



Offending Against Morality in Vanuatu

Sexual Offenders: A Demographic Profile

2017

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Introduction

Purpose of the Study

The Dipatmen Blong Koreksonal Sevis (DBKS) is seeking more understanding of who is committing sexual offences so that crime prevention education and rehabilitation can be better targeted.

Background

Approximately 60% of offenders in Vanuatu Correctional Centres are serving sentences for offences against morality / sexual offending and some of these are repeat offenders. This percentage has ranged between from 50% & 60% since the DBKS Census began in 2012.

An analysis study of sexual offenders 2006 - 2008 was completed by psychologist Chris King in 2009 and to date there has been no further known study.

Since 2009, some programmes have been introduced to Correctional Centres by Wan Smol Bag and more recently, August 2016, a rehabilitation module Victim Awareness was introduced in the Correctional Centres and Probation.

In 2017 a further Awareness Module: Sexual Offender Awareness has been developed by DBKS to target those convicted of sex offending.

The Seks Mo Loa Awareness Programme has been undertaken in some Vanuatu communities by Probation Officers since 2012.

Offender Sample Group

For this study, a sample group of 120 convicted sexual offenders serving sentences in Correctional Centres and the Probation Service in December 2016 were selected.

From December 2016 we counted back in Paclii (Pacific Islands Legal Information Institute Database) until September 2015, the 2015 DBKS Census date. There were 57 sexual offender sentences recorded on Paclii during this timeframe. A further 63 offenders were chosen randomly from 2015 DBKS Census data. A larger sample group than the 50 in the 2008 Study done by psychologist Chris King had been requested by DBKS.

This is a larger sample group because of the high number of convicted sexual offenders both in Correctional Centres and the Probation Service.

Note: During the analysis it was discovered that 4 of the random group in Correctional Centres were convicted in 2008 and therefore are likely to have been included in the previous study.

Executive Summary

This study provides information obtained from Correctional and Justice records about Sexual Offending in Vanuatu – Offences against Morality - and a profile of 120 sexual offenders on sentences at the end of 2016.

Observations and Significant Findings

- Sexual offenders continue to be the highest proportion of offenders dealt with by the Koreksonal Sevis in Vanuatu. Approximately 60%.
- Most offences are against family or household members and people known to the offenders. The study shows that the majority of offending happens in people's homes and villages. 90% of victims knew their offenders. 61% of victims were family or household members.
- 61% of sexual offending in the 2016 study occurred rurally in villages, compared with 36% in 2008. 39% occurred in urban areas compared with 64% in 2008.
- 57% of offenders were reported to be in a relationship at the time of their offending.
- 92% of offenders named a religious affiliation. 12% were reported to have leadership roles in their churches.
- The ages of offenders ranged from 11 years old to 72 years old – across all age groups - and not confined to young male offenders. 41% were 25 years or under, 22% were aged between 26 & 35 at the time of their offending. 37% of offenders were over the age of 35 years.
- The most common offences types were: Rape - Sexual Intercourse Without Consent - 56%; Unlawful Sexual Intercourse – with or without consent (under 15 years of age) - 17%; Sexual Intercourse With Child Under Care or Protection i.e. under 18 - 8%; Indecent Assault - Act of indecency with a young person under 13 - 9%; Incest – 8%
- 39% were also convicted on a related offence; 9% were repeat sex offenders.
- 88% had no record of drugs or alcohol being contributing factors.
- Additional violence used or threatened: It was recorded that 55% used additional physical violence on their victims; 22% victims were threatened with violence; 9% - children - were coerced with bribes.
- Victims were female, apart from one male, their ages ranged from 3 to 69 years. Most were under 30 years old, with the largest group under 15 years old. 52 % were 15 years old and younger, 31 % were between 16 and 20 years old, 17% over 20 years old.
- Two victims were reported to have disabilities.
- Some islands have a higher incidence of reported sex offending in comparison to their population size.
- Sentences continue to be longer than in previous studies.

Offenders

Demographics:

Age of Offenders

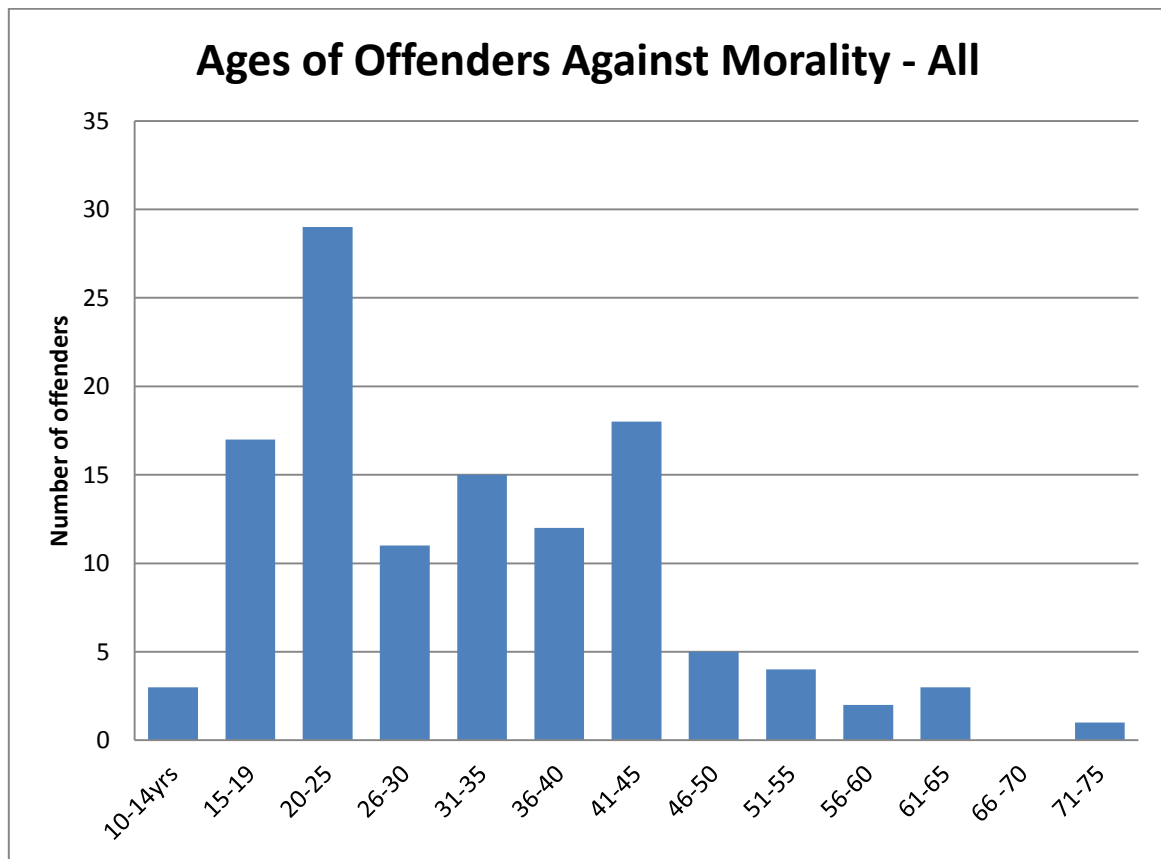
Vanuatu has a young population. Half of the population is estimated to be under 22 years old. (Ref CIA World Factbook 2016)

