

Prevention of Sexual Exploitation and Abuse (PSEA)

Country Mapping of Known Context, Legislation, Reporting and Referral Pathways — All Countries

An initiative
of ACFID's
Safeguarding
Community of
Practice



AUSTRALIAN
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Contents

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Prevention of Sexual Exploitation and Abuse (PSEA) – Fiji

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

| | |
|---------------------------|--|
| Demographics & Population | The population of Fiji is approximately 918,000, with a median age of 27.9 years. As of 2018, life expectancy at birth is 67.3 years, for every 100,000 live births, 30.0 women die from pregnancy related causes; and the adolescent birth rate is 49.4 births per 1,000 women of ages 15-19. |
| Children and the Law | The Juvenile Act (1973) recognises that no child under the age of 10 can be guilty of any offence, those 10 to 14 are not criminally responsible for an act or omission (unless capacity proven), and a male person under the age of 12 years is presumed incapable of having carnal knowledge. |
| Child Labour | Children are at risk of forced labour in agriculture, retail or other sectors. |
| Gender and Sexuality | The Pacific has some of the highest rates of Gender Based Violence in the world. National research shows that 72% of Fijian women experience gender-based violence, compared to the global average of 35%. ¹ Of women in Fiji who have ever been in an intimate relationship, 64% have experienced physical and/or sexual violence by their partner in their lifetime ² and 24% are suffering from physical or sexual partner violence today. ³ |
| Poverty | 30.6% of Fijians live in income poverty, primarily concentrated in rural areas and peri-urban slums. 59% are deprived in at least one dimension of poverty, 30% in at least two dimensions and 14% in at least three dimensions. ⁴ |
| Trafficking | Fijian women and children, and female and male foreigners (largely from Asia) are trafficked domestically within Fijian borders, and internationally to Fiji or to commercial fishing vessels transiting Fijian ports and waters for the purposes of commercial sexual exploitation, domestic servitude, and forced labour. ⁵ |

1 UNAIDS, 2020. [Raising the Voice of Women at the Forefront of Climate Change](#)
 2 UN Women, 2018. [Fiji Services for Survivors of Gender-Based Violence Set to Further Improve](#)
 3 Talanoa Treks, Ra Naari Parishad, Rise Beyond the Reef, and Fiji Women's Fund, 2019. [Promising Practices from Fiji in Empowering Women Economically](#)
 4 UNICEF and Ministry of Women, Children and Poverty Alleviation, 2015. [Child-Sensitive Social Protection in Fiji: Assessment of the Care and Protection Allowance](#)
 5 US State Department, 2020. [Trafficking in Persons Report](#)



Women's Empowerment

Fiji is a country comprised of over 300 islands and has one of the more developed economies in the Pacific region. As such, it fares well compared to neighbours, ranking 98 out of 189 in the Human Development Index.⁶ However, the 2017 Global Gender Gap Report ranked Fiji 125 out of 144 countries in terms of the Global Gender Gap Index,⁷ which measures gender disparity across four broad areas including economic participation and opportunity, educational attainment, political empowerment, and health and survival.⁸

Women are more likely than men to be extremely disadvantaged and to have limited capacity to raise concerns and effect change in their community. Women are twice as likely to be deprived of Voice, with the gender difference being largest in urban areas.⁹ 78.3% of adult women have reached at least a secondary level of education compared to 70.2% of their male counterparts, yet only 19.6% of parliamentary seats are held by women.¹⁰

The Australian Government, through the Pacific Women initiative, have committed approximately \$26m over 10 years (2012–2022) on initiatives to support women's empowerment in Fiji. With regard to crisis support and prevention services there have been two changes in Fijian laws including a new tariff for child rape and the introduction of special measures for survivors during trials. Crime prevention committees are enabling vendors to drive improved safety in markets, and councils are including women in leadership and decision making to ensure market design and construction is gender responsive (such as ensuring more women's toilets).¹¹

Female participation in the labour market is 38.1% compared to 76.1%.¹² Research has found increased earnings help to relieve stress and tension in relationships and household settings, and have found no links between women's economic empowerment and increases in violence.¹³ Following a business case for employer-supported childcare, the Government of Fiji has now allocated funding for an exploratory committee to establish day-care centres near major hubs of employment.¹⁴

The Government of Fiji has committed to gender equality and the empowerment of women and girls. The Fiji National Gender Policy 2014¹⁵ focuses on the promotion of women's human rights and gender mainstreaming across development planning and decision-making processes within government, as well as addressing structural and social barriers that impede gender equality.¹⁶

6 UNDP, 2019. [Human Development Report, Fiji](#)
 7 World Economic Forum, 2017. [Global Gender Gap Report](#)
 8 UNDP, 2019. [Human Development Report, Fiji](#)
 9 Pacific Women, 2020. [Pacific Women Shaping Pacific Development: Fiji Highlights](#)
 10 Talanoa Treks, Ra Naari Parishad, Rise Beyond the Reef, and Fiji Women's Fund, 2019. [Promising Practices from Fiji in Empowering Women Economically](#)
 11 Pacific Women, 2020. [Pacific Women Shaping Pacific Development: Fiji Highlights](#)
 12 UNDP, 2019. [Human Development Report, Fiji](#)
 13 Talanoa Treks, Ra Naari Parishad, Rise Beyond the Reef, and Fiji Women's Fund, 2019. [Promising Practices from Fiji in Empowering Women Economically](#)
 14 Pacific Women, 2020. [Pacific Women Shaping Pacific Development: Fiji Highlights](#)
 15 Ministry for Social Welfare, Women, and Poverty Alleviation, 2014. [Fiji National Gender Policy](#)
 16 Pacific Women, 2020. [Pacific Women Shaping Pacific Development: Fiji Country Plan Summary](#)

RELEVANT PSEA LEGISLATION

International Instruments The **Convention on the Rights of the Child**¹⁷ (CRC) was ratified in 1993 but Fiji has not yet ratified the Optional Protocols on the Involvement of Children in Armed Conflict, or the Sale of Children, Child Prostitution, and Child Pornography.

Fiji ratified the **Convention on the Elimination of All Forms of Discrimination Against Women**¹⁸ (CEDAW) in 1995. Described as an international bill of rights for women, CEDAW focuses on non-discrimination and the prevention of sex trafficking, rights in the public sphere, economic and social rights, and equality in marriage and family life and equality before the law.

Additional ratification status for Treaties include:

- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) ratified 2016, but not the Optional Protocol of the Convention against Torture.
- International Covenant on Civil and Political Rights (CCPR) ratified 2018, but not the Second Optional Protocol Aiming to the Abolition of the Death Penalty.
- Convention for the Protection of All Persons from Enforced Disappearance (CED) ratified 2019.
- International Convention on the Elimination of all Forms of Racial Discrimination (CERD) ratified 1973.
- International Covenant on Economic, Social, and Cultural Rights (CESCR) ratified 2018.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CWM) ratified 2019.
- Convention on the Rights of Persons with Disabilities (CRPD) ratified 2017.

The Constitution Amendment 1997 states the court must consider relevant international law, whereas the **Constitution 2013**, supreme law, states that the law may consider relevant international law.

Legal Framework The **Women's Plan of Action (2010-2019)**¹⁹ identified broad directions for action by Government, and also its stakeholders and development partners, in order to fulfil its national and international obligations. Priority areas included formal sector employment and livelihoods, equal participation in decision making, elimination of violence against women and children, access to basic services, and women and the law. The Plan was aligned to the commitment in the Beijing Platform of Action (1995), the Pacific Platform of Action (1993), Millennium Development Goal 3 to promote gender equality and empower women, and the Roadmap for Democracy and Sustainable Socio-Economic Development (2009-2014) at the national level.

