

GAED BLONG HUMAN RAET

HEMIA HEMI BLONG OL MAJISTRET MO JAJ BLONG AELAN KOT

**HUMAN RIGHTS GUIDE
FOR ISLAND COURT JUSTICES**



VANUATU FAMILY PROTECTION ACT 2008

PEOPLE-CENTRED JUSTICE: PUTTING OURSELVES IN THE SHOES OF THE PEOPLE NEEDING OUR HELP



**Easy to use
service**



**Helpful and
patient**



**Fast process,
clear outcome**



**Protect human
rights**



**Reliable and
professional**



**Clear reasons
given,
following the
law**



**Fair process:
All sides heard
and fair
outcome**

JASTIS WE I LUKLUK MOA LONG OL PIPOI: PUTUM YU WAN LONG SUS BLONG OLGETA



Isi blong
yusum sevis



I help mo i
givim taem



Proses i kwik,
aotkam i klia



Protektem
human raet



Rilaebol &
profesonol
proses



Risen we oli
givim i klia, i
folem loa



Proses i fea:
evriwan i
givim saed
stori blong
olgeta mo
aotkam i fea

RIGHTS OF VICTIMS: INCLUDING SURVIVORS OF FAMILY OR SEXUAL VIOLENCE (CAN BE ANY MEMBER OF THE FAMILY)



**Fast, fair,
cheap and
accessible
process**



**Treated with
compassion
and respect**



**Safety:
Protected from
physical or
psychological
attack**



**Informed of
their rights
and role**



**Supported so
they can perform
their role in the
process**



**Provided with
regular
updates**



**Reduce trauma
of the process**

RAET BLONG OLGETA VIKTIM: INKLUDIM OLGETA WE OLI BIN FESEM OL VAELENS LONG FAMILI O SEKSUOL VAELENS (I SAVE ENI MEMBA BLONG FAMILI)



Proses we i
kwik, fea, jip
mo save
aksesem



Tritim wetem
rispek



Sefti: gat
proteksen from
fisikol o
psykolojikol
atak



Save ol raet
mo rol blong
olgeta



Karem sapot so
oli save mekem
wok blong olgeta
long taem blong
proses



Givim oltaem
apdeit



Katem daon
harem nogud

RIGHTS OF DEFENDANTS



**Fair trial:
Presumption of
innocence**



**Right to silence, non-
self-incrimination**



**Aware of charge,
evidence and case
against them**



**Evidence of
confessions only
admissible if
voluntary, not coerced
through violence or
threats**



**Sentence
proportionate to
crime: Takes account
of mitigating or
aggravating factors**



**Right to legal aid
or legal
representation**



**Right to reasoned
judgment and a
copy**



**Right to be present
and bring own
witnesses and
examine other sides**



**Case dealt with in
a reasonable time**

RAET BLONG OLGETA WE KES I GO AKENSEM OLGETA (DIFENDEN)



Fea trael: tekem se
hemi no gilty



Raet long saelens, no
wantem ansarem ol
kwesten



Awea long ol jaj, pruf
mo kes akensem
olgeta



Pruf se yu wan nomo
yu wantem admitim
ol samting be oli no
fosem yu tru long
vaelens o strong
toktok