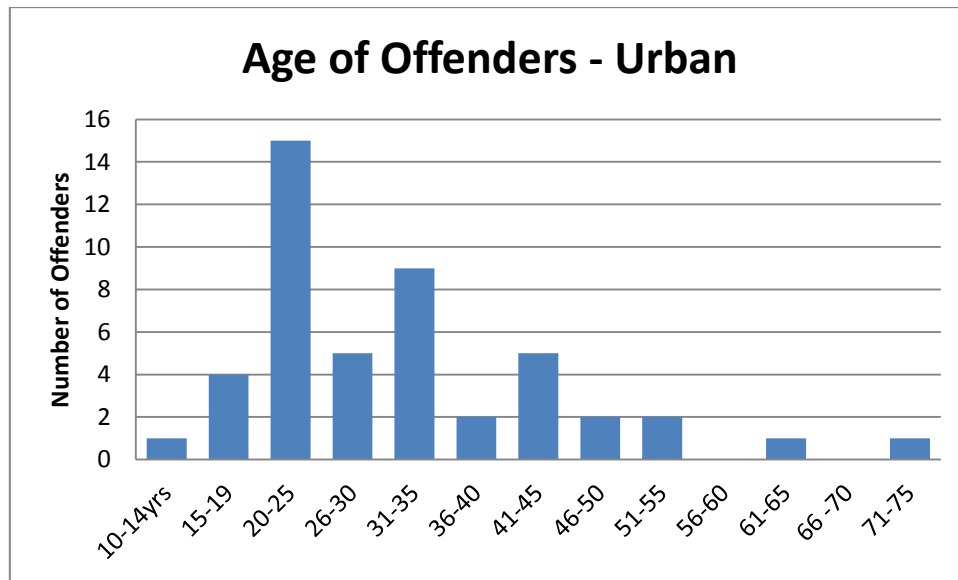
41% of convicted sexual offenders are young people 25 years or under which corresponds with the population figures. There were three offenders under the age of 15.

The ages of offenders ranged from 11 to 72 years.

37% of offenders were aged 36 years or older at the time of their offending;

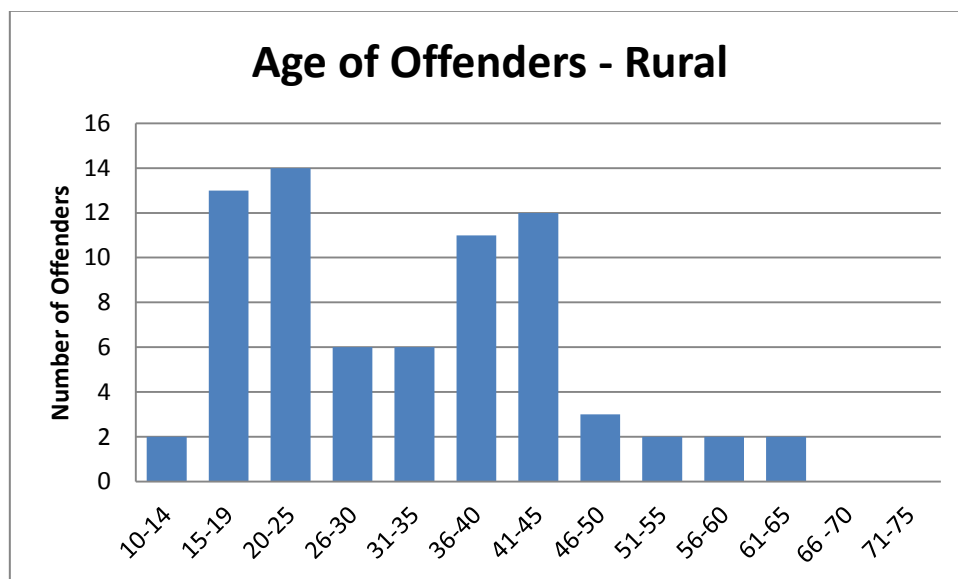
22% were aged between 26 & 35 at the time of their offending.

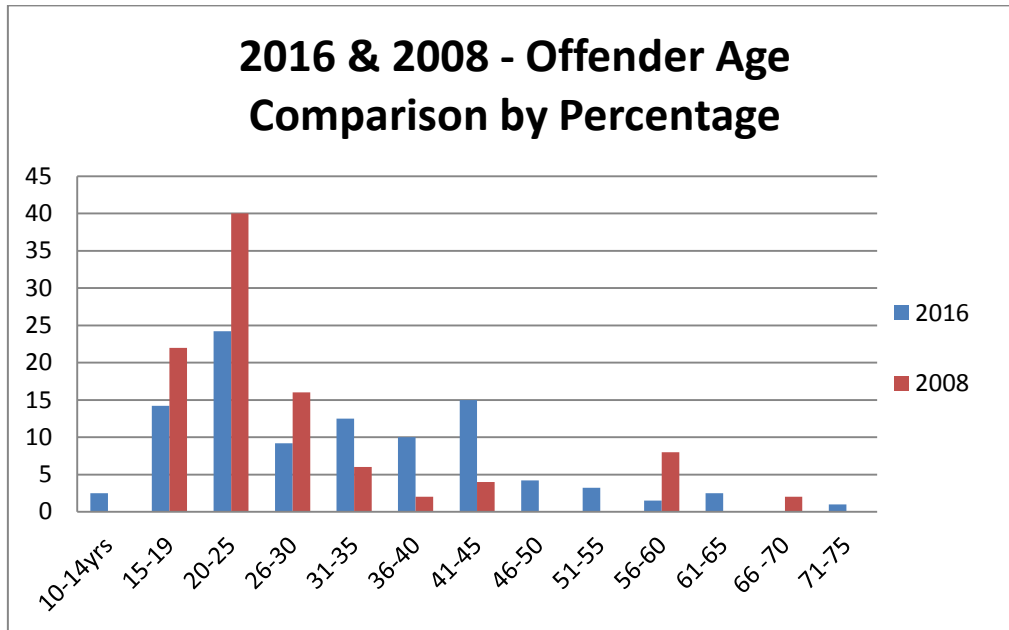




The above graph of offenders who offended in the urban areas of Port Vila and Luganville shows that sexual offending peaked in the 20-25 age group. 32% of urban offenders were in the 20-25 age group.

In the rural areas – see below - 30% were in the 20-25 age group and 20% under the age of twenty. Nearly 44% of the offending that happened rurally was perpetrated by men over 36 years old.





Comparison:

- In 2016 the youngest offender was 11 years old. In 2008 the youngest offender was in the 15 -19 age group.
- In 2016 the oldest offender was 72 years old. In 2008 the oldest offender was between 66 & 70 years old.
- In 2016, 37% of the offender sample group were aged 36 or older at the time of their offending.
In 2008, 16% of offenders were aged 36 or older at the time of their offending. The rate of convictions in this age group appears to have increased significantly.
- In 2016 and in 2008, 22% were aged between 26 and 35 years.
- In 2016, 41 % offenders were 25 or under. In 2008, 62 % offenders were 25 or younger.

