



VANUATU WOMEN'S CENTRE

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ABOUT VANUATU WOMEN'S CENTRE

The Vanuatu Women's Centre (VWC) is an independent civil society and women's rights organization (CSO) which was established in 1992. VWC's mission (and program) is to eliminate violence against women and children throughout Vanuatu.

The Center was formed in 1992. VWC relies on funding from donor organization, the core funder is the Australian Government through the Department of Foreign Affairs and Trade. And others such as New Zealand Government, OXFAM International that help support our other provincial centers and funding for human resources and critical funding to help assist women and children who are victims of violence.

VWCs works with every women, girls and children, schools, community governance structures/ groups, national government, international organizations and Police, legal and justice agencies. Vanuatu Women's Centre works tirelessly to eliminate violence against women and children across all areas of society.

CORE BUSINESS OF VANUATU WOMENS CENTER

Vanuatu Women's Centre coordinates a national network of prevention and response services from its main centre in Port Vila, including counselling, legal services, advocacy (case, issue and policy), community and institution prevention awareness talks, workshops and training, grassroots movement building for ending violence against women and children, humanitarian advocacy and response, and research.

SUBMISSION DATE: WEDNESDAY 11TH OCTOBER 2023

CYCLE PERIOD: 4TH Cycle

Table of Contents

ABOUT VANUATU WOMEN’S CENTRE..... 1

CORE BUSINESS OF VANUATU WOMENS CENTER.....1

SUBMISSION DATE..... 1

CYCLE PERIOD.....1

EXECUTIVE SUMMARY..... 3

KEY ISSUES AND RECOMMENDATION.....3

 Issue One: Domestic Violence.....3

 RECOMMENDATION:.....4

 Two: Sexual Harassment In Workplaces.....4

 RECOMMENDATION:.....4

EXECUTIVE SUMMARY

The Vanuatu Women's Centre presents a different perspective on the state of human rights in Vanuatu to the Human Rights Council.

In Vanuatu, there are several problems with respect to human rights, particularly with regard to violence against women and gender-based violence. The primary objective of the Vanuatu Women's Centre is to eliminate violence against women and children throughout Vanuatu, and it has highlighted two (2) human rights concerns that are pertinent to this goal.

The Issues are:

1. Domestic Violence
2. Sexual Harassment

KEY ISSUES AND RECOMMENDATION

Issue One: Domestic Violence

The Vanuatu Women's Centre (VWC) acknowledges the Vanuatu Government for ratifying CEDAW and for taking steps to enact the Family Protection Act (2008). This act criminalizes domestic violence as an offense and also provides for civil protection orders. In its fight to eliminate gender-based violence and violence against women, the Vanuatu Women's Centre recognizes that the act falls short in its implementation regarding the issuance of protection orders.

The Family Protection Act (2008) provides an alternative for women facing domestic violence in rural communities to have access to temporary protection orders when there is no nearby Magistrate court or police station. Section 17 authorizes specific individuals to issue temporary protection orders for 14 days, extendable to 30 days. The appointment or declaration of authorized persons is made by the President on behalf of the Judicial Service Commission. Authorized persons can include chiefs, assistant chiefs, church or community leaders, and police. Section 17(1) states that an authorized person to whom an application is made may issue a temporary protection order.

In addition, a sub-issue that may arise from the main issue is the remuneration of authorized persons. Section 7(4) states that "a person appointed as an authorized person is not to be paid any remuneration or allowances for performing any functions or exercising any powers under this Act." This raises concerns about the safety of authorized persons when carrying out their duties. In support of this, the Vanuatu Women's Centre notes that this issue was raised by Slovenia in recommendation 90.65 during the 3rd Cycle UPR state report of Vanuatu in 2019, where Slovenia called on the Vanuatu Government to ensure protection orders, legal remedies, and assistance for women victims of domestic violence.

The Family Protection Act has yet to fully implement the appointment of authorized persons in all communities across rural areas of Vanuatu, not just on the main islands. Furthermore, it is recommended to amend Section 7(4) and for the Government to invest more resources in this Act to make it effective everywhere in Vanuatu, as domestic violence is increasing in rural areas.

This ensures that access to justice for women is available not only on the main islands of Vanuatu but throughout the entire country.

RECOMMENDATION:

The Vanuatu Women's Centre recommends that the Vanuatu Government:

1. Urgently appoint and recruit more authorized persons in every community within the 83 islands of Vanuatu.
2. Urgently allocate funds and resources to support the work of authorized persons.
3. Ensure that Community Policing in rural areas effectively carry out their duties in serving protection orders to perpetrators.
4. Review the Act to amend and address other pressing issues regarding domestic violence.

Two: Sexual Harassment In Workplaces

The Vanuatu Women's Centre recognizes that the *PENAL CODE, Cap 135* of Vanuatu, provides for criminal offenses and their punishments, principles of criminal law, criminal responsibility, and related matters. The *Employment Act, Cap 160*, outlines fundamental guidelines for employment contracts and related issues in Vanuatu. The Penal Code specifically covers sexual violence offenses, which have been instrumental in prosecuting perpetrators who commit these acts against women and children. However, it falls short of addressing sexual harassment in workplaces as an offense, despite the increasing number of reports each year.

The Vanuatu Women's Centre acknowledges the Vanuatu Government for ratifying the Convention on the Elimination of Discrimination Against Women and the Convention on the Rights of the Child. Additionally, Vanuatu has a National Gender Equality Policy Plan from 2020-2030, which aims to accelerate the achievement of equal rights, opportunities, resources, and rewards for women and girls.

Nevertheless, the Vanuatu Women's Centre notes that this issue was raised by Nepal in recommendation 90.58 during the 32nd session of Vanuatu's 3rd cycle UPR state report in 2019. Nepal called on the Vanuatu government to increase efforts to combat gender discrimination, harmful practices, and violence against women through stronger legislation and implementation.

The last amendment to the *Penal Code* was enacted in 2016 and 2017. The Offenses Against Morality are covered from sections 90 to 101. Sexual harassment is not listed as an offense in the *Penal Code* with a corresponding punishment. Therefore, the courts have had to apply section 98(2), which deals with indecency without consent, to current case precedents. Unfortunately, there are no provisions in the *Employment Act, Cap 160*, that mention sexual harassment in workplaces, leaving women and girls working in such environments vulnerable to harassment.

RECOMMENDATION:

Therefore, the Vanuatu Women's Centre calls on the government to:

1. Amend the *Penal Code, Cap 135*, to include sexual harassment as a sexual offense in the Penal Code, with appropriate penalties.
2. Amend the *Employment Act, Cap 160* Ensure that sexual harassment is recognized as professional misconduct, leading to termination of employment under the Employment Act.