on the extent and nature of violence against children and child protection issues;
- Information, education and communication (IEC) materials (e.g. pamphlets, newsletters, posters, calendars) designed and produced;
- Development and pre-testing of a regional Facilitation Package;
- Facilitation skills training for zonal leaders, NGOs, government;
- Child Protection as the theme for National Children's Day;
- Small grants scheme for preventive action programs;
- 4 participants from Vanuatu attended a Child Abuse and Neglect Conference, Brisbane, Australia 2004;
- Development of a School Awareness Kit;
- 2 National Advocates recruited to visit communities and schools; and
- Coverage of Samna, Tafea, Shefa and Malampa Provinces.

(ii) **Save the Children Australia (SCA), Vanuatu Office**

Has implemented child rights' projects since 1992. Currently, SCA is implementing the **Child Rights Awareness and Capacity Building Project** in Vanuatu. This project builds on the principle of the 'Best Interest of the Child' that is covered under the Convention of the Rights of the Child (CRC). It covers capacity building amongst partner organisations as well as public awareness raising on CRC. Achievements under this project include:

- Quarterly **Child's Rights Newsletters** are published;
- Increased number of communities requesting CRC awareness training;

- Developed a ***Training Guide on the Convention of the Rights of the Child: A Practical Guide for Children's Rights Trainers and Users in Vanuatu***. The process of developing this training guide involved conducting a training needs assessment, training needs analysis workshop, consultation workshop to review the training guide and final draft, and finally pre-testing the training guide manual. Various groups from civil society participated in this process:
 - President, Teachers Union
 - President, Vanuatu Pre-School Association
 - Educator, Vanuatu Family Health Association
 - Executive Director, Vanuatu National Council of Women
 - Board President, Vanuatu National Council of Women
 - Executive Director and Program Managers, Vanuatu Foundation for the People of the South Pacific (FSP)
 - Executive Director and Field Worker, Vanuatu Society for Disabled People
 - Country Program Manager, World Vision Vanuatu
 - Director, Vanuatu Women's Centre
 - Lecturer, Vanuatu Institute of Training
 - Coordinator and Trainers, Young People's Project (YPP) Life Skills Project
 - Trainers, Youth Challenge International
 - Trainer, Wan Smol Bag
 - Child Protection Officer, PCP
 - Village Health Worker (VHW) Trainer, SCA;
- SCA has conducted two training workshops on CRC for partner organisations; and
- In 2004, the Country Program Director attended the annual Child Rights meeting, which was held in Port Moresby, PNG.

SCA also coordinates PCP activities in Vanuatu, for example, facilitating a stakeholder meeting in April 2005 to plan the last phase of the PCP in Vanuatu to raise awareness amongst partner organisations.

(iii) **Wan Smol Bag (WSB)**

- Produced a radio program in 2004 called 'Family Blong Sarah', which looks at the position of children within families. It was aired 6-8 weeks as part of the PCP;
- Designed comic books for the PCP for distribution in 2005; and
- Produces videos and live dramas on domestic violence, abuse and neglect, such as 'Father's Dream' which is a story about a father who does not take an interest in his child's education until he finds that his child is being beaten at school.

(iv) **UNICEF, Vanuatu Office**

Using the Child Friendly Schools Approach, UNICEF is currently implementing a project aimed at developing 12 primary schools in Tanna into model schools that have as their "core reference point the current and future *best interests of the child*" and provide a safe, welcoming and participatory learning environment for children.

UNICEF has also produced the following resources:

The State of Health Behaviour and Lifestyle of Pacific Youth, Vanuatu Report 2001 (involved: WHO, Australian Centre for Health Promotion, Vanuatu Provincial Youth Council, Peace Corps Vanuatu);

The Government of Vanuatu and UNICEF, 1998, *A Situation Analysis of Children and Women in Vanuatu 1998*, UNICEF Pacific, Fiji - whilst this is outdated, a new situational analysis is being conducted during 2005 for distribution in 2006; and
December 1999, *CRC Update*, UNICEF Pacific Office, Suva, Fiji.

