



# 5

BUDGETARY AND HUMAN  
RESOURCES SUPPORTING  
WOMEN AND CHILDREN'S  
ACCESS TO THE FORMAL  
JUSTICE SYSTEM



# BUDGETARY AND HUMAN RESOURCES SUPPORTING WOMEN AND CHILDREN'S ACCESS TO THE FORMAL JUSTICE SYSTEM

This Chapter outlines the annual budgets allocated by the government of Vanuatu for the formal justice sector for the years 2012–2015. Where available, the total budget allocation for each agency is shown with the breakdown for payroll and operations and the proportion of budget provided by donor countries. It also shows budget information for the Vanuatu Women's Centre as the lead civil society organisation assisting women and children to access formal justice.

As a least-developed country, Vanuatu faces severe budgetary constraints across all sectors of government and is heavily reliant on donor aid. In the justice and police sectors, the Australian government, through its aid programme, is the largest donor. Through its direct funding of the Family Protection Units and the Vanuatu Women's Centre, it is, in effect, paying for most, if not all, women and children who access the formal justice sector in family law and sexual and/or other physical violence cases. (See Part Four for more detail.)

## a. Vanuatu Police Force

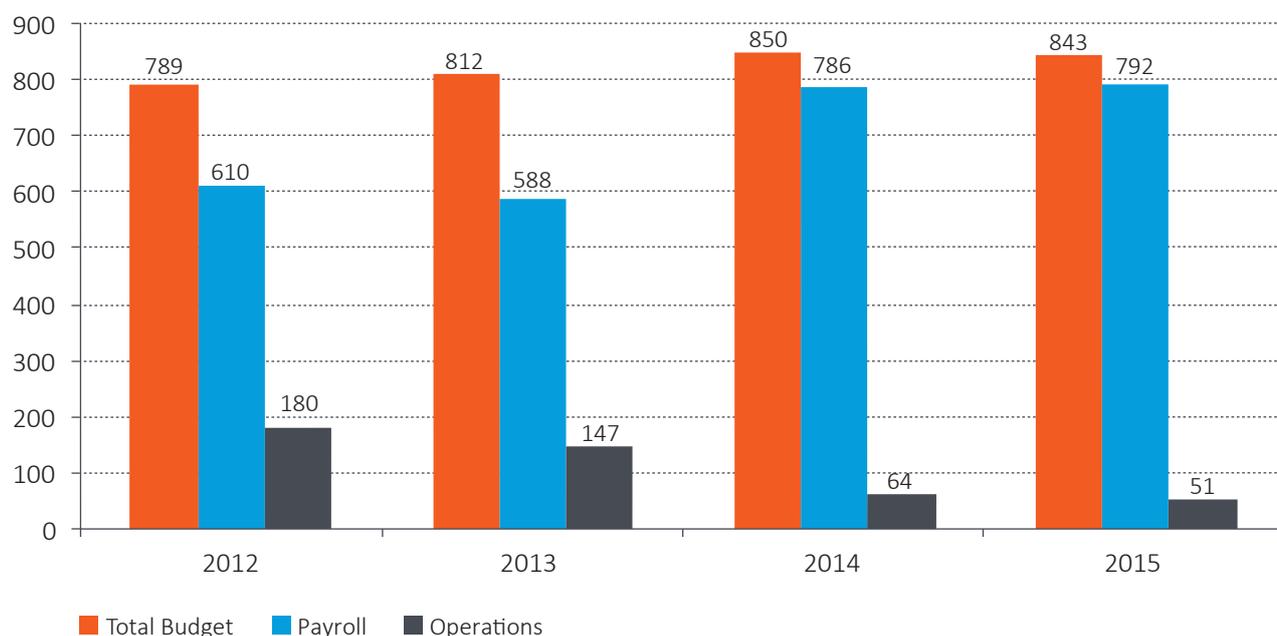
The Vanuatu Police Force has a total of 676 sworn and civilian officers, including the Vanuatu Mobile Force and the Maritime Wing. The Vanuatu Police Force Corporate Services reported that there were 93 female police officers of whom 15 are civilian and 78 are sworn. Of the sworn officers, eight women are in the Vanuatu Mobile Force and the Maritime Wing.



Photo credit: Indira Rosenthal

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**Chart 5.1: Vanuatu Police Force Budgets 2012–2015 (Figures in VT millions)**



Sources: 2012 – Financial Summary, CSU, VPF; 2013 – Government of Vanuatu Budget 2013; 2014 – VPF Annual Report 2014; 2015 – Government of Vanuatu Budget 2015.

### Overview of Police Force Budgets 2012–2015

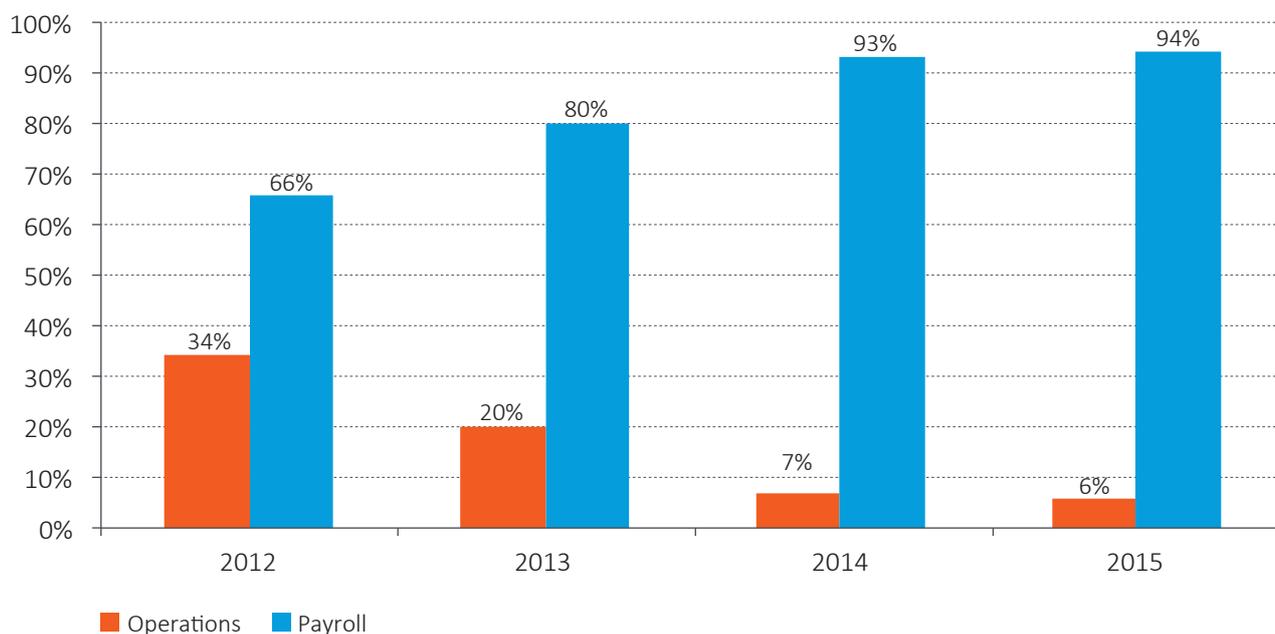
The Vanuatu Police Force (VPF) budget has been highly constrained over the past 4 years, especially for operational activities. In 2015, payroll consumed 94% of the total budget with the remaining 6% for operational costs (Part Four of this Report outlines the impact of the lack of operational budget on women and children’s access to the formal justice system).