The **National Policy on Sexual Harassment in the Workplace (2007)**²⁰ sets out conditions for equality of opportunity and treatment within each workplace, and that each workplace must establish a Sexual Harassment Monitoring and Evaluation System. The National Policy defines sexual harassment, employers' responsibilities, workers' responsibilities, complainants' statutory rights under the Human Rights Act 1999; the Penal Code (section 154); and the personal grievance procedure under the Employment Relations Promulgation 2007.

The **National Gender Policy (2014)**²¹ promotes gender equity, equality, social justice and sustainable development; and highlights the Government's commitment to remove gender inequality in Fiji. The Gender Policy aims to improve quality of life at all levels of society through the promotion of gender equity and equality; reinforce links between gender equality and sustainable development goals in national development; promote active and visible gender mainstreaming in all sectors and within civil society to ensure agency for gender equity and equality in all spheres of national life; and remove all forms of gender inequality and gender discrimination.

17 [Convention on the Rights of the Child](#)
18 [Convention on the Elimination of All Forms of Discrimination Against Women](#)
19 [Women's Plan of Action \(2010-2019\)](#)
20 [National Policy on Sexual Harassment in the Workplace \(2007\)](#)
21 [National Gender Policy \(2014\)](#)

Government Institutions The **Ministry of Social Welfare, Women and Poverty Alleviation** is the Government agency that administers services and programs for care and protection of women and children.

The **National Coordinating Committee on Children (NCCC)** is responsible for coordinating the implementation of CRC into Fiji's laws and procedures. Its role extends to providing advice, regulating and monitoring the protection and welfare of children.

The **Human Rights and Anti-discrimination Commission** can receive and investigate complaints on human rights breaches.

The Fiji Police has a **Sexual Offences Unit in Suva** and Nausori to provide specialist services to victims of sexual offences. The **Transnational Crimes Unit** is based in Nasese, collaborating with the Pacific Transnational Crime Coordination Centre (PTCCC).

Fiji National Council for Disabled Persons (**FNCDP**) is the focal point for disabilities, under the **FNCDP Act (1994)**.²²

22 [Fiji National Council for Disabled Persons Act \(1994\)](#)



REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

| Service Name | Description | Coverage | Contact |
|--|--|---------------------|--|
| Law Enforcement Agencies (to report cases to) | | | |
| Police | Police general services | National | Emergency 917 or 911 or 000 |
| | Sexual Offences Unit (Toorak) | | Sexual Offences Unit T 3318525 T 3318520 |
| Judiciary | Report cases for investigation by Social Welfare and judicial orders (protection, restraint, recovery) | National | Forms available at Government Judiciary Website Form 15 - notice of child abuse or risk of child abuse Form 12 - application for orders Form 18 - application for recovery order |
| Crime Stoppers | Hotline for reporting crimes | National | T 919 |
| Local Health and Medical Services (to refer cases to) | | | |
| Ambulance | Ambulance service | National | Emergency 911 or 000 |
| Medical Services Pacific | Confidential counselling and support services for survivors of rape, medical support, and post rape care, as well as child protection, youth assistance | National, 8am - 4pm | Medical Services Pacific T 3630108 or 3548062 E info@msp.org.fj Counselling and Support T 9910894 or 5640 Hotline 9910891 or 5640 Child Help Line T 1325 E help@msp.org.fj Post Rape Care and Support for Miscarriage Care E counsellor@msp.org.fj Medical Inquiries or Bookings E doctor@msp.org.fj E timaleti.james@msp.org.fj Sensitive and Confidential Inquiries E jen@msp.org.fj |
| Adolescent Health & Development Centre | Paediatric and adolescent care including sexual healthcare, mental health care and general practice | Suva | Ministry of Health Dinem House, 88 Amy St, Toorak T 331 9078 |
| Support Agencies | | | |
| Ministry of Women, Children and Poverty Alleviation | Responsible for responding to child abuse, violence against women and children. Professional mandatory reporting is to be addressed to the Permanent Secretary | National | Child Helpline 1325 Domestic Violence Helpline 1560 |
| Child Labour Unit within Ministry of Labour, Industrial Relations and Employment | Monitors and intervenes in unlawful child labour | National | Child Labour Unit T 303 500 |

| | | | | |
|---|--|-------------------|---|--|
| Fiji Family Court | Family Court for most matters relating to children | Major cities | Suva T 3211834 Nasinu T 3390466 Nausori T 3340006 | Lautoka T 6660016 Labasa T 8836022 |
| Key Advocacy Services, Networks, Agencies | | | | |
| Fiji Women's Crisis Centre | 24-hour confidential counselling and support service for women | National 24 hours | Suva T 3313300 or 9209470 E fwcc@connect.com.fj Nadi T 670-7558 or 740-4760 E nadiwomen@connect.com.fj Ba T 6670466 or 9239775 E bwcc@connect.com.fj | Rakiraki T 669-4012 or 912-9790 E rwcc@connect.com.fj Labasa T 881-4609 or 937-7784 E lwcc@connect.com.fj |
| Homes of Hope Fiji | Shelter for women and children leaving domestic violence | National | Homes of Hope T 332 2033 | |
| House of Sarah | Counselling centre for women | Suva 8am-4pm | House of Sarah T 3100665 | |
| Australian Federal Police and Embassy or Consular (if any person involved is an Australian National) | | | | |
| Australian High Commission | Consular assistance; law enforcement cooperation section | National | Australian High Commission 37 Princes Road, Tamavua, Suva T 3388 2211 www.fiji.highcommission.gov.au | |
| Australian Federal Police | Report offences committed by Australians | | T +61 2 6131 3000 After Hours +61 2 6126 7777 www.afp.gov.au | |

Prevention of Sexual Exploitation and Abuse (PSEA) – Indonesia

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

Demographics & Population With a population of 273.5 million, Indonesia hosts approximately 3.5% of the world's total population, is the fourth most populous country on earth, and the world's most populous Muslim-majority nation.²³ Indonesia has a somewhat youthful population with 40% of people under the age of 24 years (24% 0-14 years; 16.8% 15-24 years) and a median age of 30.2 years. The infant mortality rate is 22.7 deaths per 1,000 live births; and the average life expectancy at birth is 73 years.

Indonesia has approximately 300 ethnic groups and 700 different spoken languages with Indonesian (a form of Malay) recognised as the official national language, and the language of most written communication, education, government, and business.²⁴ The country is arranged across a massive archipelago of 13,466 islands and a combined area of 1.9 million km².

Disability 10 million people, or 4.3% of Indonesia's population, has some form of disability. However, Indonesia continues to struggle to involve those with disability in public life and the development process, defined as a process of improving people's welfare in aspects related to economics, social, political and health. Stigma against those with disabilities drives systemic barriers. Difficulties also arise from insufficient budget allocations to address concerns, weak law enforcement, a public sector lack of awareness, and conflicting data which makes policy-making more difficult.²⁵

Education²⁶ Gender parity is largely achieved in educational enrolments, with 98% of all children aged 7-12 enrolled in primary school, and 61%-62.4% of girls and boys enrolled in secondary school. However, children from the poorest households are four times more likely not to attend school, and 70% of children who drop out of secondary school are girls – with child marriage and societal gendered stereotypes playing a large role. Gender-biased textbooks favour positive male examples and references, and gender stereotyping influences the way students are conditioned or encouraged to choose subjects reflective of gender-appropriate norms. 84% of men are in the labour force compared to 51% of women, and most top government and private sector positions are held by men resulting in huge pay disparities between men and women. For example, the GNI for men is 13.4 compared to 6.7 for women.

