



Pacific Judicial Conference

March, 2014 - Auckland, New Zealand

Chief Magistrate Stephen Felix

Domestic Violence & Protection Orders



Domestic Violence

Meaning of domestic violence (Family Protection Act of Vanuatu)

- ***A person commits an act of domestic violence if he or she intentionally does any of the following acts against a member of his or her family:***
 - Assaults the family member (whether or not there is evidence of a physical injury);
 - Psychologically abuses, harasses or intimidates the family member;



Domestic Violence

Offence

- (1)** A person who commits an act of domestic violence is guilty of an offence punishable on conviction by a term of imprisonment not exceeding 5 years or a fine not exceeding 100,000Vatu, or both.
- (2)** It is not a defence to an offence under subsection (1) that the defendant has paid an amount of money or given other valuable consideration in relation to his or her custom marriage to the complainant.
- (3)** An offence under subsection (1) is in addition to and not in substitution for any other offence constituted by an act of domestic violence.



Meaning of family member

Each of the following is a member of a person's family:

- (a) the spouse of the person;
- (b) a child of the person and/or the person's spouse;
- (c) a parent of the person or the person's spouse;
- (d) a brother or sister of the person or the person's spouse;
- (e) any other person who is treated by the person as a family member



Protection Orders

The purpose of the Vanuatu Family Protection Act is:

- (a) to preserve and promote harmonious family relationships; and
- (b) to prevent domestic violence in all levels of society in Vanuatu.

This Act is based on traditional values of Vanuatu and on Christian principles and:

- (a) recognizes that domestic violence of any kind is not acceptable behavior; and
- (b) ensures there is effective legal protection for the victims of domestic violence; and
- (c) provides for punishment of all persons who commit acts of domestic violence.



Protection Orders

- The Protection Orders imposed by the Courts are not to be taken as solutions to the family conflicts but only as a way of facilitating the process of resolving the family disputes.
- They are temporary in nature and should be used to achieve the two overriding purposes and objectives of the Act which are:
 - (1) to preserve and promote harmonious family relationship and
 - (2) to stop or prevent domestic violence in the society.
- A protection order takes effect on the date it is made. It remains in force for 30 days and may be extended for a maximum period of 2 years.



Protection Orders

20 *Temporary protection orders – evidence and matters to consider*

- 1) A court or an authorised person may make a temporary protection order on such **evidence** as the court or authorised person **considers sufficient and appropriate** having regard to the temporary nature of the order.

- 1) Without limiting subsection (1), if the complainant is unable to attend the court or appear before the authorised person because of his or her injuries, the court or authorised person **may accept affidavit or hearsay evidence** on behalf of the complainant.

- 1) In deciding whether to make a temporary protection order, a court or an authorised person must give most importance to ensuring that the complainant and the complainant's **children are protected from domestic violence.**



Protection Orders

(4) In deciding whether to make a temporary protection order, a court or an authorised person must **not have any regard to whether the defendant has paid an amount of money or given other valuable consideration in relation to his or her custom marriage to the complainant.**

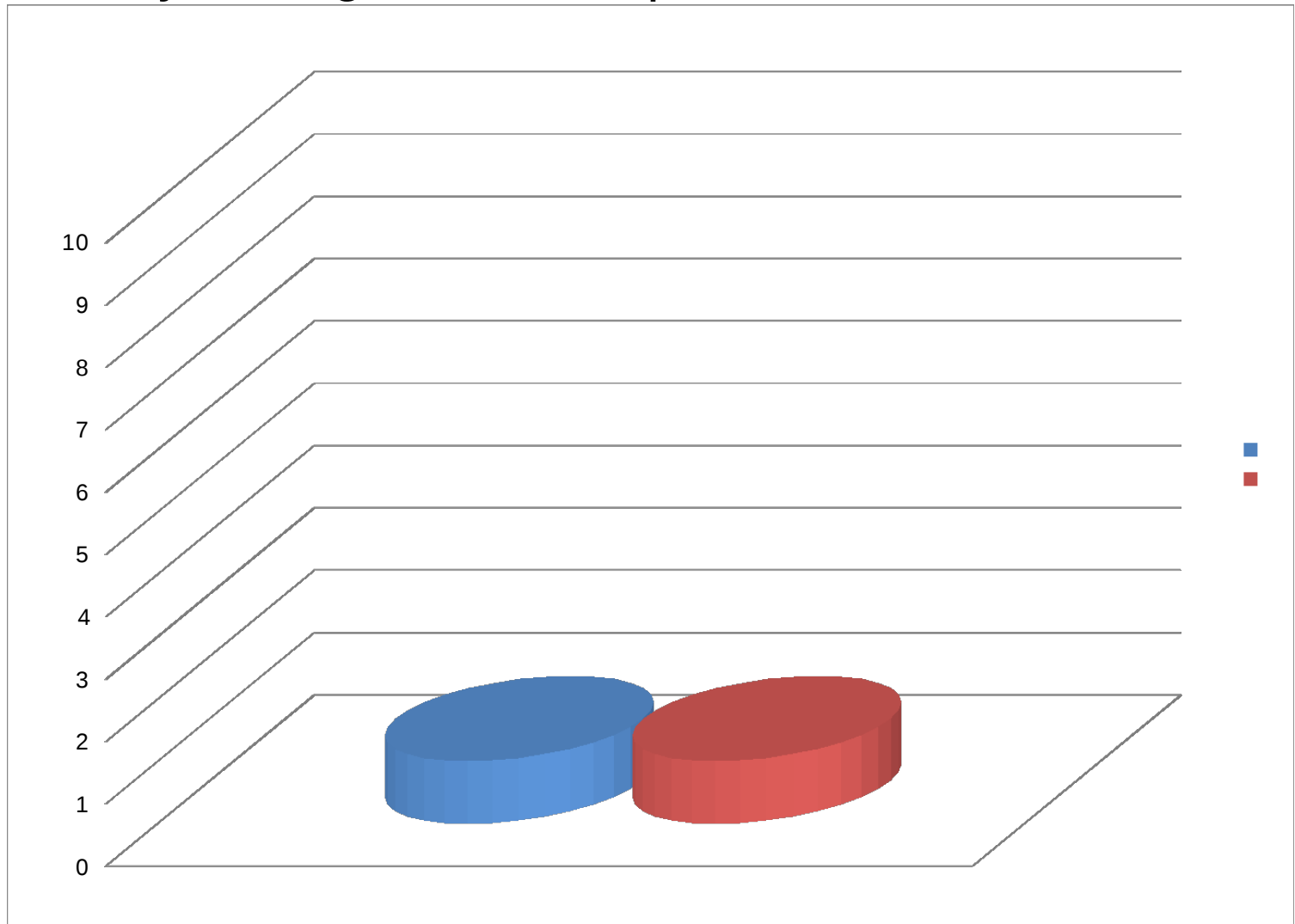
(5) An authorised person or a court **may include the name of another family member** in a temporary protection order made for the benefit of the complainant if the authorised person or court is satisfied that family member **is in danger of personal injury.**

