



# 2

## OVERVIEW OF SOCIO-DEMOGRAPHIC INDICATORS

for Women and Children in Vanuatu and their Impact  
on Access to Justice

Fairness, transparency and access to justice are also the foundational characteristics of Vanuatu's legal system.

...

The law is there to facilitate the well-being of the people of Vanuatu and society. It is not to be seen as somehow obstructing them.

Some basic fundamentals are necessary. Laws regulate the activities and the often complex interactions between persons or institutions. The object is to enable Vanuatu people and their families to realise their ambitions as best as possible, and to achieve mutual respect between all those within the community. To realise these objects, it is necessary to have in place an infrastructure to ensure that those objects can be fulfilled<sup>1</sup>.

The Hon Vincent Lunabek, Chief Justice of Vanuatu at the Opening of the Law Year 2016

---

<sup>1</sup> Official Opening of the Courts of Vanuatu by The Hon Chief Justice Lunabek, 2016. <http://www.paclii.org/vu/other/speeches/2016.html>

# OVERVIEW OF SOCIO-DEMOGRAPHIC INDICATORS

## for Women and Children in Vanuatu and their Impact on Access to Justice

### a. Access to Justice

*“Human lives are battered and diminished in all kinds of different ways, and the first task ... is to acknowledge that deprivations of very different kinds have to be accommodated within a general overarching framework”.*<sup>2</sup>

Multidimensional poverty analyses look at a range of factors that affect the lives of women, men and children including poor health, lack of education, inadequate living standards, lack of income, disempowerment and the lack of a voice in the decisions that shape their lives, poor quality of work and the threat of violence in their lives<sup>3</sup>.

In the context of access to formal justice systems, multidimensional poverty affects all aspects of a woman’s ability to access the formal justice system, from limited education and a lack of financial autonomy, through to not having sufficient funds (i) for court filing fees in civil matters such as child maintenance, family law and adoption cases, (ii) for transport costs to and from the court for themselves and witnesses, (iii) for copying of documents or other formalities or (iv) to afford the time lost at work/potential salary foregone to file documents and attend court hearings.

In Vanuatu, as elsewhere in the world, poverty also has an impact on a woman’s ability to access legal information that will help her navigate the formal justice system, including knowing her rights, where and how to report an incident of violence, file an application for a Family Protection Order, or bring a family law matter to the courts for resolution.

This Part reviews the available data in Vanuatu on poverty and hardship, educational attainment,

access to information and communication technology and the prevalence of violence against women and children, to analyse the extent to which these factors affect women and children’s access to the formal justice system. How these barriers to accessing the formal justice system might be overcome is dealt with in more detail in Part Four of the Report.

### b. Women and Multidimensional Poverty

The Vanuatu National Statistics Office (VNSO) is the agency responsible for compiling and analysing poverty and socio-demographic indicators in Vanuatu.

The key VNSO documents referred to in this section<sup>4</sup> are:

- the 2009 National Population and Housing Census<sup>5</sup>
- the Vanuatu Hardship and Poverty Report: Analysis of the 2010 Household Income and Economic Survey<sup>6</sup>
- the Vanuatu Socio-Economic Atlas<sup>7</sup> (2014).

The Vanuatu Hardship and Poverty Report analysed the proportion of Vanuatu’s population that was vulnerable to poverty. This includes the population that has a per capita adult equivalent expenditure that is above the basic needs poverty line (BNPL) but less than 50% above the BNPL. When this is taken into account, close to half of Vanuatu’s urban population either lives below the BNPL or is vulnerable to poverty.

2 Sen, A. (2000), “A Decade of Human Development”, *Journal of Human Development*, 1(1), 17–23.

3 Oxford Poverty and Human Development Initiative <http://www.ophi.org.uk/policy/multidimensional-poverty-index/>

4 There are slight variations between the figures presented in these three documents. The majority of the analysis is drawn from the Vanuatu Hardship and Poverty Report: Analysis of the 2010 Household Income and Economic Survey (2014). Where more detailed analysis at the lowest district unit of an area council is required, the data from the Vanuatu Socio-Economic Atlas (2014) is used.