23 World-O-Meter, 2020. [Indonesia](#)
 24 CIA, 2020. [World Factbook Indonesia Profile](#)
 25 The Conversation, 2018. [Six Problems that Exclude Disabled People in Indonesia from Public Life](#)
 26 The Borgen Project, 2019. [Girls Education in Indonesia](#)

Forced Child Marriage Indonesia has the eighth highest absolute number of child brides in the world at 1,459,000.²⁷ One in nine married women in Indonesia were married as children as 14% of girls are married before 18 years, and 1% before 15 years. Child marriage is a fundamental human rights violation, fosters gender inequality, and perpetuates the cycle of poverty, illiteracy and poor health into future generations, depriving communities and the larger society of productive, healthy citizens, both immediately and in the long term. While ending child marriage is a development priority in Indonesia, rates of child marriage continues to rise in urban areas.²⁸

A recent amendment of Indonesia's Marriage Act has raised the marital age of girls (with parental permission) from 16 to 19 years, in line with the age for boys. Men and women are able to be married without parental permission from 21 years.

Gender and Sexuality Patriarchal traditions, both cultural and religious, enshrine the discourse of women as inferior to men. Indonesia has experienced enormous change in its relationship to sexuality in the last decade. In 2008, the Anti-Pornography Law passed (empowering authorities to jail people for any sexually suggestive performance), in 2016, the 'LGBT crisis' saw homophobic and transphobic statements issued from high social and political levels, and in 2017, Indonesia's Constitutional Court only narrowly rejected a petition to criminalise all sex outside marriage with a five to four vote. The ratification of an anti-sexual violence law has not been passed.²⁹

Indonesian law does not protect the LGBTQ+ community against discrimination and hate crimes, and in some parts of Indonesia, homosexuality is illegal under Islamic Sharia law, and punishable by flogging. Arbitrary and unlawful raids are conducted on LGBTQ+ gatherings, and some government institutions refuse to recruit people as civil servants on the basis of them being considered 'perverts' in sexual orientation and behaviour.³⁰ Public health outreach to vulnerable populations have been derailed, and HIV rates among men who have sex with men (MSM) have consequently increased five-fold since 2007 from 5 to 25 percent.³¹

Trafficking³² The Anti-Trafficking Law (2007)³³ criminalized all forms of labour and sex trafficking of adults and prescribed penalties of 3-15 years imprisonment. However, inconsistent with international law, the Anti-Trafficking Law requires a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore does not criminalize all forms of child sex trafficking. Corrupt officials reportedly continued to facilitate the issuance of false documents, accepted bribes to allow brokers to transport undocumented migrants across borders, protected venues where sex trafficking occurred, practiced weak oversight of recruitment agencies, and thwarted law enforcement and judicial processes to hold traffickers accountable.

ASEAN Convention against Trafficking in Persons, Especially Women and Children, through passage of Law No.12/2017. The Law expanded the government's authority to prosecute suspects for illegal recruitment and provided a legal basis for Indonesian law enforcement agencies to collaborate with other ASEAN countries.

27 UNICEF Indonesia, 2016. [Child Marriage in Indonesia: Progress on Pause](#)
 28 BAPPENAS, UNICEF and Global Affairs Canada, 2015. [Championing child rights and child protection in Indonesia](#)
 29 Inside Indonesia, 2020. [Sexualities in Indonesia](#)
 30 Inside Indonesia, 2020. [Sexualities in Indonesia](#)
 31 Human Rights Watch, 2019. [Indonesia Events of 2018](#)
 32 US Department of State, 2018. [Trafficking in Persons Report: Indonesia](#)
 33 [Anti-Trafficking Law \(2007\)](#)

| | |
|-------------------------------------|--|
| Violence Against Women and Children | <p>Violence against women is a systemic problem. In 2019, the annual report of the National Commission for Women recorded a 14% increase in cases of violence against women to a total of 406,178 cases.³⁴</p> <p>More than half (51%) of girls aged 5-11 have experienced female genital mutilation (FGM),³⁵ and nearly one third (28%) of women and girls have experienced physical, sexual and/or psychological violence by a current or former partner.³⁶ Children and adults are reluctant to disclose sexual violence to family members, peers, or service providers, due to fear, shame, and cultural and societal barriers to official reporting such as the absence of support mechanisms for survivors.³⁷ Consequently, private restitution from a non-family perpetrator is often sought directly, usually in the form of a cash payment.</p> |
| Vulnerability | <p>90% of the Indonesian population is vulnerable to natural disasters including earthquakes, tsunamis, volcanic activity, forest fires and epidemics.³⁸ Disasters and recovery efforts create heightened vulnerabilities.</p> |

RELEVANT PSEA LEGISLATION

| | |
|---------------------------|---|
| International Instruments | <p>In 1984, Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which prohibits the trafficking and exploitation of women, as well as the UN Convention on Transnational Organised Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol is the first global legally binding instrument with an agreed definition on trafficking in persons, and seeks to protect and assist victims of trafficking in persons with full respect for their human rights.</p> <p>Indonesia ratified the Convention of the Rights of the Child (CRC) in 1990, and the Convention on the Rights of People with Disabilities (CRPD) in 2011, along with a number of other general human rights instruments, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social, and Cultural Rights (CESCR).</p> <p>Indonesia is also a member of ASEAN and is committed to various agreements including the ASEAN Convention against Trafficking in Persons, in Particular Women and Children (2015), a binding instrument which establishes a cooperative vulnerability-oriented scheme, and provisions for criminal proceedings and investigations. Defines children as under 18 years for the purposes of the scheme; ASEAN Declaration on the Elimination of Violence against Women and Violence against Children (2013), a non-binding agreement which covers child marriage and physical and mental violence; and Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (2010) to ensure women and children participate in and benefit from ASEAN integration and community building, and their welfare and development is enhanced.</p> <p>Indonesia is a vocal champion of the SDG targets on the elimination of violence against children, and a board member of the Global Partnership to End Violence against Children.</p> |
|---------------------------|---|

34 Tara Marchelin, 2020. *Violence Against Women in Indonesia Is Systemic and the Government Is Not Doing Enough to Unravel It: Rights Activists*
35 BAPPENAS, UNICEF and Global Affairs Canada, 2015. *Championing Child Rights and Child Protection in Indonesia*
36 BAPPENAS and UNICEF, 2019. *SDGs for Children in Indonesia. Provincial Snapshot: East Nusa Tenggara*
37 Rumble et al, 2018. *Childhood Sexual Violence in Indonesia: A Systematic Review*
38 Australian DFAT, 2018. *Aid Program Performance Report 2017-18: Indonesia*