75% of the population lives in rural areas without a police presence and are reliant on police travelling to investigate crimes and protect their communities. Many interviewees in the justice sector and non-government organisations reported very few

women and children have the resources to travel to the police to report crimes committed against them.

On 3 March 2016, the Police Commissioner delegated management of the operational budget to the four regional Commanders of the VPF, namely Commander North, Commander Central, Commander South and Commander Mobile Force. This is a positive development as police officers of all ranks, interviewed for this research, had identified the centralisation of budget control and the lengthy process for the release of even small amounts of money, for example to pay for vehicle fuel, as a significant challenge to the timely and effective performance of their duties.

**Chart 5.2: Police Operations and Payroll Budgets by Percentage 2012–2015**



Sources: 2012 – CSU VPF; 2013 – Government of Vanuatu Budget 2013; 2014 – VPF Annual Report 2014; 2015 – Interview with Senior Program Manager, Law and Justice, Australian High Commission, Port Vila.

### Operations and Payroll Budgets, 2012–2015

In 2015, the VPF budget for operations was only 6% of the total budget following a downward trend in budget for police operations over the previous three years.

This means that the VPF, while employing and paying for a large force, does not have the operational budget to enable them fully to carry out their duties. The lack of operational budget has a significant impact on women and children who are victims of crimes of violence in Vanuatu.

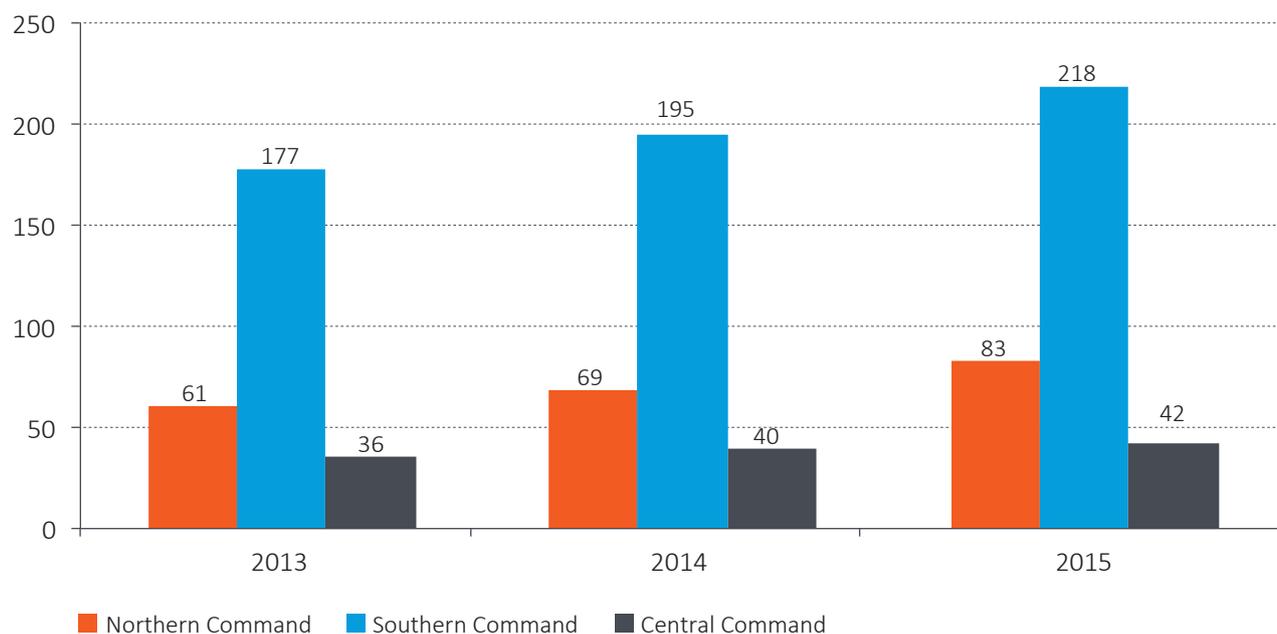
Without an adequate and accessible operations budget, police officers in Family Protection, Serious Crimes and Criminal Investigations Units, reported that they are frequently unable to carry out core police duties as required under the Police Act, including crime investigation and prevention activities. Police of all ranks reported that they do not have funds for transportation to crime scenes to investigate and collect evidence, to arrest and transport suspects, or to serve and enforce summonses and court orders, including Family Protection Orders.

Donor countries, Australia in particular, significantly augment the police operations budget. Through the Law and Justice Programme, Australia contributes approximately VT 48 million for police operations annually,<sup>1</sup> with some of this money going to the Family Protection Units in five locations across Vanuatu to cover fuel for police vehicles and other transport costs. Even with this significant support, the police operations budget is inadequate for a national police force facing some of the highest rates of domestic and sexual violence in the world. All the Family Protection Officers and other officers interviewed for this research said that they did not have access to the funds they needed to carry out their duties and that they regularly used their own funds, without reimbursement, to pay for transport and other costs, or to assist a complainant of family or sexual violence.

If the Australian government were to reduce or withdraw its financial support, the low numbers of women and children currently able to seek redress in the formal justice sector for serious criminal offences would be significantly reduced.

<sup>1</sup> Source: Interview with Senior Program Manager – Law and Justice, Australian High Commission, Port Vila, February 2016.

**Chart 5.3: Police Budget by Command\* 2013–2015 (Figures in VT millions)**



Source: 2013 & 2015 – Vanuatu Government Budgets 2013 & 2015, 2014 – Pacific Institute of Public Policy <http://pacificpolicy.org/2013/11/vanuatu-budget-2014>. \*Excludes Mobile Force and Maritime Wing.

### Police Budget by Command

The chart above shows the allocation in VT millions for three of the four Commands, Northern, Southern and Central. The fourth command, Vanuatu Mobile Force is not represented, as it does not investigate crimes of sexual or family violence.

Northern Command has operational responsibility for the provinces of Sanma and Malampa, as well as delegated responsibility for the Central Command provinces of Penama and Torba. These four provinces cover a vast geographical area, including many of the country’s most isolated islands and communities. According to the 2009 national census, 52% of Vanuatu’s population live in these four provinces. Chart 5.3 above shows that in 2015, Northern Command received 24% of the police budget while having

responsibility for policing more than half of Vanuatu’s population. However, VPF finance officers reported that the operations budget allocated to Central Command is shared with the Northern Command to cover operational costs in the two delegated provinces. The Southern Command covers Tafea and Shefa Provinces, with 48% of Vanuatu’s population.