5 Vanuatu National Statistics Office (2009) National Population and Housing Census.

6 Vanuatu National Statistics Office and UNDP Pacific Centre (2013) Vanuatu Hardship and Poverty Report 2012: Analysis of the 2010 Household Income and Economic Survey.

7 Vanuatu National Statistics Office (2014) Vanuatu Socio Economic Atlas.

**Table 2.1: Incidence of Basic Needs Poverty**

	Percentage of the population with weekly per capita equivalent expenditure less than the basic needs poverty line <sup>8</sup>	Percentage of the population with weekly per capita equivalent expenditure less than 50% above the basic needs poverty line (includes groups classified as very vulnerable or vulnerable to poverty) <sup>9</sup>
Port Vila (urban)	18.4%	44%
Luganville (urban)	23.6%	50.5%
Rural	10%	27.4%
Vanuatu	12.7%	31.7%

Table 2.1 shows that in 2010 one in five people living in urban areas in Vanuatu lived below the Vanuatu BNPL and that vulnerability to basic needs poverty was significantly higher in urban areas with 44% of the Port Vila population and 50% of the Luganville population considered as very vulnerable or vulnerable to poverty.

Nearly one in four (24%) households are headed by a woman.<sup>10</sup> The Vanuatu Hardship and Poverty Report states that:

*Gender-based inequality is deeper in urban areas, compared to rural areas, and, to some extent, reflects wage inequality. Women’s share of the benefits from economic growth has been less than men’s with more of the growth being in male dominated jobs such as construction. More women are vulnerable to falling below the poverty line than are men. The unemployed poor, elderly and people with disabilities are more vulnerable in urban areas than in rural areas.*<sup>11</sup>

The Vanuatu Hardship and Poverty Report calculated that the weekly per capita adult expenditure for the poorest 30% of the population was VT 1933 and dropped to VT 1772 in Luganville, and VT 1839 in rural areas.<sup>12</sup> Women bring most matrimonial, adoption, child maintenance and other family law cases to the courts and, as the applicant party, must pay court fees. Court filing fees are VT 1000 in the Island Court, VT 8000 in the Magistrates Court and VT 20,000 in the Supreme Court. There are no court fees for a Family Protection Order application. There is no clear and public procedure for the waiver of court fees in family law cases.

To file a civil case in the Island Court would consume over half (52%) of the weekly per capita expenditure of an adult whose income was in the lowest three deciles (VT 1933); a Magistrates’ Court case would consume over four times the weekly per capita adult expenditure; and a Supreme Court case more than ten times the weekly per capita adult expenditure.

Vanuatu’s Disability Pilot Survey 2014<sup>13</sup> found that approximately 5% of the population had a disability. The Vanuatu Hardship and Poverty Report identified that nearly a quarter of people living with a disability in Port Vila lived under the BNPL (23%).<sup>14</sup>

The Vanuatu Hardship and Poverty Report presents data showing a strong three-way relationship between gender, low or no education, and poverty in urban areas. The report documents how vulnerability to poverty and the incidence of basic needs poverty is higher among females than males with limited or no schooling.<sup>15</sup> Part Six of this Report discusses the impact of vulnerability to poverty and low educational and social status on access to justice for women and children with disabilities.

8 Vanuatu National Statistics Office and UNDP Pacific Centre (2013), p. 10.

9 Ibid, p. 49.

10 Vanuatu National Statistics Office (2011) Gender Monograph, Women and Men in Vanuatu, p. 16.

11 Vanuatu National Statistics Office and UNDP Pacific Centre (2013) p. 17.

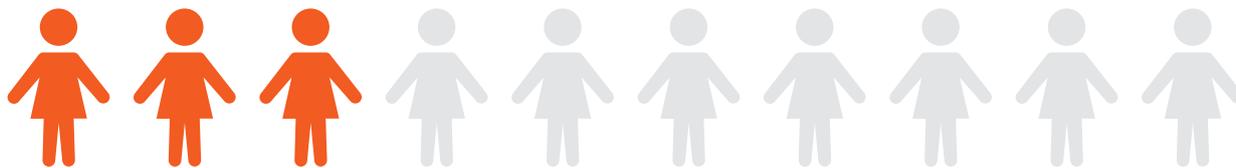
12 Ibid p. 25.