| | |
|-----------------|--|
| Legal Framework | <p>The Constitution (1945)³⁹ explains that children possess the right to grow up protected from violence, and recent amendments to the Child Protection Act (2002)⁴⁰ affords children the right to enjoy life without violence, and obliges the government to protect children with special considerations such as child victims of sexual exploitation.</p> <p>The Child Protection Act (2002) defines a child as any person under the age of 18, the age of consent in the Penal Code (1952)⁴¹ is 15 years old, and in most states in Indonesia same sex relations are legal but the age of consent is 18.⁴² A recent amendment of Indonesia's Marriage Act has raised the marital age of girls (with parental permission) from 16 to 19 years, in line with the age for boys. Men and women are able to be married without parental permission from 21 years. The Penal Code (1952) also legislates for criminal activity including sexual abuse and exploitation against a child (of varying ages), and penalties are applied to anyone who commits child molestation and/or forces a child to commit sexual intercourse with any person.</p> <p>The Elimination of Domestic Violence Law (2004)⁴³ imposes a general obligation on anyone who sees, hears or knows about (all forms of) domestic violence within a household to make efforts to prevent the crime, provide protection and emergency assistance to the survivor, and assist in the process of submission of application for protection. Police must provide immediate temporary protection for up to a week, conduct an investigation, and request a protection order from the court. Police must inform the victim of the police's obligations to protect the victim.</p> <p>The Law on the Eradication of the Criminal Act of Trafficking in Persons (2007)⁴⁴ criminalises trafficking and exploitation of persons which includes but is not limited to forced labour, slavery, and prostitution. However, and inconsistent with international law, the Anti-Trafficking Law requires a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore does not criminalize all forms of child sex trafficking. Corrupt officials reportedly continue to issue false documents and accept bribes to allow brokers to transport undocumented persons and to protect venues where sex trafficking occurs.</p> <p>The ASEAN Convention against Trafficking in Persons, Especially Women and Children, through passage of Law No.12/2017, expanding the government's authority to prosecute suspects for illegal recruitment and provided a legal basis for Indonesian law enforcement agencies to collaborate with other ASEAN countries.</p> |
|-----------------|--|

39 [The Constitution of the Republic of Indonesia \(1945\)](#)
40 [Child Protection Act \(2002\)](#)
41 [Penal Code of Indonesia \(1952\)](#)
42 [Sexual Rights Database, 2017. Indonesia Country Profile](#)
43 [Law on the Elimination of Domestic Violence \(2004\)](#)
44 [Law on the Eradication of the Criminal Act of Trafficking in Persons \(2007\)](#)

Government Institutions

Since 1999, Indonesia has had a highly decentralised governance system which extends to child welfare and protection, under which policy and key legal frameworks are established at the national level but key elements of implementation are left to provincial and local levels. Considering the size and diversity of Indonesia, this presents challenges to a coherent understanding of protection in Indonesia, as well as challenges to implementation of effective legal and policy mechanisms and to collection of data. There is a multiplicity of actors and instruments at each level, and the mandate for each actor is not entirely clear at all times. It is recommended that guidance on local systems be sought from provincial level bodies, for whom contact details may be found in Section 3.⁴⁵

P2TP2A Centres of Integrated Services for Women Empowerment and Child Protection and **PPT Centres** for integrated service centres are key district level services which aim to connect a range of service providers (including health, police, education and legal), creating a more coordinated response to children's needs. They perform mainly tertiary support services.

Women and Children Service Unit are special centres at police stations to handle cases of violence against women and children. They receive reports, provide counselling and security, investigate and refer cases to legal aid, medical services or safe houses.⁴⁶

Ministry of Women Empowerment & Child Protection, formerly called Ministry of Women Empowerment, is the ministry in charge of coordination of child protection affairs in line with the CRC.

The **Ministry of Planning (BAPPENAS)** is responsible for policy development and advocacy, including the Long and Medium Term National Plans.

The **Indonesian Child Protection Commission**⁴⁷ has a mandate to supervise and improve the implementation of the CRC by advising on formulation of policies, data collection, and reviewing and hearing disputes and reports from the public on violations of children's rights. Other relevant national commissions include the National Human Rights Commission, National Action Committee for the Elimination of the Worst Forms of Child Labour, and National Commission on Violence Against Women.

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION, ABUSE OR HARASSMENT

| Service Name | Description | Coverage | Contact |
|---|--|---------------------|--|
| Law Enforcement Agencies (to report cases to) | | | |
| Police | Police services. District and provincial stations have Women and Children Protection Units (UPPA) for addressing child abuse and domestic violence | National | Emergency 110 Mobile Phone Emergency 112 Jl. Trunojoyo No. 3 South Jakarta |
| Statutory Protection Agencies/ Unit (to report abuse to) | | | |
| Women and Children Protection Units (UPPA) | Provincial and local level units located in police stations for primary reporting of domestic violence and child abuse. Provides counselling, support and security, shelter, and legal | | Provincial and Local UPPA Database |
| P2TP2A | Provincial and local level institutions with a mandate of protection of women and children in abuse cases, including psycho-social service, safe-house and companionship. | Provincial Local | Provincial Institutions Database Provincial Institutions Database (English) |

45 BAPPENAS, UNICEF and Global Affairs Canada, 2015. *Championing Child Rights and Child Protection in Indonesia*

46 SMERU Research Institute, BAPPENAS and UNICEF, 2013. *Child Poverty and Disparities in Indonesia: Challenges for Inclusive Growth*

47 *Law on Child Protection* (2014)

Local Health and Medical Services (to refer cases to)

| | | |
|---|---|--|
| Ambulance | | Emergency 119 |
| PTT Hospital-Based Integrated Service Centres, and PKT Hospital-Based Integrated Crisis Centres | Integrated medical service centres located in police or public hospitals, for women and children victims of domestic violence | Ministry of Health T 021-500567 Contact Ministry of Health for details regarding local PPTs and PKTs. |
| Mental Health and Suicide Hotline | Mental health counselling and suicide counselling hotline run by the Ministry of Health | Hotline T 500-454 |
| Jangan Bunuh Diri | NGO with mental health counselling services | T 021 9696 9293 E jangانبunuhdiri@yahoo.com |

Support Agencies (to refer cases to)

| | | | |
|--|--|---------------------|--|
| Lembaga Perlindungan Anak - Kemsos- affiliated provincial and local agencies | Provincial and local level institutions reflect the mandate of kemsos to coordinate and administer social welfare schemes including P2PTA. | Provincial Local | Primary Provincial Institution Database |
| Ministry of Women's Empowerment and Child Protection | Policy, coordination of child protection affairs in line with the CRC. Oversees provincial implementing units including UPPA. | | T 021-4302320 E pengaduan_kpppa@go.id Jl. Medan Merdeka Barat No. 15 Central Jakarta Provincial UPPA Database |
| LPSK | Institution providing protection to witnesses and victims, including providing a safe house. | National | T (021)29681560 E lpsk_ri@lpsk.go.id Jl. Raya Bogor Km.24 No.47-49, Susukan Ciracas Jakarta Timur 13750 |

Key Advocacy Services, Networks, and Agencies

| | | | |
|--|-----------|----------|--|
| Indonesia Legal Aid Foundation (YLBHI) | Legal Aid | National | T 62-21-392 98 40 E info@ylbhi.or.id Jl. Diponegoro No. 74 Jakarta Pusat 10320 Indonesia |
|--|-----------|----------|--|

Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)

| | | | |
|---------------------------------|--------------------------------------|----------|--|
| Australian Federal Police | Report Child Offences by Australians | | T (+61) 2 6131 3000 After Hours (+61) 2 6126 7777 Online Reporting Form |
| Australian Embassy in Indonesia | Consular assistance | National | T +62 21 2550 5555 E public-affairs-jakt@dfat.gov.au Jl Patra Kuningan Raya Kav. 1-4, Jakarta Selatan 12950 |

