

Victims of Crime Forum

Peace, Safe mo Harmonious Community blong everi wan

Venue: Malvatumauri Chieves Nakamal

Date: Tuesday 29th and Wednesday 30th June 2010

The Forum was opened by the Secretary General of the Malvatumauri, Mr Selwyn Garu; who welcomed all the participants to the nakamal and noted that all institutions in Vanuatu have a role to play in supporting victims of crime. The outcomes of the Forum, the first of its kind in Vanuatu, should provide the foundation for positive things to start to happen with the coordinated efforts of all stakeholders in Government agencies, church, communities and families: we all have a role to play. The Forum participant list is included as Attachment 1.

The Forum organisers, Women Against Crime (WAC), and their partnership organisations for the Forum Vanuatu Women in Sport and Women in Police, expressed their grateful appreciation to the sponsors which made the Forum possible; in particular the European Union Commission Non State Actors programme, the Malvatumauri and the Vanuatu Women's Centre, a full list of sponsors is included in Attachment 2.

The Forum was presented with background information on the current crime situation in Vanuatu in terms of crimes reported to the Vanuatu Police Force and the current and planned services available for victims; offenders under the management of the Correctional Services Department; government policy and planning framework for the justice system; the services offered by the Office of the Public Solicitor and the current legal framework for compensation; cases seen at the Vila Central Hospital; services of the Vanuatu Women's Centre and the role of custom from the Malvatumauri. The detailed record of discussions is included as Attachment 3.

The Forum was close by the Minister of Justice and Community Services, the Right Honourable Bakoa Kaltongga. The Minister pledged the full support of his ministry in helping to implement the outcomes of the Forum and highlighted some of the recent achievements within the Justice sector and upcoming activities such as a legal sector review and the implementation of a Sector Wide Approach (SWAp) within the justice sector which he invited WAC to participate in as a key stakeholder.

The Forum adopted eight outcomes to focus its forward looking strategies and tasked WAC to continue to work with all stakeholders to carry out the recommendations of the Forum.

Outcome 1: Stronger Penalties by Law for Criminal Offenders

1. Reinforce and maintain existing penalties: life sentence means a life sentence of 15 years

2. Amend Penal Code Act and Joint Regulation Act (the large volume which has the laws from before Independence) for things like Traffic Act and Child Maintenance which are in the Joint Regulation Act - for example drugs is a statutory report not a crime; careless use of a motor vehicle and drunk driving need harsher penalties.
3. Stop the practise of pardoning offenders under the management of Correctional Services
4. Review the penalties in the drugs legislation - lots of offenders are fined and repeat their crime.
5. Research the different kinds of "no drop" policies which will be appropriate for Vanuatu as applied to domestic violence - victims make complaints to FPU and then go and sit with family and leaders and resolve their problems so they cancel their complaint: this isn't helping the offender.
6. Any serious case (rape, intentional homicide, serious assault cases dealt with by CID) must be dealt with by the police and court for strong penalties (the chief can come in to reconcile the parties but the matter must be in the formal legal system)
7. Research and analysis is needed into how to ensure children and youth are well looked after in their families, perhaps based around that used in the Cook Islands where if children are found on the streets late at night the parents are held accountable and prosecuted.

Outcome 2 - A well resourced and stronger and effective Family Protection Unit for Police

Need to change and promote communities and families

URGENT activities:

1. FPU - need ongoing awareness campaign because a lot of people don't know about the FPU to include female police officers, leaders and role models. Awareness - it is everyone's business to fight crime and promote services of FPU on radio, talkback show etc. Protect the rights of the unborn child
2. Four Safe Houses in the four wards managed by the Port Vila Municipality which are 'secret' from the general public so that victims feel safe so that every facility has:
 - Services to include counselling
 - Telephone access inside the safe house has a blocked number and is confidential
 - Have a permanent police officer
3. Community security such as wardens or community police could use the services of different groups such as young leaders. These wardens must have proper training from the Police and have a 'rapid response' relationship with the Police; they must be properly managed and supervised and the Police could possibly use them for other activities. Noting that amendment to CAP 105 and the Private Security Act will be tabled in September 2010.