13 Vanuatu Disability Pilot Survey, Findings and Recommendations Report, 2014, Ministry of Justice and Community Services. The Pilot Survey gathered information on prevalence and types of disabilities, as well as needs, skills and access to services, to identify further research needs and establish a centralized Government Disability Database. The 2009 census found that approximately 12% of people with a disability (Vanuatu National Statistics Office (2011), p. 26). The Census asked each person if they have any difficulties in four functional areas: seeing, hearing, walking or climbing stairs, remembering or concentrating. For each of these areas, people are asked whether they have (a) no difficulties; (b) some difficulties or (c) cannot do at all. Any difficulty should be of a permanent nature and not due to temporary illness or injury. Those that answer (b) “some difficulties” are considered to have some form of disability. Those that answer (c) “cannot do at all” are considered to be severely disabled. This approach is based on international standards for collecting data on disability prevalence through population censuses.

14 Vanuatu National Statistics Office and UNDP Pacific Centre (2013), p. 14.

15 Ibid p. 17.

Figure 2.1: Court filing fees as a percentage of weekly expenditure in the poorest households



WEEKLY PER CAPITA ADULT EXPENDITURE =  VT 1933  
FOR THE POOREST 30% OF THE POPULATION



COURT FEE IN  
THE SUPREME COURT = 10x WEEKLY EXPENDITURE



COURT FEE IN  
THE MAGISTRATES COURT = 4x WEEKLY EXPENDITURE



COURT FEE IN  
THE ISLAND COURT = 0.5x WEEKLY EXPENDITURE



Photo credit: UN Women/Olivia Owen

### **c. Education levels of women and children and their access to justice**

Nationally, 7 out of 10 women (71%) aged over 15 years have either no education or have only completed primary education. Slightly more women (71%) than men (67%) have never been to school or only completed primary education.<sup>16</sup> This rises to almost 81% of women in Malampa province, and to 84% and 86% of women in, respectively, Tafea and

Torba provinces, who have never been to school or have only completed primary education.<sup>17</sup>

Most of these women therefore will need to be supported by free legal advisory services to access the formal justice system for cases involving family law and family violence.

Fourteen percent of children in Vanuatu aged 6–13 years of age do not attend school.

---

<sup>16</sup> Vanuatu National Statistics Office (2011), p. 32.

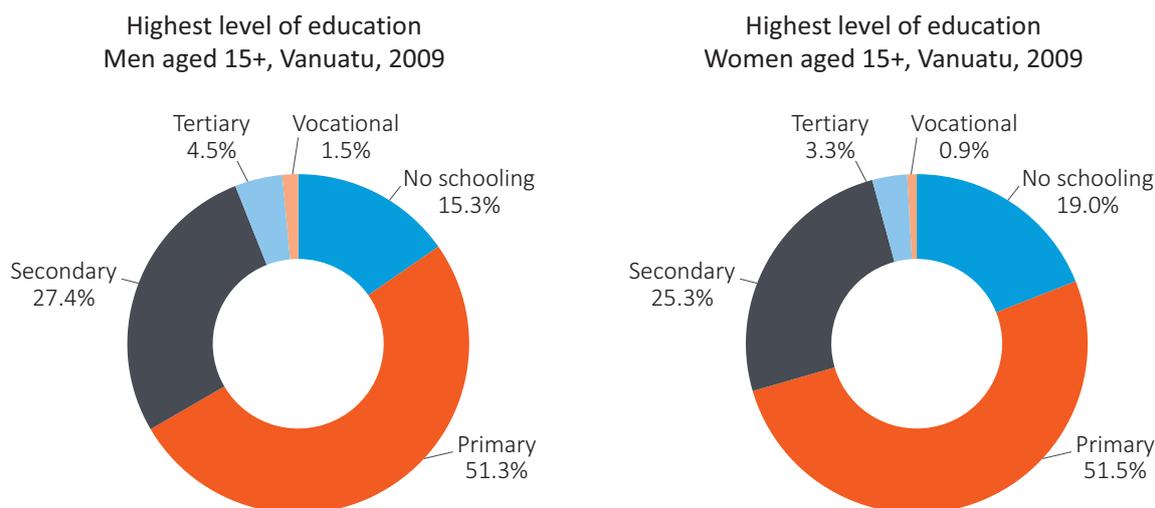
---

<sup>17</sup> Ibid p. 33.