Prevention of Sexual Exploitation and Abuse (PSEA) – Mongolia

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

| | |
|---|--|
| Demographics & Population ⁴⁸ | <p>According to the 2020 Census, the population of Mongolia is 3.3 million, with an average life expectancy of 70.5 years. Infant mortality rates are 14.8 infant deaths per 1,000 live births; and deaths for those under 5 years is 18.4 per 1,000 live births.</p> <p>Currently, 60% of the population is urban which equates to nearly 2.2 million people, 844,818 of whom reside in the capital, Ulan Bator city. Unemployment is 8.1%, and the inflation rate is 3.3%. About 26% of Mongolian households are nomadic or semi-nomadic herding families, caring for the nearly 71 million livestock.</p> |
| Disability | <p>In 2017, 41.9% of children with a disability acquired their disability after birth through injury. Roughly 50% of children born with a disability (especially children with sensory or learning disabilities) do not have access to adequate education and are illiterate. Around 40% of children with disability enter preschool and primary education, but only 14% attend senior school. 80% of all people with a disability are economically inactive, and most live below the poverty line.⁴⁹</p> <p>The Law of Mongolia on Human Rights of Persons with Disabilities was enacted in 2016, however, the Mongolian government acknowledges that infrastructure, services and social acceptance of disabled persons is poor.⁵⁰</p> |

48 National Statistics Office of Mongolia and World O Meter: Mongolia Demographics
 49 Save the Children, 2018. *Child Rights Situation in Mongolia Report, 2018*
 50 Ministry of Labour and Social Protection, 2017. *Disability in Mongolia 2017: Facts and Figures*

| | |
|------------------------|---|
| Gender and Sexuality | <p>The Gender Inequality Index in 2016 was 0.335, an increase from 0.289 in 2015. Sole parenting responsibilities, lower incomes and fewer economic opportunities manifest in higher poverty rates for female-headed households. The adolescent birth rate was 33.6 per 1000 girls aged 15-19 in 2017, while the unmet need for family planning services was 36.4% which is double the national average.⁵¹</p> <p>79% of LGBT children in 2017 faced some form of discrimination, and 45.16% experienced discrimination, ostracism or violence at home. 9.4% of LGBT children experienced 'grave physical violence'.⁵²</p> <p>The greatest recent achievements to gender equality and empowerment are in areas of legal and policy, national mechanisms, gender databases and research and analysis, budget allocations; whereas challenges have been in relation to institutional, socio-economic and environmental obstacles.⁵³</p> <p>Priorities for accelerating progress include 1) Equality and non-discrimination under law and access to justice 2) Quality education, training and life-long learning for women and girls 3) Eliminating violence against women and girls 4) Access to health care, including sexual and reproductive health and reproductive rights and 5) Gender-responsive budgeting.⁵⁴</p> |
| Inequity ⁵⁵ | <p>CEDAW and the Committee on Rights of the Child identify inequity as a key challenge for Mongolia. In particular, inequities in relation to access to, and the quality of, social services for children, women, ethnic minorities and people with disabilities; and, how increased internal migration is placing a huge burden on already overstretched services, further highlighting concerns in relation to child labour, gender-based violence and child abuse and neglect.</p> |
| Poverty ⁵⁶ | <p>28.9% of children live in poverty, accounting for about 46% of all people below the poverty line. There is substantial variation in regional poverty rates: poverty rates are higher in rural areas, and in the Eastern parts of Mongolia in particular, than in Ulan Batar. Households headed by women, remote herders, and rural-urban migrants are more prone to poverty.</p> <p>Poverty was found to interact with multiple overlapping deprivations, with poor children substantially less likely to attend or complete school, have appropriate housing, or have adequate nutrition, sanitation, or access to water.</p> |
| Violence | <p>Mongolia has some of the worst rates of sexual violence in Asia—and old attitudes are proving hard to change.⁵⁷</p> <p>1 in 10 women have experienced child sexual abuse before the age of 15. Among ever-partnered women, 57.9% have experienced one or more forms of violence (including sexual). Since age 15, 17.3% of women have experienced non-partner physical violence. For many women, exposure to partner violence is not their only experience. They may have also been subject to physical or sexual violence perpetrated by their parents, siblings, other family members, or complete strangers since the age of 15 years. 1 in 4 women, regardless of socio-economic status, agreed that a husband is justified in beating his wife if she is unfaithful.⁵⁸</p> |

51 Save the Children, 2018. *Child Rights Situation in Mongolia Report, 2018*
 52 Save the Children, 2018. *Child Rights Situation in Mongolia Report, 2018*
 53 Ministry of Labour and Social Protection, 2019. *Mongolia: Comprehensive National-Level Review*
 54 Ministry of Labour and Social Protection, 2019. *Mongolia: Comprehensive National-Level Review*
 55 UNICEF, 2014. *Analysis of the Situation of Children in Mongolia*
 56 Save the Children, 2018. *Child Rights Situation in Mongolia Report, 2018*
 57 Foreign Policy, 2020. *Living While Female in Mongolia*
 58 UNFPA Mongolia and National Statistics Office, 2017. *Breaking the Silence for Equality: 2017 National Study on Gender Based Violence in Mongolia*

Women's Empowerment

The Mongolian Constitution⁵⁹ doesn't specifically enshrine gender equality, but does prohibit discrimination on the basis of sex, and protects the rights of women to education and employment, as well as to participate in politics.

Many women don't realize that what they endure constitutes physical or sexual violence. One survey finding showed that 35 percent of women who themselves had experienced partner violence said that a husband was justified in beating his wife if she was unfaithful. Much smaller percentages agreed that other faults (disobeying him, not doing the housework to his satisfaction, refusing sex, and asking whether he's unfaithful to her) also deserved a violent response.⁶⁰

Mongolia's record on women's rights is examined regularly by the UN Committee on the Elimination of Discrimination against Women (CEDAW), since becoming a signatory in 1981. Recognised issues include protection of women victims of violence; persistence of strong gender stereotypes in family and society; low participation of women in political and public life; marriage contracts, property ownership; nationality of children born to Mongolian mothers and foreign fathers; high rate of abortion, access to modern contraceptive methods; indigenous women, minority, rural and stateless women; protection of single women heads of households and deserted wives with children.⁶¹

RELEVANT PSEA LEGISLATION

There are a range of laws and policies/programmes, that are key contributors to an enabling environment for women empowerment and the achievement of gender equality as well as aimed at combating, preventing, eliminating and eradicating all forms of crimes including violence against women and girls, and promoting women's rights. These are indicated below:

International Instruments

Mongolia is a signatory to the **Convention on Elimination of all forms of Discrimination Against Women (CEDAW)**, which prohibits trafficking and exploitation of women. Mongolia has ratified the **Convention of the Rights of the Child (CRC)**, the **Worst Forms of Child Labour Convention**, the **Convention on the Rights of People with Disabilities** and the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**.

Mongolia is party to a number of bilateral and multilateral agreements to combat human trafficking, including agreements with Switzerland, Macau and China and commitment to the Bali process from its initiation in 2002.⁶² Mongolia has participated in East Asian and Pacific regional fora on child protection including most recently the Third Regional Workshop on Justice for Children in East Asia and the Pacific in Bangkok, Thailand in September 2018. These produced binding instruments but bear on the implementation of international and national law.⁶³

59 [Constitution of Mongolia \(1992\)](#) (Note, previous constitutions had been adopted in 1924, 1940 and 1960)
 60 Foreign Policy, 2020. [Living While Female in Mongolia](#)
 61 UNCHR, 2016. [Mongolia's Record of Women's Rights to Face Review by UN Committee](#)
 62 ECPAT international, 2011. [Global Monitoring: Status of Action Against Commercial Sexual Exploitation of Children, Mongolia](#)
 63 Hague Conference on Private International Law and UNICEF, 2018. [Third Regional Workshop on Justice for Children in East Asia and the Pacific: Conclusions and Recommendations](#)