Island of Origin/Home Island

There are more than 80 islands in Vanuatu. A person's 'home island' is the island to which s/he identifies as belonging to. It is a statement about identity and belonging. Many people are born and live in places outside their 'home island'.

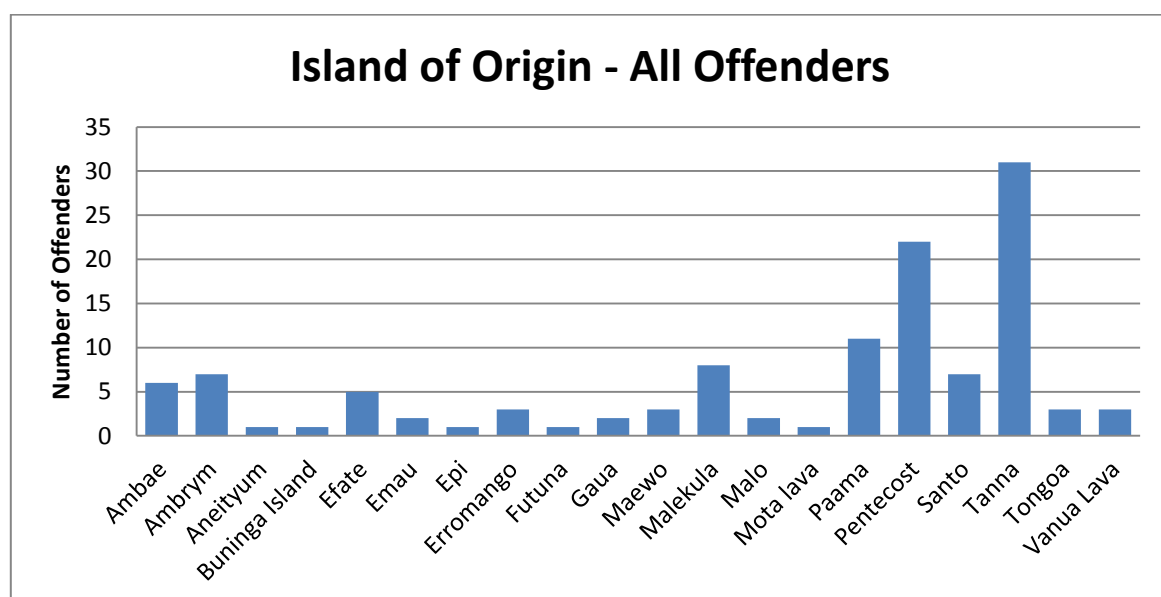
Some islands are more populated than others.

Tanna has the highest population of rural areas and also a high population in the urban areas. Offenders in this study who identify with Tanna and Pentecost are currently the highest numbers on sentences.

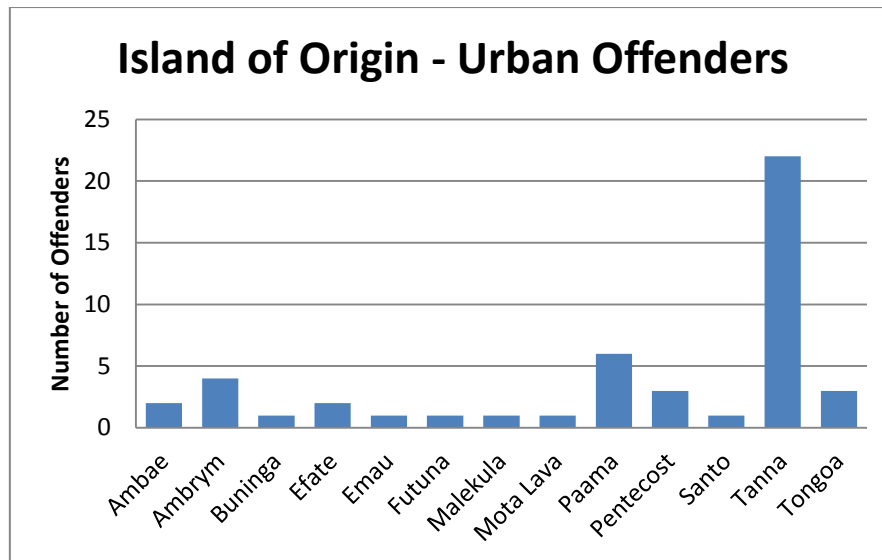
Paama, with a small population, appears to have a high number of offenders per population, as has Ambrym, Ambae and The Banks islands of Mota Lava and Vanua Lava.

Comparison:

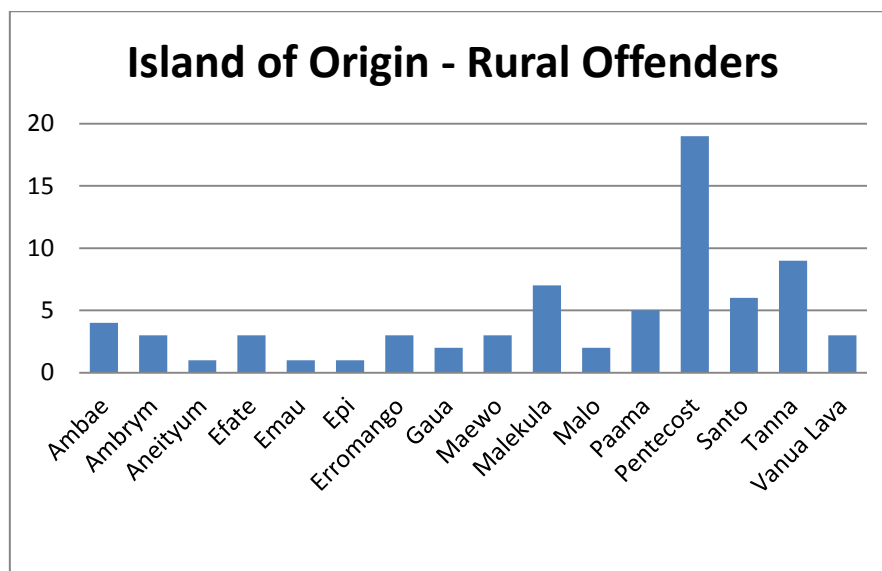
- The 2016 data has more islands represented than in 2008. 13 islands were represented in 2008, 20 islands were represented in 2016. This may or may not be due to more Supreme Court sittings in the outer islands.
- Offenders whose island identity is Tanna continue to represent the largest group of sex offenders.
- In 2016 Pentecost is identified as having the highest group of offenders in rural areas. This is different from the 2008 and earlier studies which showed Tanna as the island of origin for the largest group of both rural and urban offenders.
- In 2008 there were no offenders from Paama, however in 2016 Paama is represented by the second highest rate of urban offending and is also over represented in rural offending based on the population size.