The Vanuatu National Women’s Survey<sup>2</sup> reported that Malampa, Penama and Sanma provinces have the highest rates of domestic and sexual violence in the country.<sup>3</sup> However, as the VPF does not have crimes statistics for each of the regional Commands, it cannot show which Command has the highest level of reported family and sexual violence cases or estimate the proportion of operational funds that would be required to respond to these cases.

Photo credit, next page: UN Women/Olivia Owen

<sup>2</sup> Vanuatu National Women’s Survey, above Part 2, n. 22.  
<sup>3</sup> Ibid., pp 57–59.



## Family Protection Unit

The Family Protection Unit has 14 officers based in the following locations:

**Table 5.1: Vanuatu Police Force Family Protection Unit – Total Numbers**

Family Protection Unit					
Province	Island	Location	Total	Female	Male
<b>Command South:</b>					
Tafea	Tanna	Isangel	1	0	1
Shefa	Efate	Port Vila	6	3	3
<b>Command Central:</b>					
Malampa	Malekula	Lakatoro	2	1*	1
Penama	Ambae	Saratamata	1	1	
<b>Command North:</b>					
Sanma	Santo	Luganville	4	2	2
Torba	N/A	N/A	0	0	0
<b>Total</b>			<b>14</b>	<b>7</b>	<b>7</b>

\*On maternity leave at the time of writing.

Family Protection Units are funded from the budget of the Criminal Investigations Department. Their operational budget is supported by the Vanuatu-Australia Police Programme and the VWC Client Support fund, which is wholly funded by the Australian aid programme. In the 10 month period of July 2014–April 2015, 63%, or 1,713,965VT, of the VWC Client Support Fund was spent on police operations, especially fuel, transport, accommodation and other costs associated with serving Family Protection and other orders and summonses to appear in court, investigating family violence and sexual violence, and arresting suspects and transporting them to correctional facilities and the courts.<sup>4</sup>

Some Family Protection Units interviewed for this research reported that they organised funds for fuel and other costs from the VWC Client Support Fund on request from other Units investigating sexual offences.

## Department of the State Prosecutor

Vanuatu's Department of the State Prosecutor prosecutes minor offences in the Magistrates Court. These include prosecution of breaches of Family Protection and family maintenance orders, less serious domestic violence offences under the *Family Protection Act* and crimes under the *Penal Code*.

The State Prosecutor has eleven State Prosecutors based in the following locations.

<sup>4</sup> Source: Interview with Senior Program Manager – Law and Justice, Australian High Commission, Port Vila, February 2016.

**Table 5.2: Department of the State Prosecutor – Total Numbers**

Department of the State Prosecutor					
Province	Island	Location	Total	Female	Male
Shefa and Tafea	Efate	Port Vila	6	0	6
Malampa	Malekula	Lakatoro	1	0	1
Penama	Ambae	Saratamata	1	0	1
Sanma and Torba	Santo	Luganville	3	0	3
<b>Total</b>			<b>11</b>	<b>0</b>	<b>11</b>

The State Prosecutor’s Office does not have its own budget. It is funded by the Ministry of Justice and Community Services out of the Public Prosecutor’s budget for operational activities. The Police Force funds payroll costs.

The State Prosecutor’s Office also receives some funds and technical support from donor countries, for example through the New Zealand government’s Pacific Prevention of Domestic Violence Programme (PPDVP).

## b. Vanuatu Judiciary

Vanuatu has four levels of courts in its formal justice system: Court of Appeal, Supreme Court, Magistrates Court and Island Court.

### Supreme Court

There are seven Supreme Court justices, including the Chief Justice, Vincent Lunabek. As of March 2016, Justice Mary Sey is the only woman justice of the Supreme Court.

### Magistrates Court

There are eight Magistrates, including the Chief Magistrate, and four Senior Magistrates who have additional responsibility to supervise, and enforce the orders of Island Courts. There are four female and four male magistrates. Three of the four women are Senior Magistrates.

Magistrates Courts are only in four locations: Port Vila, Luganville (Santo), Lakatoro (Malekula) and Isangel (Tanna).

**Table 5.3: Vanuatu’s Magistrates – Total Numbers**

Magistrates						
	Port Vila	Luganville	Malekula	Tanna	Female	Male
Chief Magistrate	1	0	0	0	0	1
Senior Magistrate	1	1	1	1	3	1
Magistrate	2	1	0	0	1	2
<b>Total</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>4</b>

**Table 5.4: Island Courts – Total Numbers**

Island Court	Judges	Female Judges	Male Judges
<b>Shefa Province:</b>			
1. Efate	11	1	10
2. Tongoa	4	0	4
3. Epi	5	0	5
<b>Tafea Province:</b>			
4. Tanna	8	3	5
5. Erromango	4	0	4
<b>Penama Province:</b>			
6. Ambae	14	1	13
7. Pentecost	12	2	10
<b>Malampa Province:</b>			
8. Ambrym	10	4	6
9. Malekula	14	4	10
10. Paama	7	2	5
<b>Sanma Province:</b>			
11. Santo/Malo	26	3	23
<b>Torba Province:</b>			
12. Banks/Torres	20	3	17
<b>Total</b>	<b>135</b>	<b>23</b>	<b>112</b>

## Island Courts

As of March 2016, there were twelve Island Courts, each with its own clerk. There were 135 Island Court Judges appointed. However, interviews with Island Court clerks suggest that due to illness, infirmity, advanced age, as well as the remoteness of their homes, not all appointed Island Court Judges are

active. For example, out of 14 appointed Judges for the Malekula Island Court, only five or six are active and available for hearings. This makes it difficult to hold hearings, which require three Judges.