(v) **Vanuatu Young People's Program (YPP)**

YPP provided researchers for the *Qualitative Study on Child Protection Practices: Vanuatu Draft Report* (2001) under the Pacific Children's Program.

18 young people from YPP have been trained under the PCP to use the Facilitation Package.

(vi) **World Vision Vanuatu (WVV)**

A project manager from WVV, who is based in Tanna, has completed a CRC training workshop run by SCA. WVV will begin to incorporate child protection as a cross cutting issue within the design of its community-based projects.

WVV is in the process of discussing with SCA and the PCP management team on how to maximise the benefits for children of its various projects. An example of child protection programs complimenting and reinforcing each other is the new WVV project, ***Children's Education Begins at Home***. This project seeks to increase parent, caregiver and community responsibility for early childhood education (ECE) in Efate with components focusing on: researching on key issues facing young parents in target communities; and facilitating discussion groups on early childhood development issues and how they can be overcome. ICE and facilitation materials produced by SCA and the PCP will be utilised to reinforce the same approach to child protection.

(vii) **University of South Pacific (USP), Vanuatu**

USP provided Bislama translations for the *Qualitative Study on Child Protection Practices: Vanuatu Draft Report* (2001) under the PCP.

(viii) **Vanuatu Women's Centre, Port Vila**

The centre provides counseling services for women suffering from domestic violence. It also produces quarterly newsletters that address domestic violence and sexual abuse, and provides legal advice.

(ix) **Samna Counselling Centre, Luganville**

Provides training/awareness raising workshops on domestic violence to communities on a demand-driven basis. The centre's staff conducting training of trainers (TOT), which enables women from a committee representing a number of communities to conduct training/awareness raising amongst their neighbours. The centre also provides legal advice.

(x) **Human Rights Project**

AusAID-funded and managed by the SRIA/Vanuatu Association of Women Graduates (with assistance from USP Law School, UNICEF and British Commission). This project conducted a workshop on developing a Domestic Violence Protection Order in 2002.

(xi) **Vanuatu Cultural Centre**

The centre has produced the following resource:

Rousseau, B., 2003, *The Report of the Juvenile Justice Project: A Resource on Juvenile Justice and Kastom Law in Vanuatu*, Vanuatu Cultural Centre, Port Vila, Vanuatu

People in Tanna, Efate (Port Vila), Santo (Luganville), Ambrym, Ambae and Malakula were interviewed for this report. The project also involved holding a National Summit on Juvenile Justice.

(xii) **Australian National University (ANU)**

The ANU has contributed to research on violence against children by producing the following resources:

Marson, M., 2000, 'Domestic Violence in Vanuatu' and Mitchell, J., 2000, 'Violence as Continuity: Violence as Rupture - Narratives from an Urban Settlement in Vanuatu' in Dinnen S. and Ley A. (eds.), *Reflections on Violence in Melanesia*, Asia Pacific Press, ANU, Canberra

Initiatives indirectly addressing violence

Violence within the home and community needs to be addressed by a holistic approach, that is, incorporating child protection awareness-raising and training initiatives within all community-based development programs so that the former initiatives become more of a 'way of life'.

For example, **WVV** has been implementing projects over the past 20 years that aim to improve employment opportunities, water supply systems and sanitation, disaster preparedness, and improving aid posts and school infrastructure within communities. Children indirectly benefit from these projects as they strengthen relationships within community due to the success of the projects heavily relying on community support. However, WVV is committed to including child protection as a vital cross cutting issue in its future project designs in order to support the above initiatives and encourage child protection to become an everyday way of life for the communities WVV works with.

SCA currently is implementing the AusAID-funded Village Health Workers Project, which indirectly contributes to initiatives addressing violence against children in terms of children's health not being neglected.