Island of Origin – Urban Offenders



Island of Origin – Rural Offenders

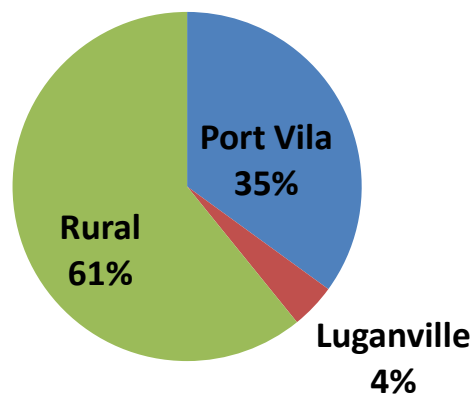


Location of Offending

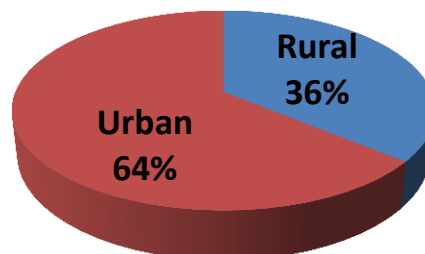
In most cases, offending occurred where the offender was living. With the highest population movement to Port Vila or Luganville, either for work or education, one may expect these areas to have the highest incidence of sexual offending. Most offenders were born, or raised since childhood, in the areas where they offended.

- 73 offenders had offended rurally in their villages.
- 42 offenders had offended in the urban area of Port Vila.
- 5 had offended in the urban area of Luganville.

2016 Offence Locations



2008 Offence Locations



Comparison:

- In 2016, 61% of offenders offended in rural areas and 39% offended in urban areas. This is a reversal from the 2008 study where 64% offenders had offended in the urban areas and 36% had offended rurally as shown on the graphs.

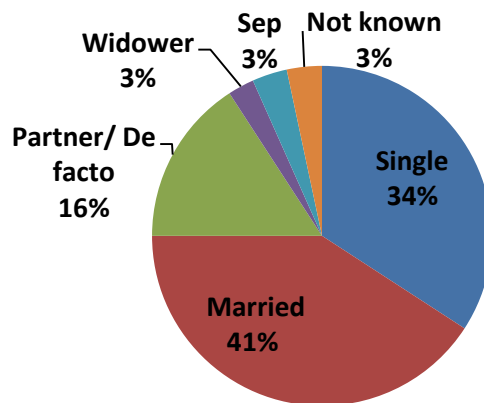
There may be a number of reasons for this and one must take care not to draw conclusions about this change. It has been suggested that there may be more awareness and reporting of sexual crime in rural areas than previously. Other speculative reasons/opinions include under-reporting of offending in the urban areas where the offender may be the main provider of income for the family food and education and therefore protected by family who need him at home for their family income.

Relationship Status

The three graphs below show the relationship status of offenders at the time of their offending.

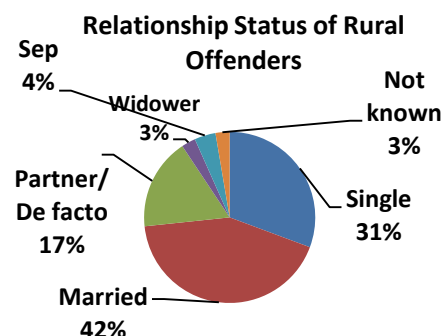
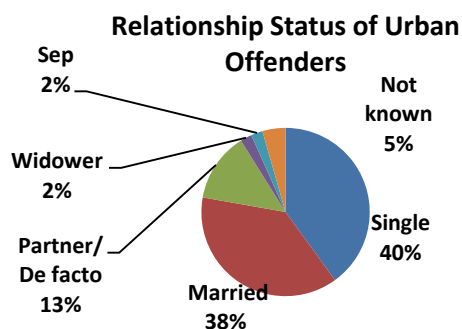
Most offenders – 57% - were in a relationship at the time of their offending and most of these offenders had at least one child. Urban offending consisted of a higher number of single men.

Relationship Status of All Offenders



Comparison:

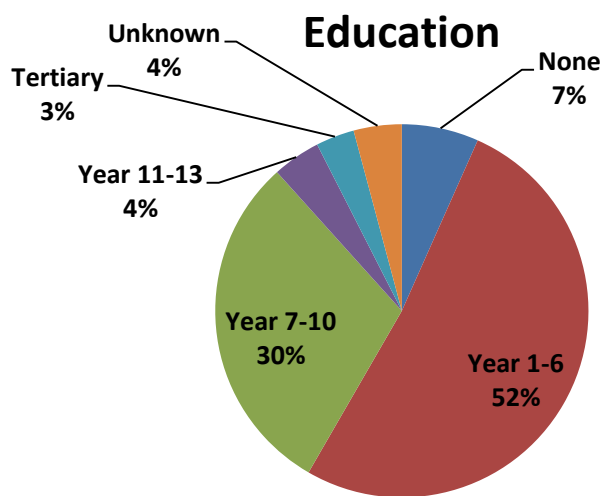
- The relationship status of offenders overall was similar to the 2008 study.
- Three offenders were widowers aged 45, 57 & 72, two of whom committed incest on their daughters and the third, aged 72, raped an intellectually disabled 20 year old. This group was not represented in the previous study, nor was a category of men who had stated they were separated.
- The 2008 study showed 87% rural offenders were in a relationship. The 2016 study showed 59% rural offenders were in a relationship.
- The 2008 study showed the majority - 67% - of urban offenders were single. The 2016 study showed only 40% of urban offenders were single. In 2016 there was a higher proportion of rural offending committed by single men than previously.



Education

This information shows that both educated and uneducated offenders commit sexual offences. Thirteen offenders stated they had completed trade certificates, a further two had undertaken teacher training, theological education and university education. Two offences were committed by students still at school. Half the offenders had finished school between Years 1-6, in particular, those who were living rurally.

A number of offenders reported that they did not complete school because their families could not afford the school fees.



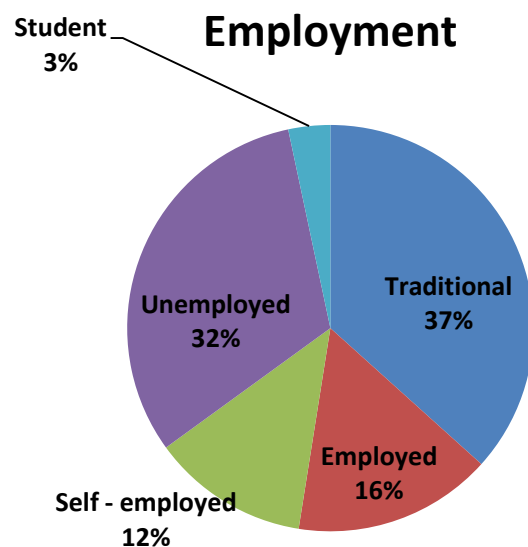
Employment

The graph below shows the employment status of the offender sample group.

37% were in traditional work – village farming and gardening - and most of this group were living rurally.

32% were unemployed and while some of these tended to be youth, unemployed offenders extended across the whole age range of offenders.

A significant number of offenders expressed a desire for community-based sentences. They reported that if they were sent to a Correctional Centre they could not continue their work and so their families would suffer due to lack of income and money for school fees for their children.