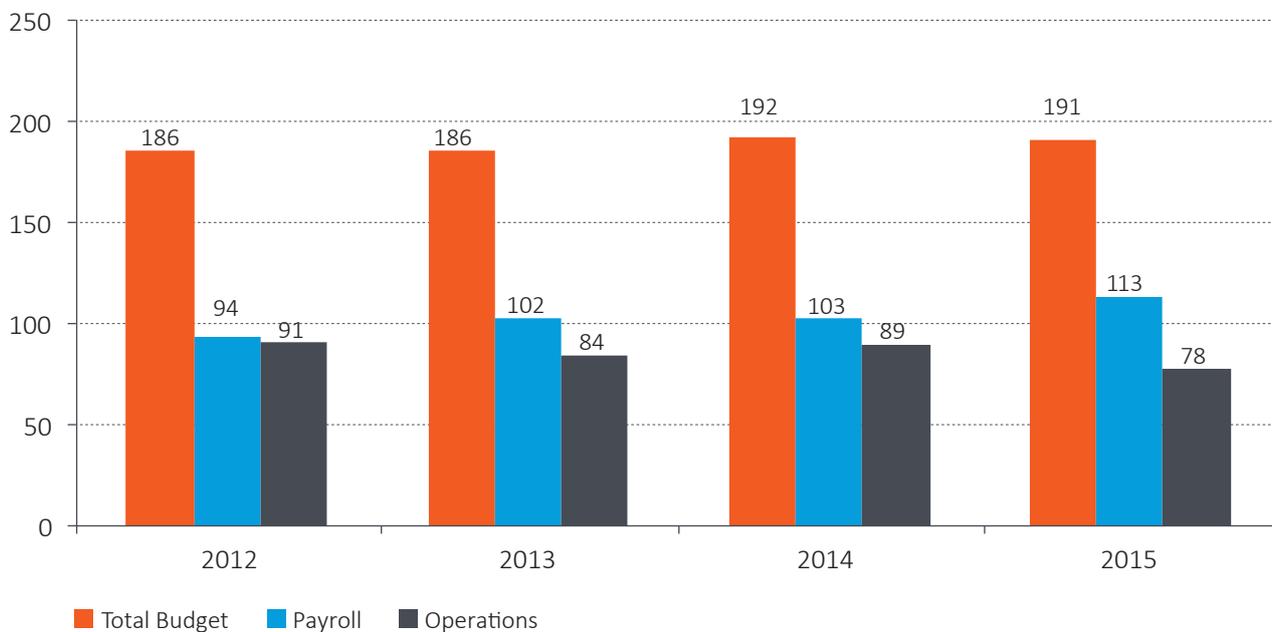
There are 23 female Island Court judges, or 17% of the total number of Island Court judges.

## Vanuatu Judiciary Budgets 2012–2015

The budget for the judiciary remained at a consistent level over the four-year period 2012–2015. Chart 5.4

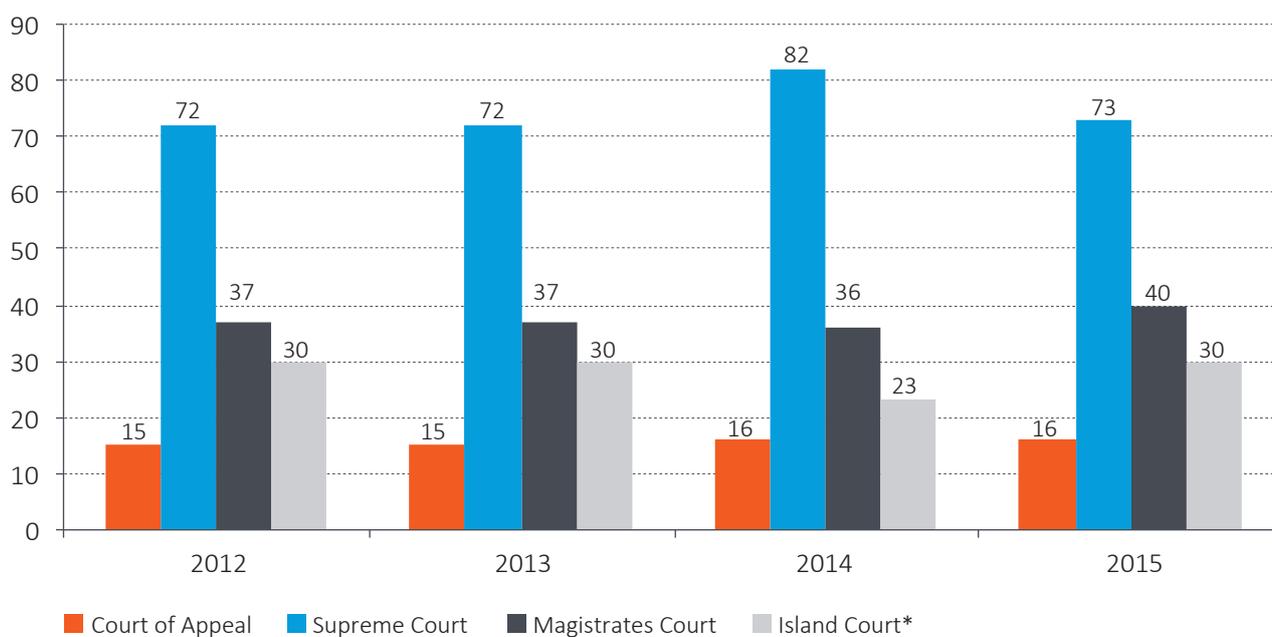
below shows that in 2015 approximately 41% of the Supreme Court budget was directed towards operational costs.

**Chart 5.4: Vanuatu Judiciary – Budget 2012–2015 (Figures in VT millions)**



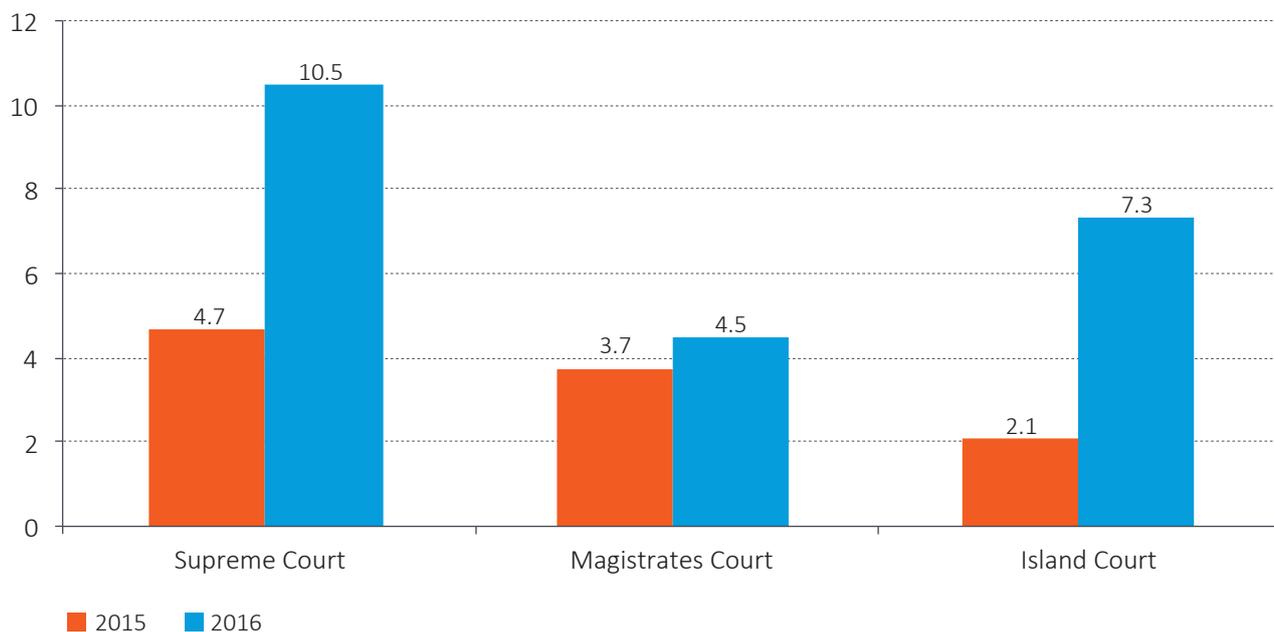
Sources: 2012–2014 Judiciary Annual Reports, 2015 Judiciary Financial Statement.