Panisman i folem
level blong kraem:
konsiderem ol fakta
we i kam wetem



Raet long ligol eid
o ligol
ripresentesen



Raet blong harem
risen blong jajmen
mo gat wan kopi



Raet blong mas stap
mo karem ol witnes
blong yu mo harem
olgeta long narasaed



Kes we oli dil
wetem long wan
risenebol taem

RIGHTS OF CHILDREN



Best interests of the child always primary factor in any decision



Must have their own lawyer



Child is under 18 years old at time of incident



To be diverted from criminal prosecution where possible



Right to be heard and their views given weight



Detained or imprisoned only as last resort and for shortest time



Safe from violence including at home



Process adapted so child can understand, feel safe



Protect privacy and give second chance



Prioritise and accelerate case

RAET BLONG OLGETA PIKININI



Bes intres blong
pikinini hemi oltaem
impoten samting
long eni desisen



Mas gat loea blong
yu



Pikinini i nogat 18
yia yet taem we
insiden i hapen



Oli daevetem from
kriminol prosekusen
taem we i posibol



Raet blong oli harem
yu mo konsiderem ol
tingting blong olgeta



Sarem mo putum
hem long kalabus
nomo olsem las
risot mo blong smol
taem nomo



Gat sefti from
vaelens inkludim
long haos



Mekem proses long
wan wei we pikinini i
save andastanem, fil
sef



Protektem praevet
laef mo givim seken
janis



Givim praeoriti mo
hariap long kes

RIGHTS OF PEOPLE WITH A DISABILITY



Dignity and respect: Same rights as others



Need flexible, creative and sensitive approach



Right to access, understand, participate, exercise rights, as others do



Reasonable accommodations made to ensure access and participation



Decisions without bias, discrimination or prejudice



Right to bring cases, be heard and have rights protected



Mental health or disability taken into account in process and outcome



OLGETA RAET BLONG OL PIPOL WETEM DISABILITI



**Digniti mo
rispek: semak
raet olsem ol
narawan**



**Nidim aproj we
i fleksibol,
krietiv mo
sensitiv**



**Aksesem,
andastanem,
teokrat,
eksesaesem
olgeta raet
olsem we ol
narawan oli
mekem**



**Risenebol
akomodesen
blong mekem
sua se i gat
akses mo
patisipesen long
hem**



**Desisen we i fea,
i nogat
diskriminesen,
nogat harem
nogud**



**Raet blong
karem wan kes
i go long kot,
oli harem kes,
oli mas
protektem ol
raet**

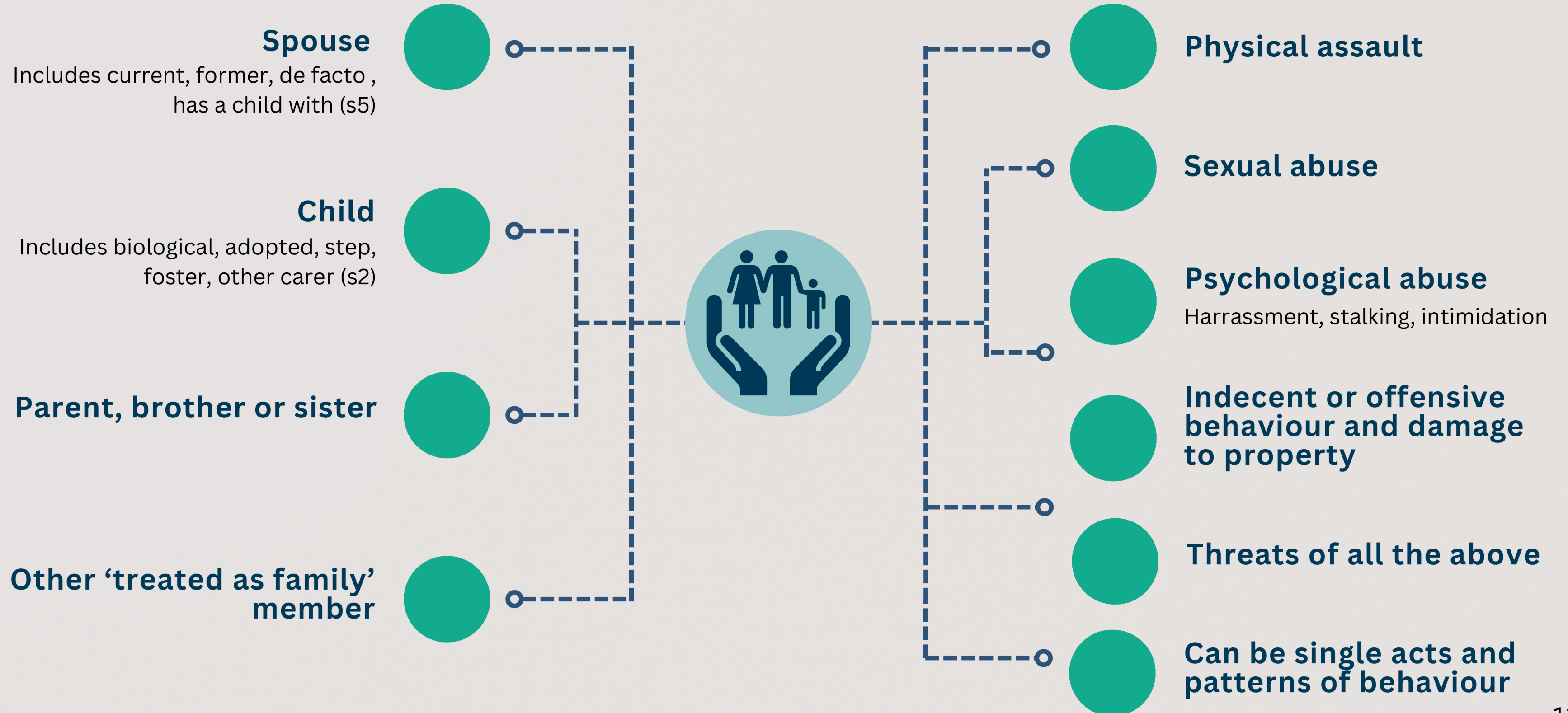


**Mentol helt o
disabiliti we
oli lukluk long
hem tu long
taem blong
proses mo
aotkam**

Meets definition of
'family'? (s3)