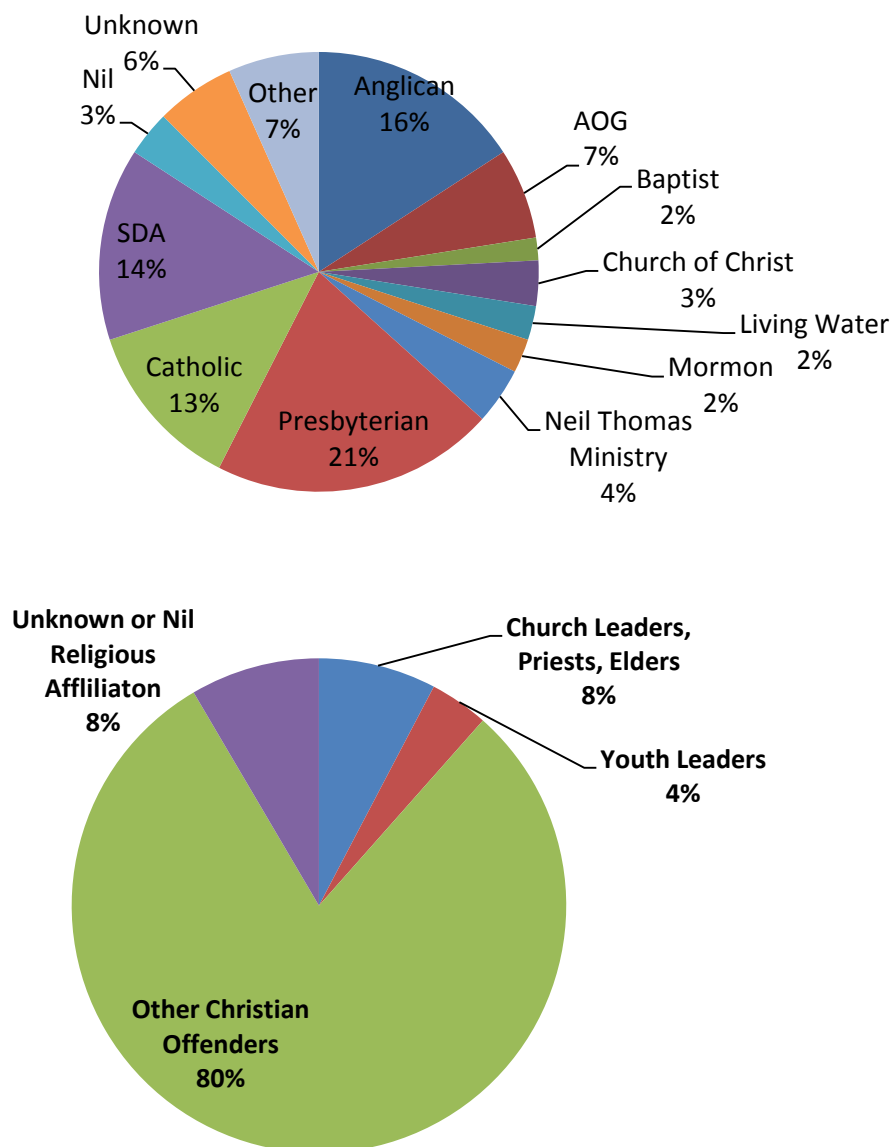
Religious Affiliation of Sexual Offenders

92% of offenders identified with churches in the community, although some may not have attended since their youth. Most offenders stated that they were involved in spiritual or denominational life while they were in the Correctional Centre.

Presbyterian, Anglican, SDA and Catholic are the largest denominations in Vanuatu so this is represented across the offender population. The smaller denominations are also represented as shown on the chart. The 7% of 'other' affiliations are smaller evangelical groups.

12% of the convicted sexual offenders stated they were active in leadership roles in their churches in Vanuatu.

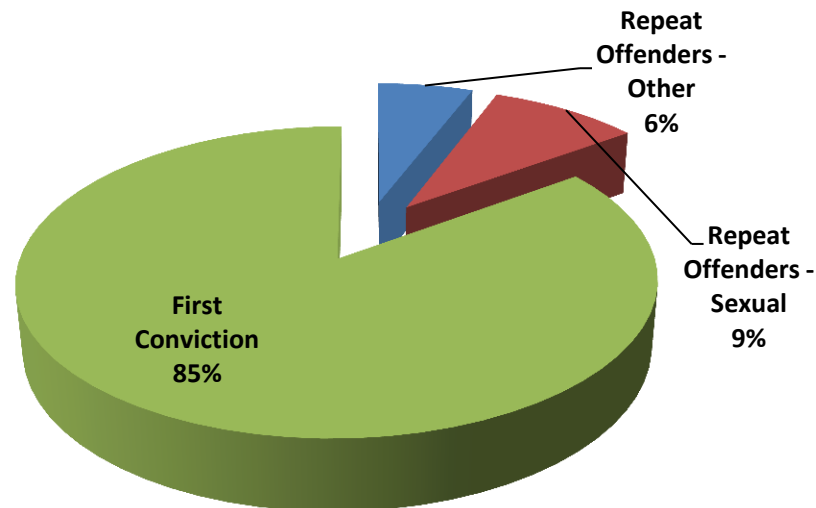
Religious Affiliation of Sexual Offenders



Offending History

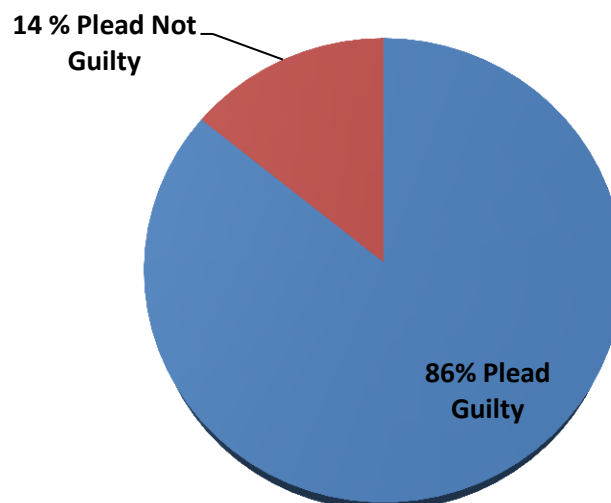
Of the 120 offenders in the sample group, 18 offenders had previous convictions. Of these repeat offenders 11 – more than half – were repeat sex offenders.

The ages of the repeat sex offenders ranged from 21 to 64 years and the other repeat offender ages ranged from 20 to 52 years.



Offender Pleas

Offenders may plead guilty or not guilty for a number of reasons. A number of offenders changed their plea from not guilty to guilty immediately before a trial. It was noticeable in the pre-sentence reports of the men in the study, that the victim or another person was often blamed for the offending behaviour.



Comparison: In the 2008 study, 96% pleaded guilty and 4% pleaded not guilty.

Offending

In the sample group for this study, 47 of the 120 offenders or nearly 40% were convicted on more than one sexual offence.