4. FPU – should have or work very closely with a safe house or centre.
5. Need a one hour awareness session each day about the FPU: each day there will be a session about awareness with stakeholders (noting that Correctional Services have a lot of resources):
 - Human rights trainers community paralegals
 - Police etc
 - VWC
 - Counsellors
 - Video etc

LONG TERM priorities for the FPU

6. Start some research into environment and genetics and crime in 2011.
7. Respected leaders – chiefs, pastors – need to go and visit homes especially broken homes and find out what happened and try to reconcile the couple.

The group believes that everyone has a role to decrease crime if we cooperate and work together and every single person has a contribution to make.

Outcome 3: Immediate Improved Services to Victims of Crime

8. Victims of crime should have access to free medical treatment and free legal services; provided on the basis of the presentation of a Police Certificate: NO PAYMENT OF FEES
9. The VPF needs to legalise or institute a ‘no drop’ policy
10. There is a clear need for a Welfare or Social Welfare Office (social protection) to provide financial support for the needy
11. Doctors ‘on call’ should be available immediately when needed
12. Government to provide a Legal Office that can help the victims as well – government needs to promote that legal office as being available to all victims.
13. The court should waive the corroboration rules of evidence on sexual cases
14. Government needs to establish a laboratory for forensic pathology
15. Victims of crime should be allowed to make an Impact Statement to the Parole Board before an offender is sent out on parole
16. Increase the number of police officers to an effective population/police ratio to assist victims better

Outcome 4: Option of Government Safe house for Victims of Crime & Victims of Crime family support

17. Government must provide a safe house for all victims, this is outside the role of the police in every community in Port Vila which includes the peri urban area (Mele, Pango etc). All stakeholders have a role in providing initial funding and operational costs, noting that community can provide labour.

Outcome 6 Amendments to existing laws or create new laws to enable Compensation claims by Victims of crimes against offenders and their families

18. Offender or his family grouping should provide compensation for their crimes (cash or in kind).
19. Under age victims (those under 18 years) need compensation for their families.
20. Those who are over 18 years - compensate the person - the person must find some work or something to compensate the victim.
21. Death or murder cases should result in a life sentence in prison. Victim compensation should include giving the victim's family land, food and other exchange (eg someone from the offenders family is given to the victims family). This is a sensitive issue in some communities but there is potential for conflict with human rights.
22. There should be no pardoning of offenders.

Outcome 7 Increase Child maintenance for single mothers and divorced, mother or father

23. WAC will call a special meeting in July 2010 on child maintenance to work through the issues which include:
 - Child maintenance has been VT4,000 for too long, should be increased to VT10,000 per dependent child, if the grandparents are looking after the child they should be entitled to child maintenance and payment in non-monetary terms is acceptable.
 - If there is one child the amount should be 10,000 and more than one then there could be a range between 4,000-10,000.
 - In rural areas custom ways should be followed such as child been given land from the father, and this should apply for both boys and girls.
24. It is important that single parents have access to affordable legal services be available to quickly resolve issues associated with non payment of child maintenance.
25. The Labour Act needs to be reviewed to include provisions for child allowance in both the public and private sector which includes all dependent children (under 18 years), particularly illegitimate children.

Outcome 8 Role of chiefs

Long term projects (solutions) to improve life of vulnerable groups and victims of crime:

26. Chiefs want 10 community nakamals or centres in the 10 areas of Port Vila
 - Chiefs have a place to hold meetings
 - Chiefs teach customs, activities and so on
 - Teaching life skills to youth
27. Establish a strong Town Area Council and island community councils by 27 July 2010 in line with the structure of the Malvatumauri Council: need to

organise chiefs. For this to happen in this timeframe the Port Vila Town Council needs strong partners such as the police. Lack of organisation is contributing to the issues faced in communities, this is hard work and need assistance form other agencies to set up the island councils. These councils need to take gender into account.

28. The police need to find the appropriate chiefs when police arrest a youth the chief of the area must be identified who must be contacted immediately.
29. Redefine the meaning of the state of Vanuatu to accommodate components of both formal and customary governance.
30. Nakaimas - all chiefs need to work to assist Section 106 and 151 of the Penal Code to define witchcraft and the process of how a case can go forward to court. The main problem is to do with evidence: the Court can accept the Chief as an expert witness on issues to do with custom. So perhaps this is one way the chiefs can help the police. The chief(s) must be involved right through the chain of evidence process not just as an expert witness.
31. There needs to be another forum about Crime and victims of crime with the theme "Jif, Kastom mo Crime".
32. Need to note that the priority of custom is peace not justice and we need to have a balance in life between custom and modern society.