Also, there are youth-specific projects being conducted by various NGOs that target key issues facing youth predominantly by building up their confidence. For instance, **Youth Challenge International (YCI)**, Port Vila, provides local youth the opportunity to learn fundraising, research, leadership and life skills through its program. Participants may be involved in a Youth Summit that provides a forum for discussion on issues important for youth. Other projects include: construction of schools; eye-testing; administrative reform; and research.

Vanuatu Foundation for the People of South Pacific (FSP) organised the first Youth Festival in Vanuatu, 16-18 September 2004, called "Celebrate Free Festival", as part of FSP's **Pacific Action for Health Project** in conjunction with the Secretariat of the Pacific Community. The festival aimed at helping young people realise the importance to be free from alcohol and tobacco. It also enabled the public to see the skills and talents of their people through various displays ranging from painting, carving, music and sports. A number of NGOs and government departments took part in the 3-day event showcasing their products and disseminating information about their work and responsibilities.

WSB has established a drop-in centre in Port Vila to address the increasing problem of unemployed youth. The space provided for youth is comprised of a multipurpose sports centre and a nutritional centre so that they can develop their skills and build their self-confidence.

In regards to HIV/AIDS/STIs becoming a vital issue within Vanuatu, WSB is coordinating projects in Vanuatu for the AusAID-funded Regional Pacific HIV/AIDS Program. There are a number of HIV/AIDS projects being implemented by various NGOs so it is important that they are coordinated effectively to ensure the benefits to youth are maximised. Available resources on the issue include: **Foundation for the People of the South Pacific (FSP)**, Vanuatu, conducted a KAP survey in 2001 for its *Tanna Reproductive Health Project*; Niras, E., 1999, *Rethinking 'Safe Sex' in an Urban and Rural Setting in Vanuatu*, paper presented to a conference in Australia

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

The establishment of a National Children's Committee (NCC), which produced the following reports:

December 2000, *Vanuatu Country End of Decade Report for Port Vila Vanuatu*, for United Nations General Assembly Special Session

Vanuatu Country Report to 5th Ministerial Consultation for East Asia & Pacific, Beijing, China, May 14 - 16 2001;

Malvatumaun National Council of Chiefs have written a paper addressing the relationship between good parenting practices and kastom;

The Department of Education became the Government Counterpart Agency for the Pacific Children's Program (PCP) in Vanuatu, 2003. In 2004, a Child Protection Officer was recruited to the Department of Education;

Government representatives (including: Director, Department of Women's Affairs; Principal Nurse Educator, Department of Health; Director, Basic Education; Director, Youth Department, Department of Education; NCC Chairperson, Department of Economic and Social Planning; a Constable, Family Protection Unit, Police Department) participated in Save the Children Australia's (SCA) Training Needs Assessment for the development of the *Training Guide on the Convention of the Rights of the Child: A Practical Guide for Children's Rights Trainers and Users in Vanuatu*;

Government representatives (Director, Basic Education, and two Project Officers, Department of Education; and a Constable, Family Protection Unit, Police Department) participated in SCA's Training Needs Analysis Workshop to provide input into the draft Training Guide, described above;

The Pre-School Coordinator, Shefa Education Office, participated in SCA's Consultation Workshop to review the above Training Guide and the final draft as well as fully supporting WVV's Children's Education Begins At Home Project;

Government representatives (Years 7/8 Coordinator and Acting PEO from the Curriculum Development Unit, Basic Education; Principle, Nursing School; and VHW Coordinator, Department of Health) participated in SCA's pre-testing of the above-mentioned Training Guide Manual;

A number of government departments took part in the first Youth Festival in Port Vila, Vanuatu, 16-18 September 2004, which was called "Celebrate Free Festival". Government officers disseminated information about their work and responsibilities so that youth had a clearer understanding of how government can be supportive;

An Advisory Committee, who attended meetings through the course of the **Juvenile Justice Project** as well as providing expertise and assistance in the formulation and completion of the research process, included: the Ombudsman, Office of the Ombudsman; a Member of Parliament and Chief; the Cultural Liaison Officer, Ministry of Internal Affairs; a Chief and Church Elder in Port Vila; a Public Prosecutor, Office of the Public Prosecutor; Acting Chief Justice, Supreme Court of Vanuatu; and the Deputy Commissioner, Vanuatu Police Force;

Government support of Children's Day, held on 24 July; and

37. Describe the role played by the media in addressing violence against children.

The media (radio and newspaper) mainly report on sexual abuses that happen to children and young people.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children’s activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

There has been no consultations yet to address the involvement of children in designing evidentiary rules that would be applied in Court. At the moment the Common law rules of evidence still apply.