**Chart 5.5: Budget Allocation by Court 2012–2015 (Figures in VT millions)**



Source: 2012–2015 Vanuatu Government Budgets. \*Note that the Island Court allocations represented include the budget allocation for the Island Court sitting as the Land Court.

**Chart 5.6: Supreme, Magistrates and Island Court Circuit Tour Budgets Allocated for 2015 and 2016 (Figures in VT millions)**



Source: Supreme Court Budget Documents on file.

## Court Circuits

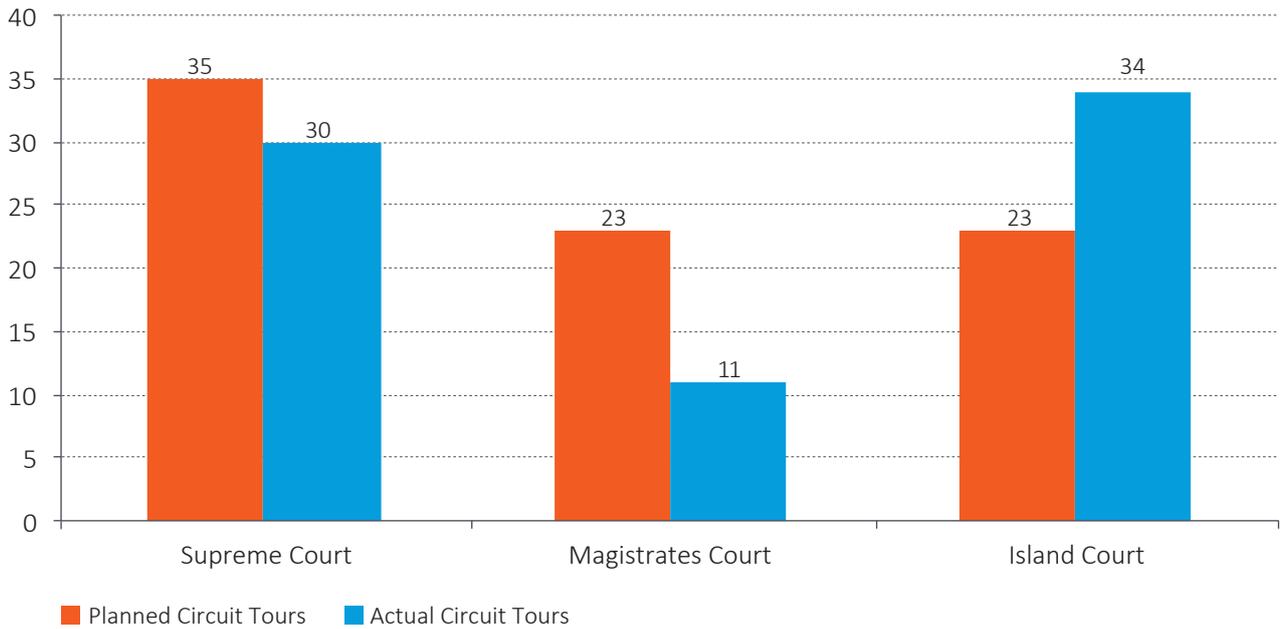
The Magistrates Court hears the majority of cases involving women and children (e.g., Family Protection Orders, enforcement of child maintenance, family violence). In 2015, it was only able to conduct 11 of the 24 scheduled circuit courts and received only 8.5% of the 2015 Supreme Court budget allocated for court jurisdictions to conduct circuit tours (see Chart 5.7 on the next page).<sup>5</sup> With 75% of the population living in rural areas outside Port Vila and Luganville, the Court’s lack of budget to conduct circuit courts has a significant adverse impact on women and children’s access to justice. It means they face considerable delays in having their cases heard, including on family protection matters.

## Circuit Court Budgets – 2015–2016

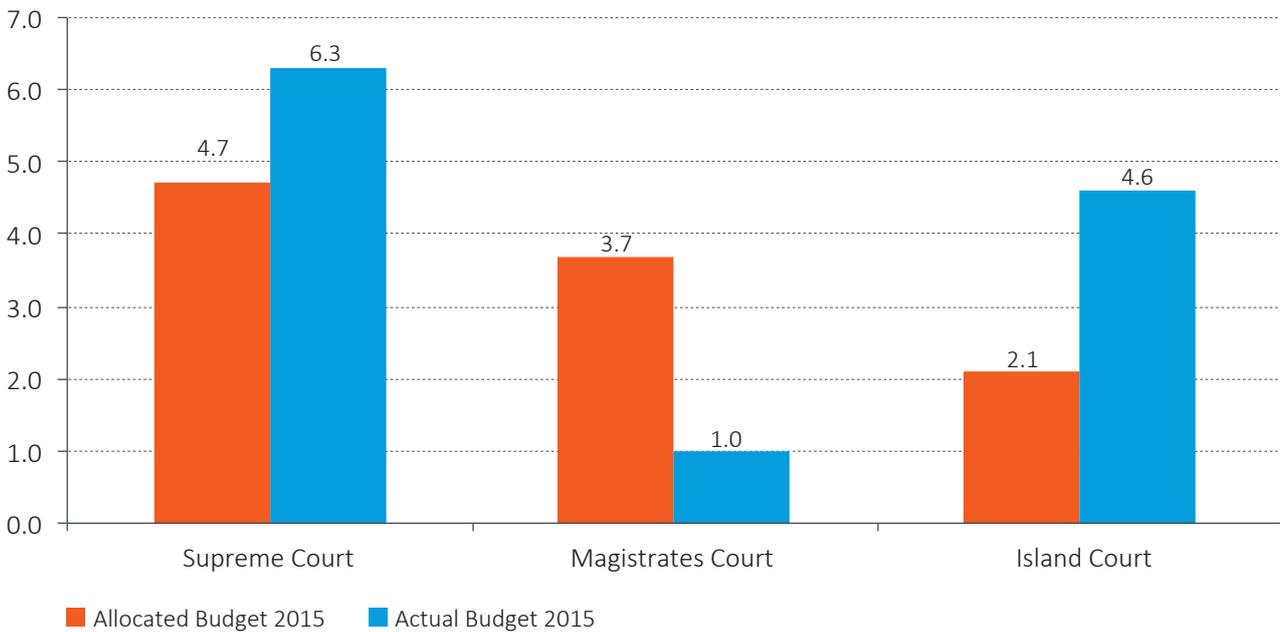
Chart 5.6 above shows the circuit court budget for the Supreme, Magistrates and Island Courts for 2015 and 2016 prepared by the judiciary. The total budget for 2015 was VT 10.5 million. The estimated budget for 2016 is VT 22 million, a 112% increase in the budget allocated by the judiciary for circuit courts. Of this estimated VT 22 million for circuit courts, the Supreme Court has been provisionally allocated 48%, the Magistrates Court 20% and the Island Courts 32%. If the Magistrates Court were to receive its provisionally allocated percentage in 2016, it would significantly increase its ability to circuit to remote areas, compared to 2015 when it received only 8.5% of the total circuit court budget.