Legal Framework

The **Age of Majority** is 18 years, and the **Age of Consent** is 16 years.⁶⁴

The **Criminal Code (as amended in 2015)** contains several provisions to prevent crimes which violate women's rights. In 2015, the revised Code criminalises domestic violence, prohibits discrimination on various grounds, and outlaws hate crimes and hate speech.⁶⁵

The **Law on Child Protection 2016** defines the principles of child protection and the related government mandate to establish a national child protection system, and to regulate relationships arising from prevention, protection, rehabilitation, guardianship, and curatorship of children with respect to any form of violence or exploitation.⁶⁶

The **Law to Combat Domestic Violence (as revised in 2016)** regulates all matters pertaining to protection against human rights violations, ensuring victims' safety, holding perpetrators accountable, and regulating the participation of government and NGOs, citizens, economic entities and authorities in combating and preventing domestic violence. The revised law was approved in 2016, criminalizing domestic violence for the first time in the Mongolia's history.⁶⁷

The **Law on Promotion of Gender Equality (LPGE) 2011** specifically ensures gender equality in political, legal, economic, social, cultural and family relations, and regulates implementation. Law spells out the responsibilities of specific public agencies to ensure gender equality. Law broadly defines discrimination as "any action or inaction resulting in discrimination, exclusion or restriction based on sex or attributes of sex and marital status of men and women in political, economic, social, cultural, family and other spheres". Article 6 also states prohibition of gender discrimination.⁶⁸

Law on Social Security for Persons with Disabilities 2016 sets out the eligibility, coverage and extent of the social welfare services to be delivered to persons with disabilities; and to regulate mandate and responsibilities of individuals and legal entities.⁶⁹

Law on Victim and Witness Protection 2013 provides protection to girls and women victims of violence.⁷⁰

The **Youth Development Law 2017** is the first law in Mongolia's history which specifically benefits young people. The law has specific articles for the creation, sustainability and funding of Youth Development Centres at the provincial and district levels; the establishment of a National Council on Youth Development headed by the Prime Minister; the participation of young people in decision and policy making processes; support for youth volunteerism, employment and youth-led initiatives, and many other important initiatives.⁷¹

Community and Traditional Justice Mechanisms Legal customs are considered to be a limited, not principal, source of law. It is sometimes necessary to follow customary norms when resolving cases and disputes, but in most matters, legislation is the only relevant source of law.⁷²

64 [Age of Consent in Mongolia](#)
 65 [Criminal Code of Mongolia \(2015\)](#)
 66 Ministry of Labour and Social Protection, 2019. [Mongolia: Comprehensive National-Level Review Law to Combat Domestic Violence \(2016\)](#)
 67 Ministry of Labour and Social Protection, 2019. [Mongolia: Comprehensive National-Level Review Law to Combat Domestic Violence \(2016\)](#)
 68 Ministry of Labour and Social Protection, 2019. [Mongolia: Comprehensive National-Level Review Law to Combat Domestic Violence \(2016\)](#)
 69 Ministry of Labour and Social Protection, 2019. [Mongolia: Comprehensive National-Level Review Law to Combat Domestic Violence \(2016\)](#)
 70 Ministry of Labour and Social Protection, 2019. [Mongolia: Comprehensive National-Level Review Law to Combat Domestic Violence \(2016\)](#)
 71 Ministry of Labour and Social Protection, 2019. [Mongolia: Comprehensive National-Level Review Law to Combat Domestic Violence \(2016\)](#)
 72 Houser Global Law School Program, 2009. [The Mongolian Legal System and Laws: a Brief Overview](#)

The **National Program on Promotion of Human Rights, Participation and Development of the Persons with Disabilities 2018-2022** is to boost enforcement of the Law of Mongolia on Human Rights of Persons with Disabilities.⁷³

The **National Program on Gender Equality (NGPE) 2017-2021**⁷⁴ intends to provide support to the gender-responsive policy and planning processes required to reach the SDGs and to implement the LPGE. The NPGGE objectives are to (1) provide support to equal participation in socio-economic development processes, (2) foster gender-responsive policy, planning and budgeting processes at all levels (3) raise awareness and promote advocacy to improve gender stereotypes (4) improve gender-responsive structures and mechanisms and capacities at all levels (5) develop preventive and care services that advance the elimination of GBV and discrimination, and (6) encourage women's participation in politics and decision-making and improve their leadership skills and opportunities.

The **Action Plan on the Implementation of the NPGE 2017-2021**⁷⁵ proposes 59 activities to implement for 2017-2021 to accelerate progress for women and girls.

The **National Maternal, Child and Reproductive Health Programme 2017-2021**⁷⁶ sets out to (1) ensure preparedness of mothers, children and reproductive health care and services (2) advance techniques and technologies for diagnosis and treatment (3) improve human resources skills (4) and improve quality and access to healthcare services for mothers and children

The **National Program on Child Development and Protection 2017-2021** builds on the previous five-year plan with aims to collaborate with NGOs and local government in the provision of child welfare programs at local levels. Its broad aims are to create a healthy, safe and non-impooverished environment for the child. Importantly, it provides for legal protection from all forms of neglect, violence, abuse and exploitation in all environments including a ban on all forms of corporal punishment in all settings.⁷⁷

National Action Plan on Combating Trafficking in Persons 2017-2021 aims to strengthen efforts to prevent and address human trafficking including commercial sexual exploitation.⁷⁸

Other relevant policies and programs are in effect, including:

- Mongolian Sustainable Development Vision 2030
- National Health Policy 2017-2026
- National Food and Nutrition Policy 2016-2025
- National Program on Maternal, Child and Reproductive Health 2017-2021
- National Program on Public Legal Education 2018
- Strategy for Supporting Child Participation 2011-2016

73 Ministry of Labour and Social Protection, 2017. *Disability in Mongolia, 2017*

74 Ministry of Labour and Social Protection, 2019. *Mongolia: Comprehensive National-Level Review*

75 Ministry of Labour and Social Protection, 2019. *Mongolia: Comprehensive National-Level Review*

76 Ministry of Labour and Social Protection, 2019. *Mongolia: Comprehensive National-Level Review*

77 Save the Children, 2018. *Child Rights Situation in Mongolia Report, 2018*

78 US Embassy in Mongolia, 2017. *Trafficking in Persons Report, 2017*

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

| Service Name | Description | Coverage | Contact (country code +976) |
|--|---|---|---|
| Law Enforcement Agencies (to report cases to) | | | |
| National Policy Agency | | National | Emergency 102 Foreign Relations Division of National Police Agency T 967-70191076 E npamongolia@police.gov.mn |
| Statutory Protection Agencies/Unit (to report abuse to) | | | |
| Authority for Family, Child and Youth Development (AFYCD) | Authority implements laws and regulations, and development and protection services on child rights. Operates a free 24/7 Child Helpline with response team linked to Temporary Protection Centre (below). | | Helpline 108 Head of Child Protection and Development Division T 263095 Specialist for Child Protection and Prevention T 262914 |
| National Human Rights Commission | Receives written and oral complaints in Mongolian language for violations of rights under the Constitution and international law. | | 5th Floor, Government Building, No 11 Independence Square, Chingeltei Duureg, Ulaanbaatar City T 262915 T 70 000 222 |
| Local Health and Medical Services (to refer cases to) | | | |
| Medical Emergency | Ambulance service | National | Emergency 103 |
| Ministry of Health | Contact Ministry for local hospital details | National (At least one hospital per aimag) | 2nd Floor, Government Building VIII, Sukhbaatar District 14210 T 51-263913 |
| Support Agencies (to refer cases to) | | | |
| Authority for Family, Child and Youth Development (AFYCD) | Temporary Protection Centre linked to the 108 Child Helpline Services Centre | | Helpline 108 |
| Unur Bul Children's Centre | Orphanage and school | | https://www.facebook.com/pages/Unur-Bul-Center/1475788255988031 |