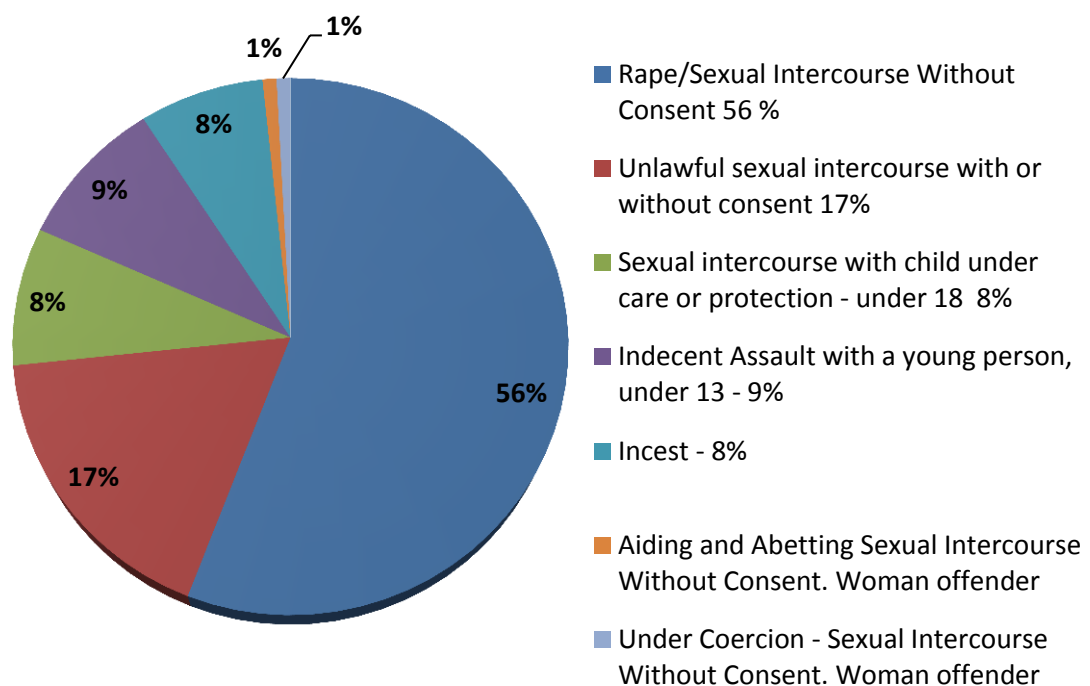
Most offending is against young people and children under 20 years of age, the majority being between 11 and 15 years old.

There are 14 different types of Offences against Morality - Sexual Offences - according to Vanuatu Law.

The most common offence types were:

- Rape - Sexual Intercourse Without Consent
- Sexual Intercourse With Child Under Care or Protection i.e. under 18
- Unlawful Sexual Intercourse – With or without consent (under 15 years of age)
- Indecent Assault - Act of indecency with a young person under 13 (with or without consent)
- Incest

The Most Common Offence Types



Comparison:

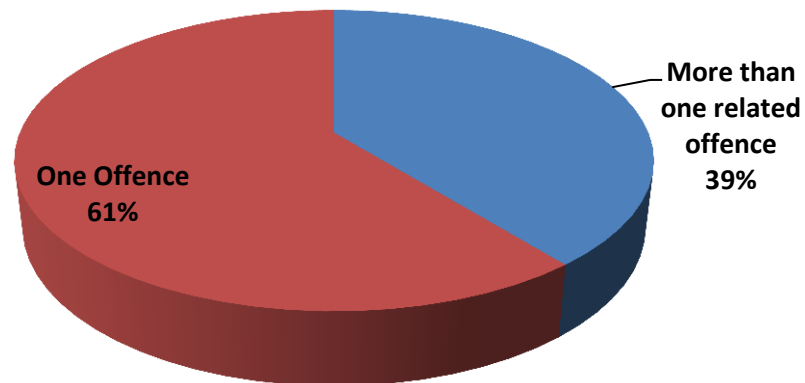
The above offence types and incidence of these offences is essentially the same as the 2008 Study.

Observation:

It was noticed that, in the sample group, there were no convictions for: Indecent matter/pornography; Homosexual acts (under 18 years); Promoting or engaging in acts of prostitution; Obtaining benefit from child prostitution; Consenting or allowing a child to be used for pornographic purposes.

Convictions With One or More Related Offence

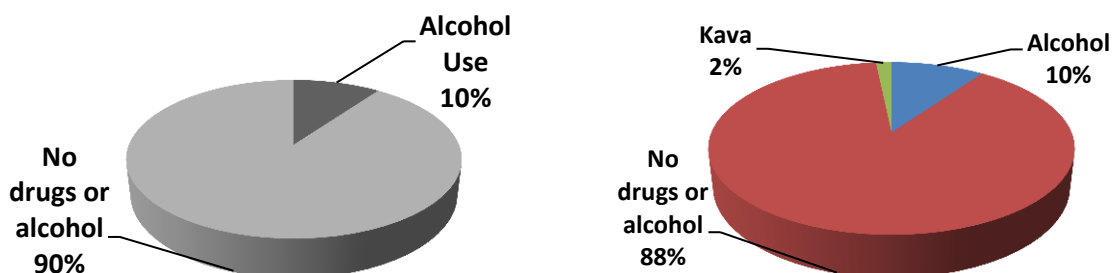
These related offences ranged from threats to kill person, act of indecency, attempted sexual intercourse without consent, intentional assault, unlawful entry, false imprisonment.



Use of Alcohol and Drugs

Alcohol and drugs are sometimes indicated as contributing factors to offending behaviour.

In the sexual offending study only 12 offenders were self-reported to be 'under the influence of alcohol' at the time of the offending. Two pre-sentence reports mentioned that the offender was addicted to and a high user of kava. These two men were aged 34 and 63. Peer pressure was cited as a factor by a small number of the group offenders. Marijuana use may or may not be under-recorded because of fear of additional offence charges. 88% of offenders had no record of being under the influence of any substance when they offended.



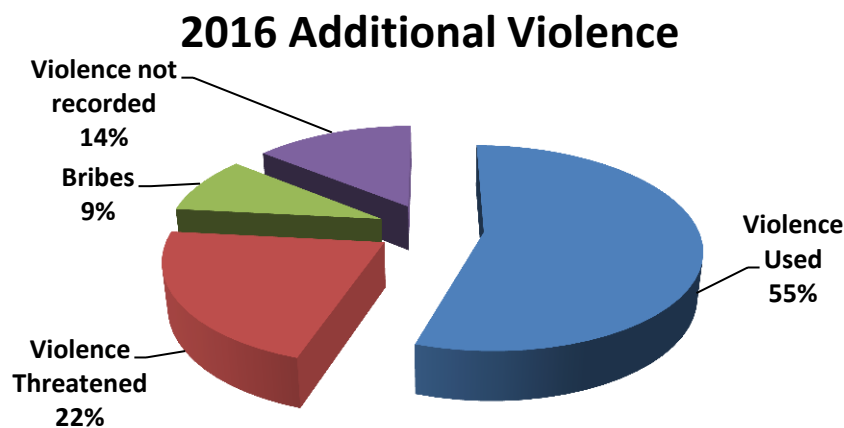
Comparison:

In the 2008 Study 79% of sex offenders had no record of alcohol or drug use, in 2016 - 88%.