<sup>5</sup> Vanuatu Judiciary Calendar of Events for 2015, p. 9; and data supplied by the Supreme Court Finance Office for circuit courts in 2015.

**Chart 5.7: Number of Planned and Actual Circuit Court Tours 2015**



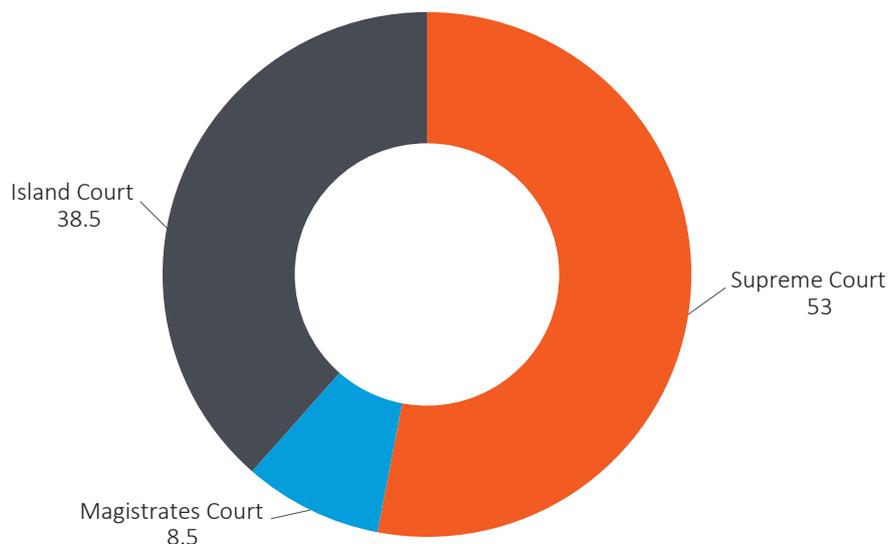
**Chart 5.8: Allocated versus Actual Budget: 2015 Circuit Court Tours (Figures in VT millions)**



In 2015, the Supreme Court completed 86% of planned circuit tours, including criminal plea tours;

the Magistrates Court completed 46%; and the Island Court 147%.

**Chart 5.9: Percentage of the Actual 2015 Circuit Court Budget Received (by Jurisdiction)**



The Supreme Court should increase the proportion of the budget for circuit courts that is directed towards enabling the Magistrates Courts to hold the 23 circuit courts published in the 2016 Judicial Calendar of Events from the 8.5% received in 2015.

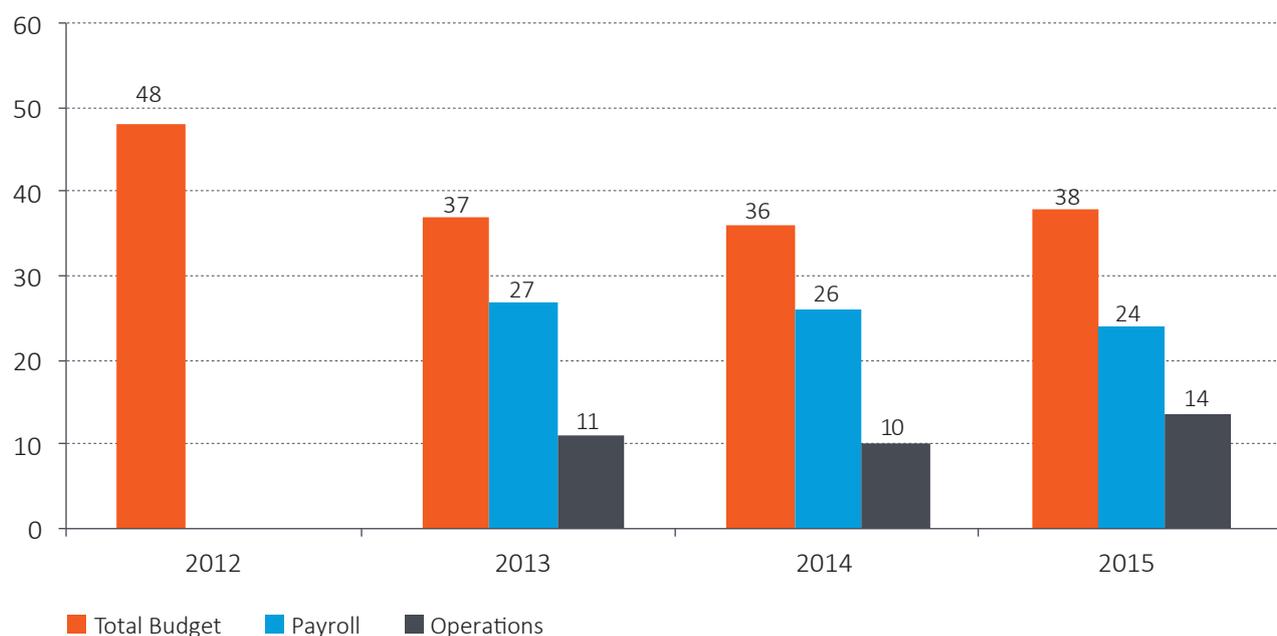
**c. Office of the Public Prosecutor**

The Office of the Public Prosecutor is constitutionally established as an independent body. In addition to the Public Prosecutor, Vanuatu has seven Assistant Prosecutors.

**Table 5.5: Office of the Public Prosecutor – Total Numbers**

Office of the Public Prosecutor			
Location	Total	Female	Male
Port Vila			
Public Prosecutor	1	0	1
Assistant Prosecutor	6	3	3
Luganville			
	1	0	1
<b>Total</b>	<b>8</b>	<b>3</b>	<b>5</b>

**Chart 5.10: Office of the Public Prosecutor: Budgets 2012–2015 (Figures in VT millions)**



Source: Government Budgets 2012–2015. Keep last sentence in the source for 2012 breakdown.

The Public Prosecutor is funded from the budget of the Ministry of Justice and Community Services. It, in turn, funds the operations of the Department of the State Prosecutor. The Office of the Public Prosecutor reported that its budget is insufficient and has not changed for the past few years. The Office lacks key information and data to assess the extent to which it is underfunded. For example, there is no accurate data on the cost of running a prosecution. The Office has

not published an annual report for the past ten years. Limited information is included in the Annual Reports of the Ministry of Justice and Community Services.