(6) An authorised person or a court must **not refuse to make a temporary protection order merely because of the existence of other legal proceedings involving the defendant and the complainant.**

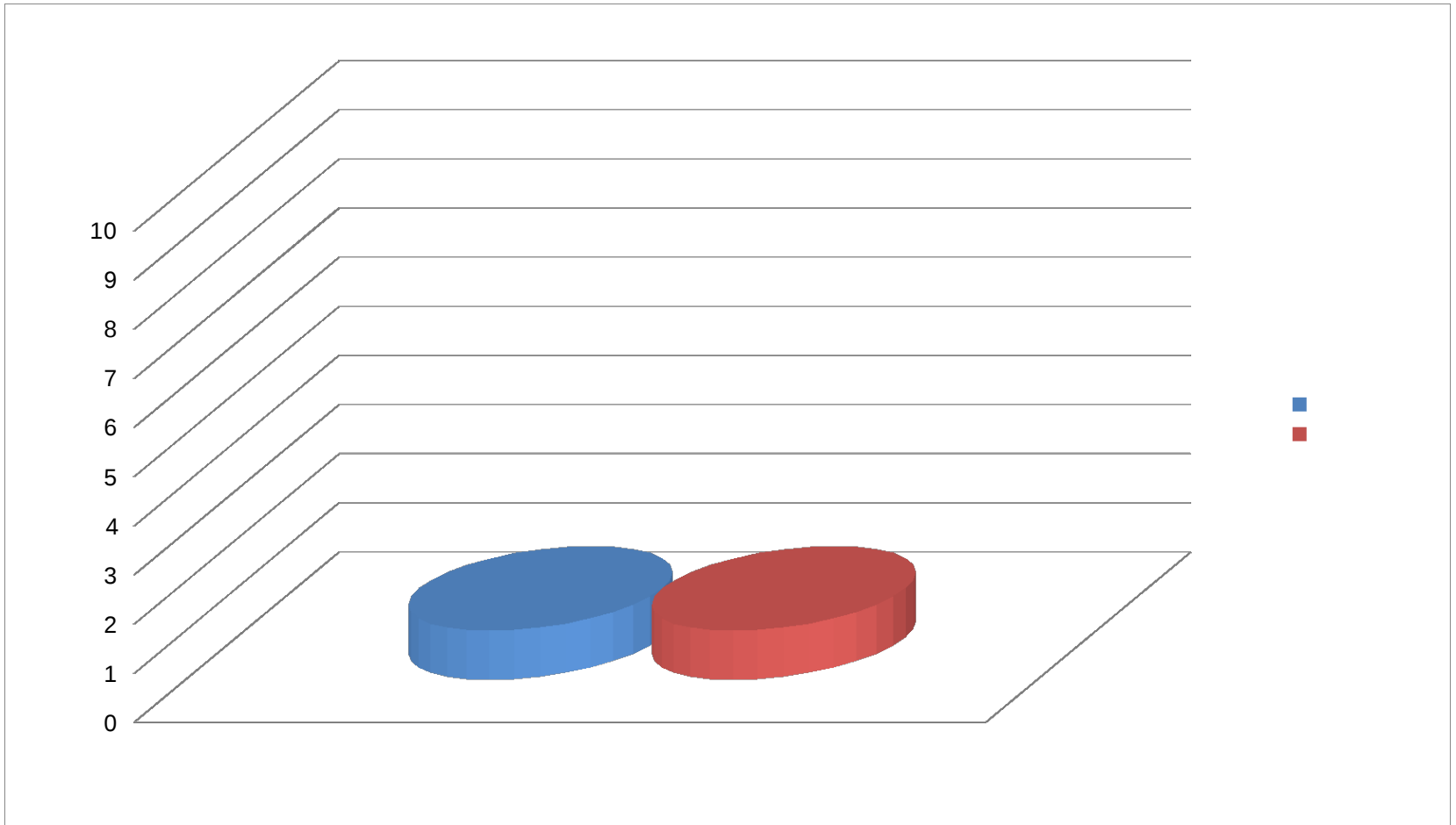


2008 to 2013
Statistic of Domestic
Violence cases

Summary of Registered/completed cases Santo & Vila



Total number of applications filed by gender



Number of cases filed by Vanuatu Police Force

Number

10
9
8
7
6
5
4
3
2
1
0



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