FPA CHECK FIRST:

Meets definition of
'family violence'? (s4)



**Mining blong toktok ia
'famili' (s3)? Hemi
inkludum:**

Patna:

seksen 5 hemi inkludum hemia we yu
stap wetem naolia, hemia we yu bin stap
wetem bifo, hemia we yutufala i stap
tugeta be yutufala i no mared, hemia we
yu gat pikinini wetem (s5)

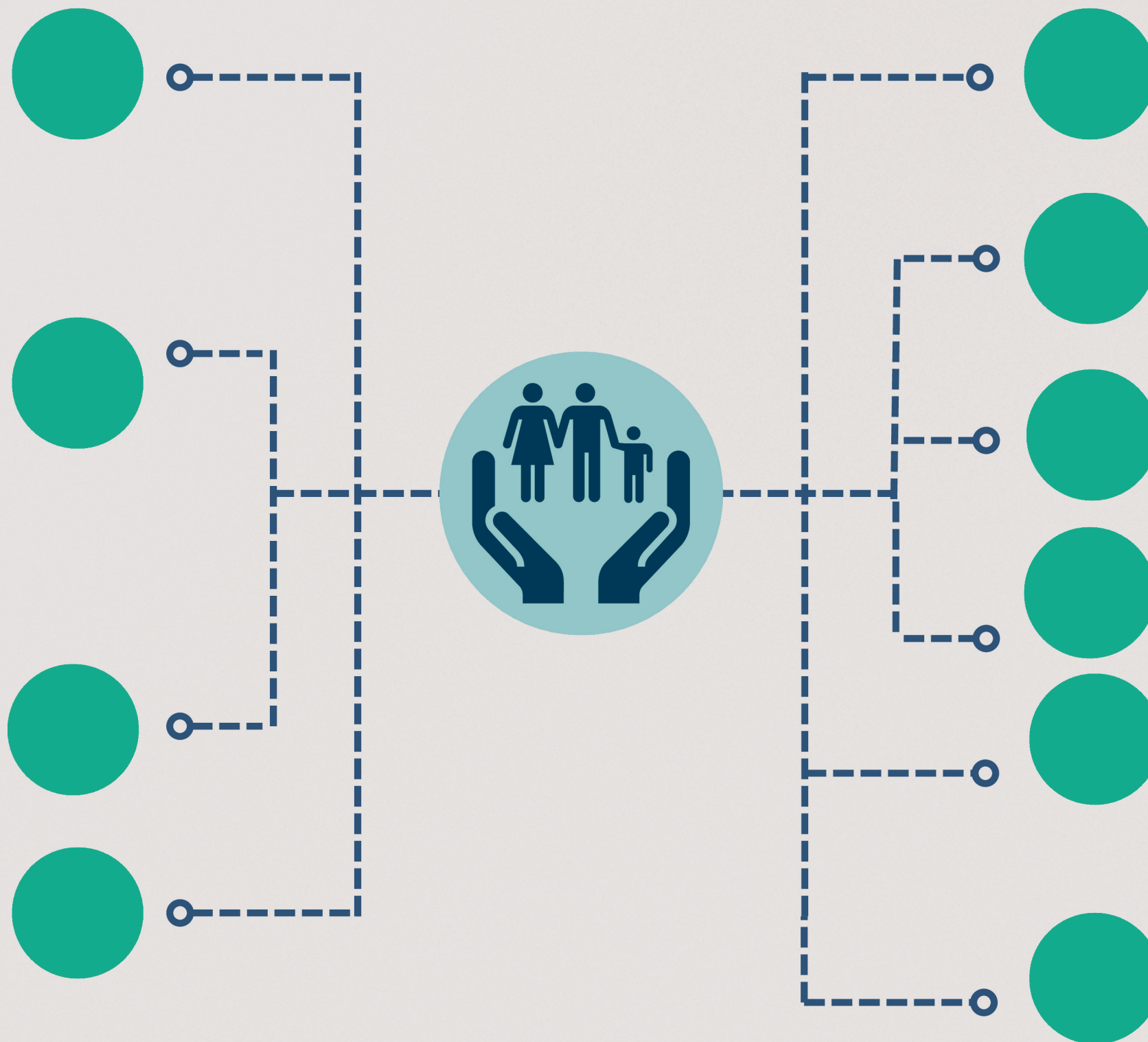
Pikinini

seksen 2 hemi inkludum hemia we i
stret pikinini blong yu, hemia we yu
adoptem, hemia we i blong patna blong
yu, hemia we oli kam putum blong yu
lukaotem gud hem blong sot taem, mo
narafala wan we yu stap lukaotem