Additional Violence

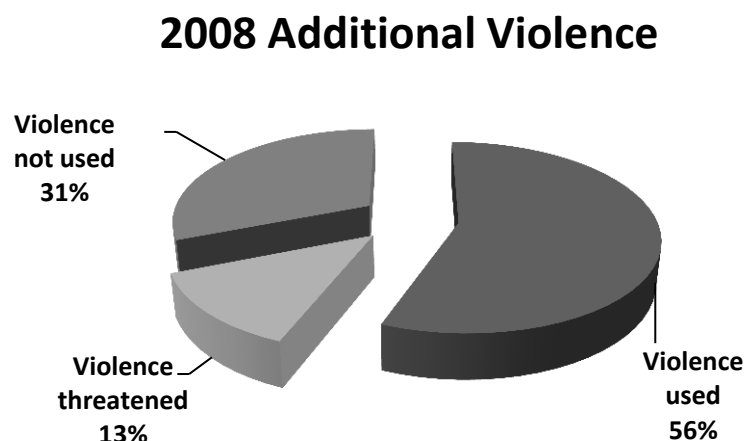
As stated in the 2008 study, there still remains an erroneous belief that many young people under the age of consent engage in consensual sexual activity and this then comes to the attention of the police resulting in charges. In this study it was clear that victims were not consenting to sexual contact with the offender. A number of children were coerced by bribes and were threatened. Sexual offending is itself a violent act. Additional violence used against victims included:

- being punched and hit with fists
- being hit with rocks
- being strangled or suffocated
- being cut with knives
- being dragged and tied up
- being held down while raped by other offenders



Comparison:

- The percentage of offenders recorded as using additional violence remains the same.
- Threats of violence appear to have increased.
- It is noticeable that a number of children were bribed to comply. This was not reported on in the 2008 study.



Group Offending

There were nine group offences in the sample group.

1. 2016 North Pentecost. Three offenders, aged 26, 20 and 18 years, raped a Ni-Vanuatu teacher who was known to them. Gang rape.
2. 2016 North Pentecost. Four offenders, aged 15, 16, 18 & 20 years, raped a 20 year old Ni-Vanuatu woman unknown to them. Gang rape.
3. 2015 Port Vila. Two 17 year olds, an 18 year old and a 22 year old offender raped a Ni-Vanuatu 19 year old woman unknown to them. Gang Rape.
4. 2014 Port Vila. Three offenders, two aged 21 & one aged 20 years, raped a Ni-Vanuatu 24 year old woman who was known to them. Gang rape.
5. 2013 Port Vila. Two offenders aged 21 & 23 years raped an overseas student who was unknown to them.
6. 2011 Pentecost South. Two offenders, aged 20 and 22 years, raped an American volunteer known to them.
7. 2015 Pentecost. A husband and wife in their 30's and 40's sexually assaulted two nieces on Pentecost
8. 2012 Erromango. A husband and wife in their 40's raped/sexually assaulted six family members aged 10-12 years who were living under their care.
9. 2008 Five escapees broke in and raped an Australia woman in Port Vila – Three of these men were already convicted sex offenders. Their ages ranged from 20 to 26 years. Four of this group were in the random group in Correctional Centres who were convicted in 2008 and therefore are likely to have been included in the previous study.

Comparison:

- The 2008 Study found that gang rapes were more likely to occur in urban areas.
- The 2016 sample shows that three of the seven gang rapes occurred rurally on Pentecost, and four occurred in the urban area of Port Vila.
- The two husband and wife group offences occurred rurally on Pentecost and Erromango.
- All of the gang rapes included additional violence and the Port Vila offences and one of the North Pentecost offences stated that alcohol was a contributing factor.

Sentence Lengths and Types

The 2008 Study indicated that over the ten years prior to 2008, longer sentences had been imposed for sexual offending. However there did not appear to be a reduction in the rate of sexual offending.

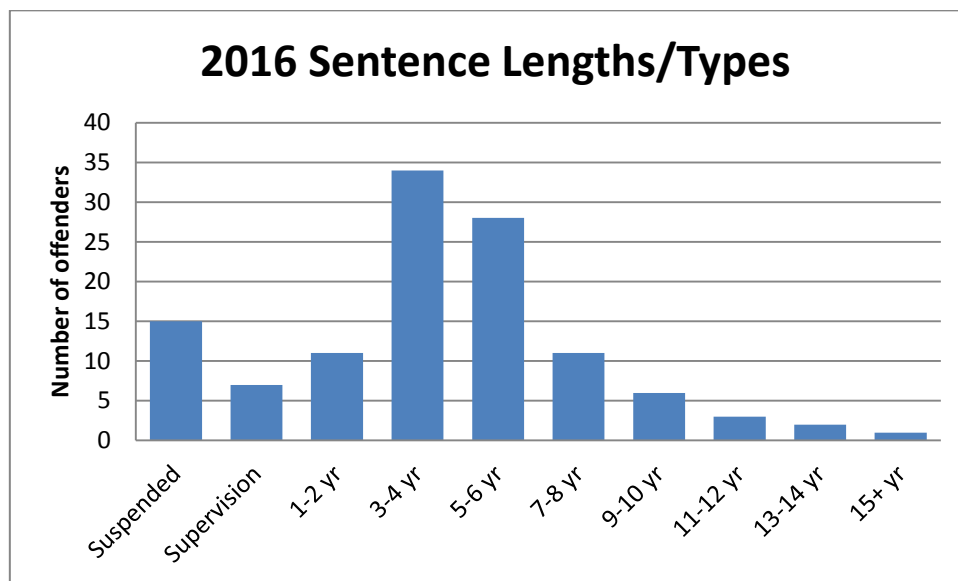
In the 2016 sample below, most of the fifteen offenders with suspended prison sentences, also had a sentence of supervision and community work which are not represented on the graph.

The six offenders who received supervision did not also have suspended prison sentences.

There are two offenders not represented on the graph because they received only community work. They were aged 15 & 17 at the time of their offending.

Most offenders received between three and six years imprisonment.

It appears that Suspended Imprisonment and Supervision Sentences are usually imposed because of the young age of the offender or because of older age and poor health.



Comparison:

- In 2016 71% of the sample group have sentences of three or more years' imprisonment, compared with 56% of the sample group in 2008.
- In 2016 there were also fewer sentences suspended -12.5% ; and fewer short term imprisonment - up to two years – 9%;
- In 2008 there were 16% suspended sentences and 22% up to two years imprisonment.
- **The conclusion can be drawn that sentences continue to be longer than in previous studies.**

Victims of Sexual Offending

The following section provides information about victims of sexual crime so that more of the issues surrounding this type of offending can be addressed.

- Most victims were Ni-Vanuatu girls and women, the youngest a 3 year old girl, the oldest a 69 year old blind woman on one of the islands. Four victims were not Ni-Vanuatu - two of these were living in Port Vila and two were living rurally as volunteers.
- One victim was a male aged 12 years old.
- It was common for child victims to be coerced by the offender with payment, gifts and secrets to be compliant.
- Some offenders had several victims and some victims were victimised by several offenders (gang rape).
- Judge's Sentencing notes often referred to the offender's family as also being victims, especially when the offender was imprisoned and therefore no longer able to provide income and food for his family.

Age of Victims

The total number of victims whose ages were recorded was 110. There were additional victims whose ages are unknown.

52 % victims were 15 years old and younger, 31 % were between 16 and 20 years old, 17% over 20 years old.