| | | | |
|---|---|---|--|
| Lotus Children's Centre | Residential care and support for children. | Gachuurt and Ulaanbaatar | <p>Director (English), Didi Ananda Kalika T 99132100</p> <p>Centre Manager (Mongolian and English): Bolormaa T 99789750</p> <p>General Enquiries (Mongolian and English): Suugi T 99789750 E info@lotuschild.org</p> |
| National Centre Against Violence | Comprehensive service to victims of violence including counselling, legal support, short-term shelter and child protection. | Nationwide centres through 16 local branches and 4 shelters | <p>Hotline 96490505 Office 70119949</p> <p>Apt 3-6, Building 40, Baga toiruu, Chingeltei Duureg, Ulaanbaatar</p> |
| Australian Federal Police and Embassy or Consular (if any person involved is an Australian National) | | | |
| Australian Federal Police | Report Child Offences by Australians | | <p>T (+61) 2 6131 3000</p> <p>After Hours (+61) 2 6126 7777</p> <p>Online Reporting Form https://forms.afp.gov.au/online_forms/cst_form</p> |
| Australian Embassy in Mongolia | Consular Assistance | Ulaanbaatar, National Service | <p>Level 20, Shangri-La Centre, 19A Olympic Street, Sukhbaatar District-1, Ulaanbaatar 14241, Mongolia</p> <p>T +976 7013-3001</p> |



Prevention of Sexual Exploitation and Abuse (PSEA) – Myanmar

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Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

| | |
|---|---|
| Demographics & Population ⁷⁹ | In 2017, it was estimated that 47.4 million people live in Myanmar, comprising 22.3 million males and 25.1 million females. Across core age groups, the population comprises 26.5% aged 0-14 years, 66.1% aged 15-68 years, and 7.4% aged 65+. |
| Education ⁸⁰ | <p>Net enrolment in all educational levels has increased since 2010, but significant differences still exist across age groups, gender, and state/region. Average primary school enrolment rates are 94%, and middle school enrolment rates are 71%, and high school enrolment is 44%. Accessibility of schools is a significant determinant of enrolment in middle and high school.</p> <p>Total net middle and high school enrolment rates are higher among girls than boys, reaffirming findings on higher female educational attainment among adults. Parental educational attainment, particularly the education of mothers, is an important factor in the education of children.</p> |
| Gender and Sexuality ⁸¹ | <p>In 2017, 2% of children under 15 and 16% under the age of 18 were married. The median age of marriage is lowest in Rakhine and Shan states.</p> <p>Gender based violence is widespread but drastically underreported. While 11% of respondents in 2017 said that they had experienced physical and/or sexual intimate partner violence in the last 12 months, 90% of respondents indicated that they had seen or experienced domestic violence and 62% indicated that the violence had been a daily occurrence.</p> <p>More girls are enrolled in primary school than boys, and the gender gap increases in middle school and to an even greater extent in high school: Only around 30% of boys are enrolled in high school compared to around 42% of girls.</p> |
| Health ⁸² | <p>Nearly nine out of ten individuals live in close proximity to a type public medical facility. However, the poor have inferior access to public and private hospitals compared to the non-poor primarily due to higher residence in rural areas. Higher welfare is associated with greater healthcare utilisation, and for almost one out of ten households, health expenditures make up 20% or more of total household consumption, presenting a considerable financial burden.</p> <p>Poor households, and households with more children, are likely to have a higher financial burden from health spending, and more likely to resort to riskier methods to cover medical expenses (such as borrowing, or selling personal assets).</p> |

79 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Socio-Economic Report](#)
 80 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Socio-Economic Report](#)
 81 UNICEF, 2017. [The State of the World's Children 2017: Children in a Digital World](#)
 82 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Socio-Economic Report](#)

Poverty⁸³ Those living in under the national poverty line halved (from 48% to 24.8%) between 2005 and 2017, and the number of households that used electricity for lighting effectively doubled, from 1.8 million in 2005 to 4.7 million in 2017.

However, about one in four people in Myanmar remain poor which has strong geographic dimensions (there are 6.7 time more poor people in rural areas). Despite poverty reduction, vulnerability to poverty remains an issue and one third of the population are at risk of falling into poverty in the future.

The poor are more likely to live in larger households, with a higher child dependency ratio, and have a head of household with little or no education. One in five households are headed by women. There is little difference in consumption-based poverty by the gender of the household head, but households headed by a person with a disability are more likely to be poor.

Societal Structure Structural factors have been identified as one of many barriers to reporting complaints against organizations⁸⁴ and these same structural issues are present in IDP camps in Rakhine State, whereby community leaders and decision-makers are often men. Cultural norms and attitudes toward gender and hierarchy have resulted in a culture of silence around all types of gender-based violence in communities,⁸⁵ and the lack of women's participation and empowerment in camp decision-making presents concerns regarding reporting SEA and appropriate response in terms of survivor assistance and perpetrator accountability.

Violence Robust and quality data to inform fuller understanding of the issues and offer clues to prevention is still limited. The complex set of challenges that Myanmar faces – including conflicts, natural disasters and poverty, combined with some social norms and attitudes – increase child vulnerability and underscores the need for a wide response.⁸⁶ Children continue to suffer from ongoing conflicts and inter-communal violence, and an estimated 500,000 children in conflict and emergency situations – 50% of them girls – are in need of continued child protection services or are at risk of child rights violations.⁸⁷ Myanmar has one of the highest mine incident rates in the world, and 9 of 15 states/regions are contaminated. Kachin and Shan states were the most affected. Casualties from landmines and other explosives nearly doubled between 2017 and 2018.⁸⁸

Corporal punishment in homes and schools is legal and widespread. In 2007, 82% of children said they were beaten by teachers if they 'did something wrong' and 62% of teachers said they would beat students if they didn't perform well in a test.⁸⁹

Domestic and especially SGBV is widespread. In 2011, 90% of respondents reported experiencing or seeing physical violence within families in their community and 62% reported experiencing or seeing physical violence on a daily basis.⁹⁰

There is a direct nexus between the lack of gender equality more generally in Myanmar and within ethnic communities, and the prevalence of SGBV. Impunity for SGBV in Myanmar is exacerbated by underlying gender inequality. Ethnic women and girls are doubly victimised: as women and girls, and as members of ethnic minority communities. SGBV is widespread in northern Myanmar and in Rakhine in particular.⁹¹