**Papa mo mama, brata o
sista**

**Narafala 'we oli tritim
olsem memba blong
famili'**

**FPA
JEKEM FESTAEM:**



**Mining blong toktok ia
'famili vaelens' (s4)?
Hemi inkludum:**

**Fasin blong yusum fisikol
vaeLens mo givim kil long
bodi blong narafala man**

**Fasin blong fos blong gat
seks wetem wan man, woman
o pikinini, witaot agrimen
blong olgeta**

**Fasin blong putum presa
long man, folem man,
mekem man i fraet**

**Rabis fasin mo damej long
propeti**

**Fasin blongmekem man i
fraet wetem evri samting
we i stap antap ia**

**Amaon blong wan akt blong
domestik vaelens mo fasin we
wan man i stap akt oltaem we
i save kam olsem domestik
vaeLens, nomata se wanem
hem i mekem hemi wan smol
samting nomo**

VANUATU FAMILY PROTECTION ACT 2008: PROVISIONS FOR ISLAND COURT JUSTICES



Can receive application verbally, by email, radio, other

s29



Can be heard without respondent, at any time day or night & should be decided same day

s17, s31 (2)



Can make order if satisfied complainant is 'in danger of injury' and 'not practicable' to bring to court

s17



Conditions must include good behaviour and no family violence

s12



Low evidence threshold: balance of probabilities

s33



If needed for complainant or other family, conditions may include sole residence even if respondent owns/leases house

ROL ANDA LONG FAMILI PROTEKSEN AKT 2008: OLGETA MEIN PROVISEN



Aplikesen i save long toktok nomo, tru long telefon o teks mo klak blong kot i mas help blong raetem aplikesen fom

s29



Oli save talem witaot presens blong risponden. Ol aplikesen mo hering i mas availebol aotsaed long taem blong wok mo oli mas harem kwik, long wan taemfrem blong wan dei nomo

s17, s31 (2)



Blong grantem, kot i mas satisfae se risponden i mekem o i bin mekem domestik vaelens akensem man o woman we i komplem o dipenden mo odarem blong i mas gat proteksen long olgeta

s17



Ol kondisen i mas inkludim gud fasin mo i no mas gat famili vaelens

s12



Pruv i no hevi inaf: balens blong probabiliti o daon moa sipos risk i hae

s33



Sipos i nidim blong man o woman we i putum komplem o narafala long famili, ol kondisen i save putum hem wan nomo blong stap long haos, iven sipos risponden naoia i rentem o hemi blong hem

VANUATU FAMILY PROTECTION ACT 2008: PROVISIONS FOR ISLAND COURT JUSTICES



Other discretionary conditions: stay away distance, weapons handed in, counselling and/or mediation by counsellor

s13-16



Serve order on both parties and contact closest police. Can be verbally, radio, email etc

s36(2)(c)



Must explain order to parties including impact of breach

s23



Order can last 14 days, renewal further 14 days

s17(4)



Court must keep register of all applications, grants and refusals including reasons for refusal

s29(5)



Privacy: Must be private hearing and no published names in decision

s39, s40

ROL ANDA LONG FAMILI PROTEKSEN AKT 2008: OLGETA MEIN PROVISEN



Ol narafala kondisen we kot i save putum: stap longwe long man o woman we i putum komplem, givim ol waepan i go long polis, mo go long kaonselin o mediesen wetem wan kaonsela

s13-16



Kot bae i askem long polis blong sevem oda naoia mo eksplenem long risponden. I save go tru long tokbaot nomo, redio, imel mo ol narafala rod

s36(2)(c)



I mas eksplenem oda long tufala pati, mo talem wanem bae i hapen sipos wan i brekem oda

s23



Order i save stap 14 dei, mo i save renew bakegen blong narafala 14 dei

s17(4)



Kot i mas rejestarem evri aplikesen blong proteksen we oli risivim, ol oda we oli grantem mo ol risen sipos oli refiusim

s29(5)



Praevasi: I mas gat praevet hering nomo mo no publishim eni nem long disisen

s39, s40