**Table 2.2: Percentage of the population aged 15 years and over and educational attainment by province<sup>18</sup>**

Province	No Schooling	Primary Education	Secondary Education	Tertiary Education
Torba	26%	59%	12%	2%
Sanma	22%	55%	17%	2%
Penama	19%	54%	21%	3%
Malampa	13%	63%	18%	2%
Shefa	13%	55%	22%	5%
Tafea	39%	38%	14%	2%
Port Vila	5%	35%	45%	10%
Luganville	5%	42%	41%	6%
Vanuatu	17%	49%	25%	5%

**Chart 2.1: Highest Level of Education for Men and Women Aged 15+**



	Vanuatu, 2009	
	Men (aged 15+)	Women (aged 15+)
Percentage with <b>no schooling</b>	15.3%	19.0%
Percentage with <b>primary</b> schooling	51.3%	51.5%
Percentage with <b>secondary</b> schooling	27.4%	25.3%
Percentage with <b>university</b> degrees	4.5%	3.3%
Percentage with <b>vocational</b> certificates	1.5%	0.9%
<b>Total</b>	<b>100%</b>	<b>100%</b>

<sup>18</sup> Vanuatu National Statistics Office (2014), Vanuatu Socio Economic Atlas, pp. 142–150.



## d. Access to Information and Communication Technology and Access to Justice

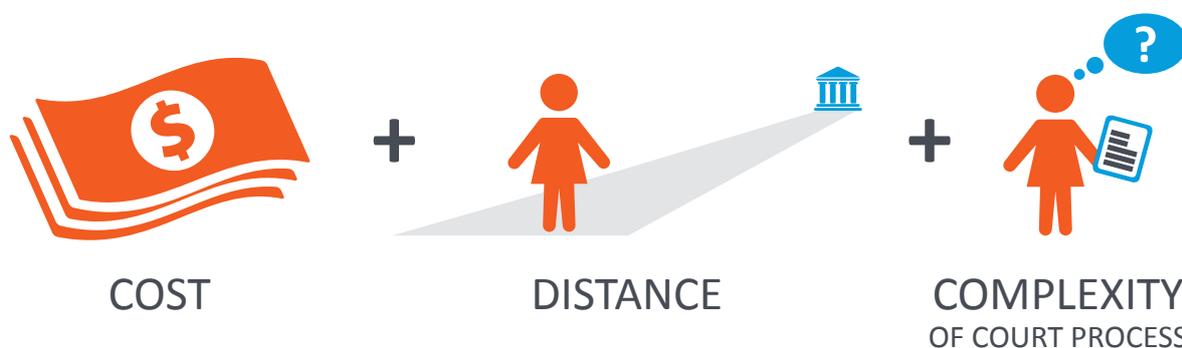
In addition to low levels of education, the 2009 Census findings on information technology provide some insight into how women and children might best access information about the formal justice sector. It found that:

- Although internet use and computers are not widespread, almost every household has at least one mobile phone. However, there is no gender-disaggregated data on mobile phone access so it is not possible to determine the extent to which women can access a mobile phone within their household. It is also not possible to determine from this data whether children (under 18 years of age) can access mobile phones or the internet.
- More men than women use the internet.<sup>19</sup>
- 15% of urban women used the internet in the week before the census.<sup>20</sup>
- 88% of all households, and 66% of households in rural areas reported owning mobile phone(s).<sup>21</sup>

Given women’s vulnerability to poverty and their low levels of education it is unlikely that legal information conveyed in written formats on the internet or by smart phone technology would be effective.

More accessible formats might include pictorial or simple language materials, and step-by-step diagrammatic guides on the fundamental rights of women and children, the laws that protect them and how they can access the formal justice system. These legal materials should be available in all justice sector agency buildings, hospitals and health clinics, and other public service locations that women and children regularly visit.

Part Four of this Report looks in more detail at how barriers of cost, distance and complexity of formal justice system processes faced by women and children in Vanuatu can be addressed.



<sup>19</sup> Vanuatu National Statistics Office (2011), p.3.

<sup>20</sup> Ibid, p. 54.

<sup>21</sup> Ibid, p. 56.