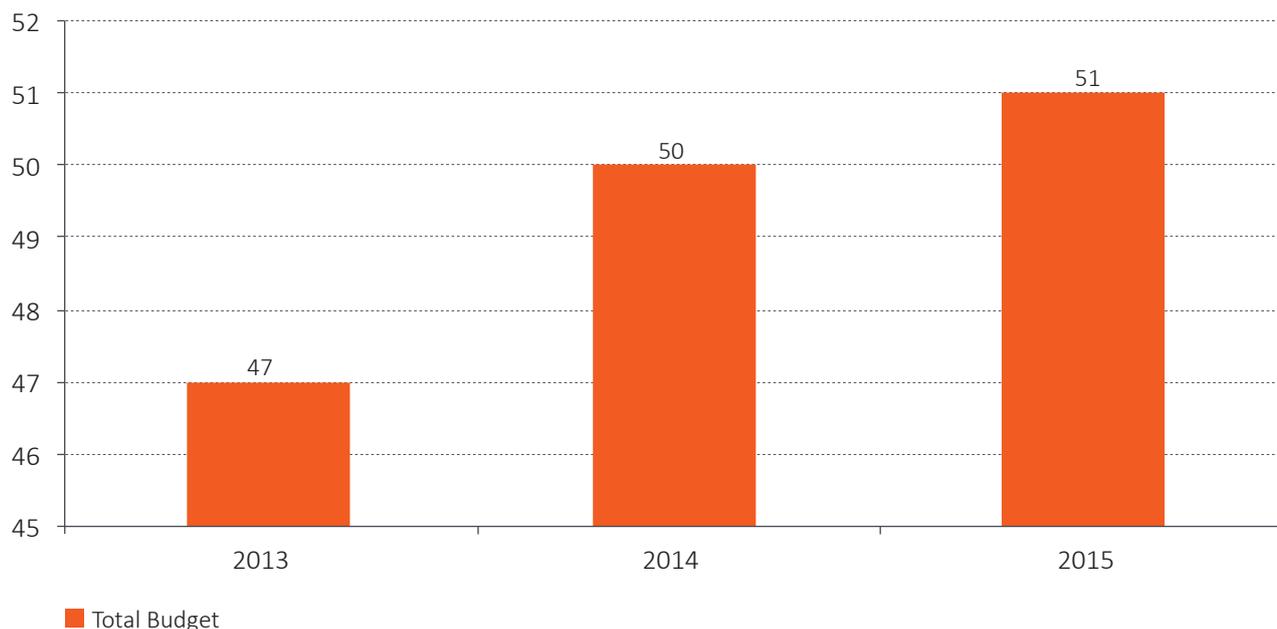
#### **d. Office of the Public Solicitor**

The Office of the Public Solicitor is also established under the Constitution.

**Table 5.6: Office of the Public Solicitor – Total Numbers**

Office of the Public Solicitor – Legal Officers			
Location	Total	Female	Male
Port Vila			
Public Solicitor	1	0	1
Legal Officers	5	2	3
Luganville, Santo			
	2	1	1
Tanna			
	1	0	1
Malekula			
	1	0	1
<b>Total</b>	<b>10</b>	<b>3</b>	<b>7</b>

**Chart 5.11: Office of the Public Solicitor Total Budgets 2013–2015 (Figures in VT millions)**



Source: 2013 and 2014 Annual Report, Ministry of Justice and Community Services; 2015 Government Budget.

At the time of reporting, legal officers for Tafea and Malampa had not taken up their posts but were working from the Port Vila office.

The Public Solicitor is the only government funded legal service in the country.

### **Public Solicitor – Budgets 2013–2015**

As of March 2016, no data on the breakdown of the Office’s budgets were available. There was also no information provided as to the Office’s total number of clients per annum, its clients disaggregated by gender, the number and type of legal matters handled, including the percentage of cases involving family violence/sexual violence and matrimonial matters, or the number of clients represented who were defendants in criminal matters or applicants and respondents in civil matters.<sup>6</sup>

The Office should prepare an Annual Report that includes this information and publish it online for easy public access.



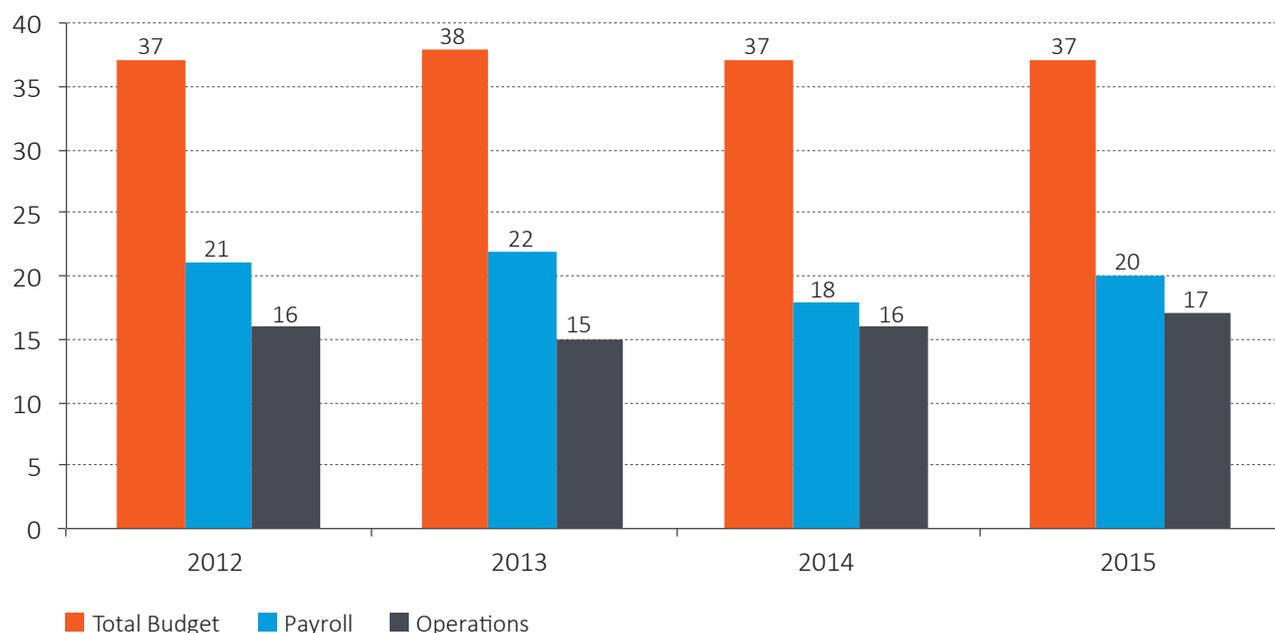
Public Solicitor, Port Vila. Photo credit: Indira Rosenthal

<sup>6</sup> Attempts to interview the Public Solicitor for this Report over the research timeframe were unsuccessful.