There was insufficient accurate information to compare victim ages with the 2008 study.



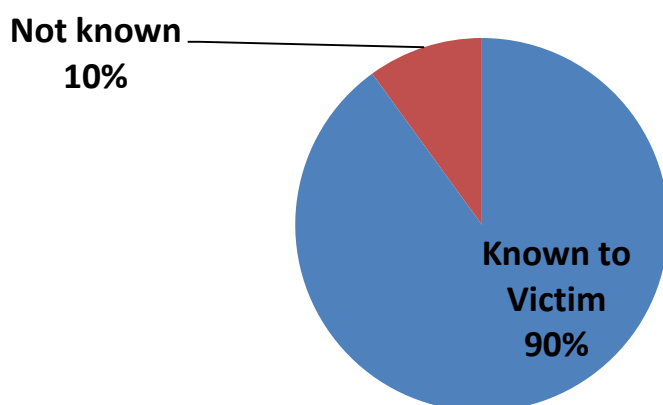
Relationship between Offender and Victim

Most victims knew their offenders.

Offenders included fathers, uncles, grandfathers, husbands/boyfriends, youth group leaders, village chiefs, pastors and village acquaintances.

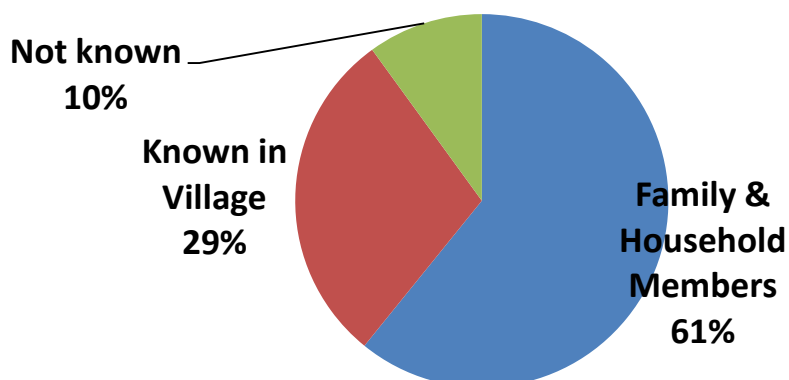
In 12 instances where the victims did not know the offender, ten were Ni-Vanuatu and two were European women (Australian & French).

Victim/Offender Relationship



- 61% of victims were in the same family and living in the same household as their offender.
- Some young victims were abused again by the same offender, in spite of him having already been convicted for a previous offence.

Victim / Offender Relationship



In the 2008 Study 84% offenders knew their victims.

In this 2016 sample 90% offenders knew their victims.

Impacts on Victims

Generally, Sentencing Notes, Pre-sentence Reports and Police Summary of Facts describe a number of impacts on victims.

However, in this research it was often difficult to find information about the victims of the offences.

Impact of sexual offending on victims included the following:

- In a number of situations the victim and sometimes her mother moved from the village home to another island.
- Unwanted pregnancies
- Sexually transmitted diseases
- Exposure to Hepatitis B
- Physical injuries
- Inability to concentrate and continue with school
- Feelings of shame, humiliation and subsequent isolation from school friends, family and community
- Inability to work
- Difficulty with relationships
- Inability to conceive children as a result of injuries
- Mental illness/depression
- Re- victimisation when the offender returned to the family home on parole

Court Reports and Victim Contact

Pre-Sentence Reports:

- Victim Contact for pre-sentence reports is valuable in order to obtain an accurate picture of the offending. This information is important in planning rehabilitation for the offender and to reduce the risk of his re-offending.
- Victim contact was sometimes difficult. Reasons for no victim contact by Probation officers were cited as – unknown victim whereabouts, no telecommunication available. Also it appeared that the victim's parent and / or the older victim were, at times, reluctant to talk about the offence given the stigma that is associated with offending against morality.
- It was also noted that Same Day Reports prepared for offender sentencing provided insufficient time to contact victims for their input. There are likely to be other factors that will impede the Probation Officer from accessing information about the victim.
- It was difficult to obtain accurate information on the number of victims whose Victim Impact Statements were prepared for Sentencing by the Court. Sometimes Judge's Sentencing Notes referred to the victim and an impact statement, however it was more often that the Police Summary of Facts was referred to.

Issues and Support for Victims of Sexual Crime

There is an ongoing need for support of victims in Vanuatu and this is not the focus of this study.

A recent report with Recommendations is:

“Women and Children’s Access to the Formal Justice System in Vanuatu”

– UN Women May 2016

http://www2.unwomen.org/~media/field%20office%20eseasia/docs/publications/2016/07/women_childrens_access_formal_justice_vanuatu_web.pdf?v=1&d=20160803T095212

In 2016, a report was also prepared by the Public Prosecutor’s Office. This report urges the Public Prosecutor’s Office to establish and recruit the post of Victim Support Officer in 2017. This position will be to support victims through the Court process. There are further recommendations in this report which aim to address some of the Victim Issues in Vanuatu. It is understood that they are currently being considered by the Ministry of Justice.

Offender Rehabilitation

“Much research and comment has occurred internationally about sexual offenders and various approaches to rehabilitation.

Sexual offending always occurs within a specific cultural context and what applies in one country may not apply in another.” *Ref Chris King 2009*

- In Vanuatu, until recently, programmes in Correctional Centres have focused on vocational training, health and spiritual awareness.
- In 2009 the programme Niufala Rod was introduced for community- based offenders and this programme introduced the concept of reducing offending behaviours.
- Wan Smol Bag is on occasion contracted to the DBKS to deliver a programme which addresses sexual offending behaviour.
- Since mid 2016, three new ‘awareness modules’ with a focus on education about offending behaviours have been developed by a DBKS New Zealand Volunteer Service Abroad (VSA) volunteer, Heather Smyth. These were introduced initially in the Correctional Centres and then to the Community Probation Service.
 - The modules are Victim Awareness, Family Violence and Anger Management Awareness, Alcohol and Drug Awareness. “Victim Awareness” is a new concept for offenders.
 - Specific Correctional Centre and Probation staff have been trained to deliver the three Awareness Modules.
- In 2017 an ‘awareness’ module specifically for sexual offenders is being developed and is currently being trialed and introduced both in the Correctional Centres and Probation Service.



- The intention is that all offenders on sentences complete all modules. Those offenders who are not sexual offenders will complete a 'Relapse Prevention Awareness' module.

None of the new modules are intended to be 'treatment'. Rather, they are designed to educate, challenge behaviour and provide tools for thinking about choices and changing behaviours.

All programmes are designed in and for the cultural context of Vanuatu.

The Koreksonal Sevis values and is committed to rehabilitation as one way of reducing re-offending in Vanuatu.

It seems that it will be important to repeat this study in the future in order to measure effectiveness of the new 'awareness' modules, other interventions and further rehabilitation and crime prevention initiatives.

Acknowledgement

This research study was completed in May 2017 by a DBKS team comprising of Probation Officer Tony Tataki, Correctional Officers Fred Pakoa and Anderson Ishmael, New Zealand VSA volunteer Dianne Smith at the instigation of the DBKS Rehabilitation Leadership Group.