Photo credit, previous page: UN Women/Ellie van Baaren

## e. Vanuatu National Survey on Women's Lives and Family Relationships

In 2009, the Vanuatu Women's Centre (VWC) in partnership with the Vanuatu National Statistics Office (VNSO) implemented the Vanuatu National Survey on Women's Lives and Family Relationships (Vanuatu National Women's Survey).<sup>22</sup> VNSO technical expertise was used to design the survey sample to ensure that it was nationally representative. The report findings were published in 2011.

The aim of the Vanuatu National Women's Survey was: to conduct a population-based study to provide a reliable benchmark of the prevalence and incidence of violence against women in Vanuatu, and on attitudes to violence including: health and other effects of violence on women and children; risk and protective factors in the family and the community; coping strategies of women; and the implications for prevention and support services.<sup>23</sup>

Seven years after the survey was undertaken and five years after the key findings were published, many of the Report's recommendations on access to the formal justice system are yet to be implemented (see Annex 1 to this Report). The Recommendations that relate to the formal justice sector are discussed in more detail in Part Four of this Report. Some key findings from the Vanuatu National Women's Survey Report are:

*This survey opens a door to women's lives: it challenges Vanuatu's view of itself as a happy nation that values and protects family and children. It explodes myths about who suffers from violence, the severity of violence and its impacts, and where it occurs. It reveals an intense web of intimidation, threats, humiliation, controlling behaviour and acts of physical and sexual violence imposed on the women who suffer from violence by their husbands and partners. It shows pervasive patterns of gender inequality in Vanuatu society, including widespread beliefs and attitudes that directly undermine women's human rights; and it shows that violence against women cannot be prevented unless these patterns of unequal power between women and men (gender power relations) are transformed ...*

*The complex pattern of intimidation and multiple forms of violence experienced by so many women needs to be taken into account by all service providers, the law and justice sector, chiefs, faith-based organisations, civil society organisations and families who are asked to help women deal with violence ...*

*The prevalence of sexual abuse against girls under the age of 15 is also one of the very highest in the world. Almost 1 in 3 women (30%) were sexually abused before the age of 15 years, and the majority of perpetrators were male family members and boyfriends. For more than 1 in 4 women (28%), their first sexual experience was forced. These findings are disturbing because the survey has also shown that non-partner physical violence and child sexual abuse are both significant risk factors which increase the likelihood that women will be subjected to violence by their husbands and partners later in life.<sup>24</sup>*

...

*The findings show very high rates of violence against women by husbands/partners. Overall, 60% of ever-partnered women experienced physical and/or sexual violence by their husband/partner in their lifetime, and 44% suffered from either or both of these forms of violence in the last 12 months.<sup>25</sup>*



Photo credit: UN Women/Olivia Owen

22 Vanuatu Women's Centre (2011), Vanuatu National Survey on Women's Lives and Family Relationships.

23 Citation above p. 14.

24 Ibid, selected passages from pp. 14–17.

25 Ibid, p. 56.



Photo credit: UN Women/Olivia Owen

**Table 2.3: Prevalence of sexual and/or other physical violence experienced by women in the past 12 months**

	Women in some form of relationship aged 15 years and over <sup>26</sup>	Prevalence of sexual and/or other physical violence in the past 12 months
Vanuatu	52, 048 women	44% suffered from sexual and/or other physical violence in the past 12 months = <b>22, 901 women</b>

The Vanuatu National Women’s Survey found that 44% of women experienced sexual and/or other physical violence by their husband/partner in the last 12 months. Based on the 2009 Census, this equates to 22,901 women.

During 2012–2014, police laid charges in 380 cases a year (on average) in which a woman or child was a victim of sexual and/or other physical violence. Based on the prevalence findings in the Vanuatu

National Women’s Survey, this equates to only 2% of cases of violence against women where police laid charges.

In the period 2012–2014, the judiciary’s case management system did not collect gender-disaggregated data, so the courts could not identify the number of cases of violence against women or girls that were filed in court or the number of such cases that resulted in a judicial decision.

<sup>26</sup> Vanuatu National Statistics Office (2011), p. 73 from Table 3: Marital Status of people aged 15+ by sex, urban/rural locations, Vanuatu 2009.

Photo credits, next page: UN Women/Nicky Kuautonga; page 59: UN Women/Ellie van Baaren