40. Describe the amount and type of resources made available to support children’s participation in activities to address violence against children.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?no

If YES, provide details and describe any gender-specific provisions included in the policy.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home						
Schools						
Institutions						
Neighbourhood/ Community						
Workplace						

Law enforcement						
Other						

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?no

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

44. Does your Government participate in any internationally coordinated activities concerning violence against children? no

If YES, please provide details.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

Surveys include:

UNICEF, 2001, *The State of Health Behaviour and Lifestyle of Pacific Youth: Vanuatu Report 2001*, Port Vila, Vanuatu; and

National Statistics Office, 2000, *The 1999 Vanuatu National Population and Housing Census, Main Report*, Port Vila, Vanuatu

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

If so, please give details.

Studies include:

Dr Desma Hughes, 2001, *Qualitative Study on Child Protection Practices: Vanuatu Draft Report*, Pacific Children's Program, Vanuatu

Christopher Chevalier, 2003, *Child Protection in Vanuatu: A report of a baseline study on Knowledge, Attitudes, Behaviours and Practices*, Pacific Children's Program, Vanuatu (which covers six field sites in Efate, Santo and Tanna)

Jenny Lamont, January 2005, *Towards a Sustainable, Child Abuse Prevention Strategy in Vanuatu. A Discussion Paper*, Pacific Children's Program, Vanuatu

Antonia Kaucz, 2005, research conducted on "how can children and their communities be supported in ensuring children reach their full potential?" for a submission to the United Nations Secretary General's Study on VAC, World Vision Vanuatu (covers 2 field sites in Santo)

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

The following resource is available but is outdated. UNICEF will be working with the Government of Vanuatu to conduct research during 2005 in order to produce a new situational analysis for 2006. Whilst the analysis does not solely focus on violence against children, it does examine health and education and other lifestyle indicators that may contribute to an increase of violence.

The Government of Vanuatu and UNICEF, 1998, *A Situation Analysis of Children and Women in Vanuatu 1998*, UNICEF Pacific, Fiji

A qualitative and KABP study were conducted in 2001 & 2003 to explore the “ Child Protection Practises in Vanuatu” The above studies to some extent explain the problem of violence against children especially physical abuse which is accepted as a form of discipline in Vanuatu.

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children? no

If YES, provide details or references, or attach.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part? no

Provide details.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system? no

If YES, what proportion of all homicide deaths are under the age 18?
.....%

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply): not provided/none

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003. none

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003. none

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children? **Yes in 2003 the National Children’s day theme was “ Child Protection ” through out the nation, the day was celebrated with focus on raising awareness on the theme.**

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.). Through PCP leaflets on child abuse and neglect were distributed on that day. A child protection video was also given out to view on that day and discussions were also held with parents and the communities at large.

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	✓
Radio	✓
Television	✓
Theatre	✓
Schools	✓
Others(paintin g)	✓

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children? **No . But there has been training on child protection (child abuse and neglect) to raise awareness on the topic and help communities work out ways to protect their children from abuse.**

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply). The trainings were mainly for community facilitators and teachers to equip them for community awareness programs. This is an initiative by the Pacific Children’s Program to help families communities and government to increase their responsibilities for children.

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists					
Teachers and other educators	✓	✓			
Court officials (including judges)					
Police					
Prison officers					
Juvenile offenders personnel					
Institution personnel					
Parents/guardians					
Other (please specify)Community	✓	✓			

Please provide details.