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**Chart 5.12: Department of Women’s Affairs: Budgets 2012–2015 (Figures in VT millions)**



Source: Ministry of Justice and Community Services Annual Reports 2013 and 2014, Financial Summaries, 2012 & 2015, Department of Women’s Affairs.

## e. Ministry of Justice and Community Services

### Department of Women’s Affairs

As of year-end 2014, the Department of Women’s Affairs had ten staff members.

The Department of Women’s Affairs reported in 2014 that the annual budget allocation does not cover the implementation of activities under the prioritised strategies for the Department and, as a result, the Department relies heavily on development partner funding to carry out its activities. The Department of Women’s Affairs has received several grants, including technical assistance to progress implementation

of the FPA, however they have faced challenges in progressing this work. Further analysis of the challenges faced is required in order to assist the Department of Women’s Affairs, and other government departments, in progressing implementation.

Budget for operations covers only operational management and not programme activities, which are fully funded by external funding sources. Both the Child Desk and Disability Desk in the Ministry are funded from the Department’s budget allocation and funds from the Department’s budget have been reallocated to cover shortfalls in the Ministry of Justice and Community Services overall budget. For example, the Department reported that in December 2014, VT 3 million was taken to meet additional costs incurred by the Ministry.

## f. Vanuatu Women's Centre

The Vanuatu Women's Centre has four provincial branches, with headquarters in Port Vila. It employs

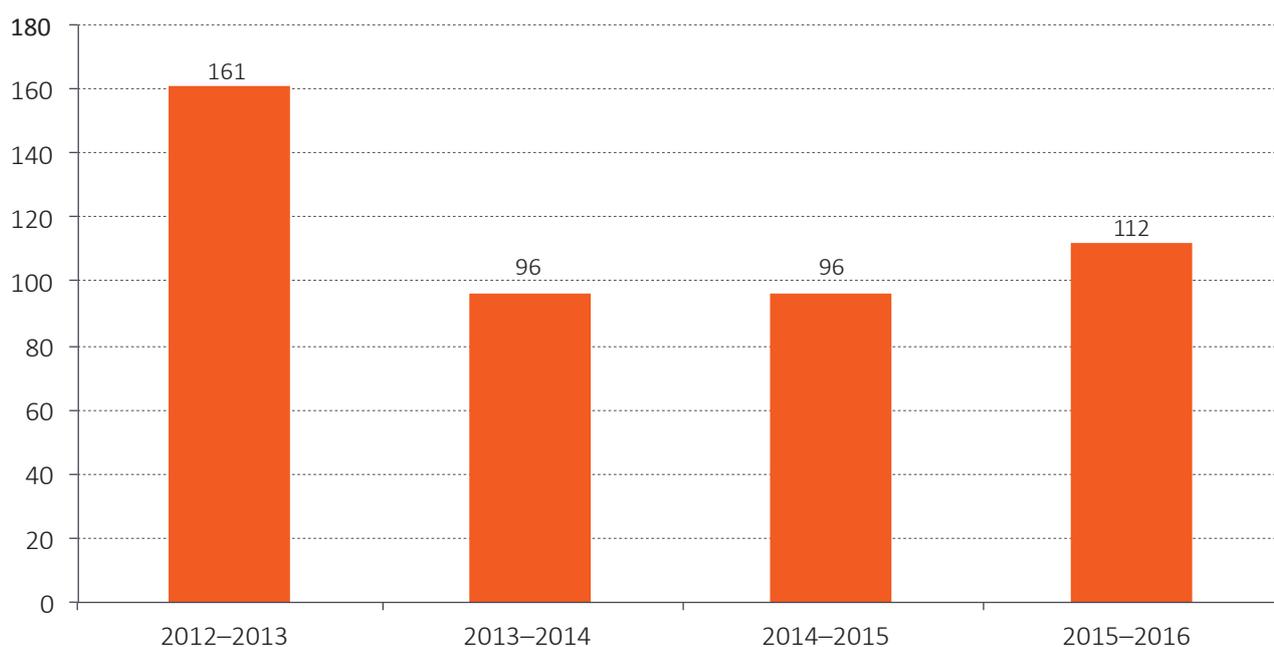
legal staff, counsellors, community educators and administrators. It also benefits from the services of volunteers. All professional staff are women.

**Table 5.7: Vanuatu Women's Centre – Total Numbers**

Vanuatu Women's Centre Staff						
Location	Coordinator/ Project Manager	Legal Officers	Counsellors	Community Educator	Research Officer	Finance and Admin
Port Vila	1	2	5*	1	1	4
Sanma Counselling Centre, Santo	1	0	4	1	0	1
Tafea Counselling Centre, Tanna	1	0	2	0	0	1
Malampa Counselling Centre, Malekula	1	0	2	0	0	1
Torba Counselling Centre, Banks	1	0	2	0	0	1
<b>Total</b>	<b>5</b>	<b>2</b>	<b>15</b>	<b>2</b>	<b>1</b>	<b>8</b>

\*Includes one volunteer counsellor.

**Chart 5.13: Vanuatu Women's Centre Annual Budgets 2012–2016 (Figures in VT millions)**



Source: Interview with VWC Director, May 2016. In 2012, the higher budget amount included funds to purchase the VWC building in Port Vila.

The Vanuatu Women’s Centre is 100% funded by the Australian aid programme, which has allocated VT 465,798,789 for the period of 2012–2016 for the VWC.

A reduction in, or withdrawal of Australian aid support would have a severe negative impact on women and children survivors of family and sexual violence and their access to the formal justice system. The VWC is the primary provider of free counselling, support, legal advice and representation. Without them, very few women and children would be able to access the formal justice system in family and sexual violence cases and matrimonial matters.

Donors should continue to provide multi-year programme support for the VWC to ensure that women and children continue to have access to the formal justice system in relation to family law and violence cases.

### g. Public Accountability

The Table below shows public reporting of financial and operational information for Vanuatu justice sector agencies and the Vanuatu Women’s Centre.

**Table 5.8: Public Accountability of Vanuatu Formal Justice Sector Agencies**

Agency	Produce Annual Report	Annual Report Online <sup>7</sup>	Financial Statements in Annual Report	Financial Statements Show Payroll and Operations	Report on % Of Budget to Promote Women’s Access to Justice
Judiciary	●	●	●	●	◆
Police	●	◆	■	■	◆
Public Prosecutor	■	■	■	■	◆
Public Solicitor	Unknown	◆	Unknown	Unknown	Unknown
Ministry of Justice and Community Services	●	●	●	●	◆
Vanuatu Women’s Centre	●	●	●	●	●

◆ Red = No    ● Green = Yes    ■ Orange = Partly

<sup>7</sup> Vanuatu Judiciary Annual Reports are available on PaclII at <http://www.paclii.org/vu/other/court-annual-reports/index.html>. Annual reports for the Ministry of Justice and Community Services are on its website at <http://www.mjcs.gov.vu>. The Vanuatu Women’s Centre Annual or Progress Reports are available on the website of the Australian Department of Foreign Affairs and Trade.

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