83 World Bank, 2018. [Myanmar Living Conditions Survey 2017: Poverty Report](#)
 84 Oxfam, 2019. [Factors Influencing Misconduct Reporting in Kachin, Myanmar](#)
 85 UNFPA, 2017. [Powerful Myths, Hidden Secrets](#)
 86 UNICEF Myanmar, 2019. [Country Programme, Violence Against Children](#)
 87 UNICEF Myanmar, 2019. [Country Programme, Children and Armed Conflict](#)
 88 UNICEF Myanmar, 2019. [Country Programme, Children and Armed Conflict](#)
 89 UNICEF, 2012. [Situation Analysis of Children in Myanmar, 2012](#)
 90 Myanmar Gender Equality Network, 2018. [Service Provision for Gender-Based Violence in Myanmar](#)
 91 UNHRC, 2019. [Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of its Ethnic Conflicts](#)

| | |
|--------------------------------|--|
| Vulnerability | <p>Vulnerable groups include women, girls, persons with disabilities, children in institutional care, people in remote locations, internally displaced people, migrants, victims of trafficking, and female-headed households.⁹² Conflict areas experience higher risk, and conflict-affected and post-conflict areas have a high dependence on aid, potentially putting people at greater risk of exploitation and abuse.</p> <p>1 million children aged up to five years old are not registered. Displaced children are especially vulnerable to violence, hazardous work, forced labour and commercial sexual exploitation both within Myanmar and in Bangladesh. Around 200,000 children, mostly adolescents, live in religious institutions away from their parents. Nearly 700,000 children are cared for by extended family and non-relatives.</p> <p>Exacerbating factors to GBV included poverty, lack of knowledge of basic rights, drug and alcohol abuse, among others.⁹³ These risk factors and vulnerable groups are also relevant to the analysis of risk to SEA.</p> |
| Weak Rule of Law ⁹⁴ | The weak rule of law in Myanmar and lack of recourse for survivors of GBV foster an environment where perpetrators of GBV and SEA can operate without fear of repercussions, and where GBV and SEA survivors do not seek help due to fear or lack of trust. |
| Women's Empowerment | <p>Women are concentrated in informal sectors⁹⁵; rural women are less economically empowered than urban⁹⁶; and girl-child marriage remains quite common,⁹⁷ which normalises child marriage and therefore sex with children. Statistics indicate high levels of domestic violence and sexual violence, with low levels of reporting, reflecting poor societal attitudes towards women's empowerment.</p> <p>Politics is almost exclusively the domain of men, with women making up around 10% of national and state legislatures. In contrast, the male-dominated Myanmar military is guaranteed 25% of seats in all governing bodies.⁹⁸</p> |

92 MIMU PSEA Network, 2020. *Myanmar PSEA Risk Analysis*
93 UNFPA, 2017. *Powerful Myths, Hidden Secrets*
94 MIMU PSEA Network, 2020. *Myanmar PSEA Risk Analysis*
95 ADB, UNDP, UNFPA, UN Women, Ministry of Social Welfare, Relief and Resettlement, 2016. *Gender Equality and Women's Rights in Myanmar: A Situation Analysis, 2016*
96 Ministry of Health and Sports, 2015-2016. *Myanmar Demographic and Health Survey 2015-16*
97 Ministry of Health and Sports, 2015-2016. *Myanmar Demographic and Health Survey 2015-16*
98 The Asia Foundation, Phan Tee Eain, 2017. *Experiences of Women Parliamentarians 2011-2016*

RELEVANT PSEA LEGISLATION⁹⁹

| | |
|--------------------------------|--|
| International Instruments | <p>Myanmar is a signatory to the Convention on Elimination of all forms of Discrimination Against Women (CEDAW), which prohibits trafficking and exploitation of women. Myanmar has ratified the Convention of the Rights of the Child (CRC), the Convention on the Rights of People with Disabilities and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Myanmar is a member of the Association of Southeast Asian Nations (ASEAN) Committee on Women and the ASEAN Commission on Protection and Promotion of the Rights of Women and Children.</p> <p>The Ministry of Social Welfare, Relief and Resettlement, the leading ministry for implementing women's advancement and empowerment, recognise there are major challenges in advancing women's rights, including contradictory messages in the legal framework, the plural legal system with different gender equality and women's rights standards, policy-practice deficits, among others.¹⁰⁰</p> <p>In December 2018, the Government signed a Joint Communiqué on prevention and response to conflict-related sexual violence and an implementation plan with the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC),¹⁰¹ in relation to 'allegations of widespread and systematic patterns of sexual violence allegedly committed by elements of the Myanmar Security Forces, Border Guard Police and Rakhine Buddhist militias against Rohingya women and children'.¹⁰² While the signing of the Joint Communiqué is positive in terms of a reflection of political will to implement change, it is nevertheless an indication of the systemic gender inequality issues that are exacerbated in ethnic groups, particularly vis a vis state actors.</p> |
| Legal Framework ¹⁰³ | <p>The Myanmar Constitution (2008)¹⁰⁴ does not explicitly enshrine gender equality, however it does provide for equal rights before the law (Section 347) and non-discrimination based on sex (Section 348).</p> <p>The Penal Code (1948)¹⁰⁵ includes provisions relevant to sexual exploitation and abuse, in relation to causing hurt (Section 323), sexual abuse against a woman (Section 354), rape (Section 376), sexual harassment (Section 509) and attempt to commit an offence (Section 511), among others. There are, however, barriers to women and particularly survivors of GBV in terms of accessing the criminal justice system.</p> <p>The Anti-Trafficking in Persons Law (2005) criminalizes trafficking of women, children and youth (Section 24) including the use of trafficking victims for pornography (Sections 25); and attempts to traffic (Section 27) and providing assistance to traffickers (Section 32) also constitutes an offence.¹⁰⁶</p> <p>The recently enacted the Child Rights Law (2019) raises the age of a child from 16 to 18, and the minimum age to marry is 18 years. It provides penalties for acts of sexual abuse against a child (Section 100(c)(iii)), employing a child in a nightclub, karaoke bar or massage parlor which may also be used as a place of sexual business (Section 101), and making and distributing child pornographic photographs (Section 105).¹⁰⁷</p> <p>The Suppression of Prostitution Act (1949) remains in effect and criminalizes sex work. The law punishes those who engage in sex work or are suspected of engaging in sex work; clients of sex workers are not punished.¹⁰⁸</p> |

99 MIMU PSEA Network, 2020. *Myanmar PSEA Risk Analysis*
100 ADB, UNDP, UNFPA, UN Women, Ministry of Social Welfare, Relief and Resettlement, 2016. *Gender Equality and Women's Rights in Myanmar: A Situation Analysis, 2016*
101 UN OSRSG on Sexual Violence in Conflict, 2018. *Press Release*
102 UN OSRSG on Sexual Violence in Conflict, 2018. *Press Release*
103 MIMU PSEA Network, 2020. *Myanmar PSEA Risk Analysis*
104 *The Constitution of Myanmar (2008)*
105 *The Myanmar Penal Code (1948)*
106 *Anti-Trafficking in Persons Law (2005)*
107 *Child Rights Law (2019)*
108 *Suppression of Prostitution Act (1949)*

The **Majority Act (1875)** states that the age of majority (to marry and divorce) is 18 (Section 3).¹⁰⁹ The **Penal Code** states that the age of consent to sex is 14 years for females (Section 375), but doesn't provide a specific age restriction on males.¹¹⁰ As the legal system comprises of customary law, statutory law and judicial decisions, the age of majority may vary, but often place the female age lower than the male's; customary laws include Burmese Buddhist law, Hindu law, in addition to traditional customs of ethnic groups. According to the **Burma Laws Act (1898)**, customary laws have the force of law (Section 13).¹¹¹ Therefore, specific laws govern the age of marriage between different religions,¹¹² and those belonging to a certain religion – for example, the **Christian Marriage Act (1872)** states the legal age of marriage is 13 years for girls and 16 years for boys (Section 60).¹¹³

The draft **Prevention of Violence Against Women** law, under development since 2013, hopes to better protect women from all forms of violence, including domestic violence, marital rape, sexual violence, harassment and assault in the workplace and in public. Despite being submitted to Parliament in late 2017, it is still yet to be passed.¹¹⁴ In 2013, the Government launched its National Strategic Plan for the Advancement of Women, which recognizes the work needed across Government to progress towards gender equality.

The Myanmar National Human Rights Commission was established in 2011 with a mandate to conduct inquiries in respect of complaints of human rights violations;¹¹⁵ while providing an alternate avenue that victims may choose over the formal justice system, the lack of transparency and application of cultural norms and practices rather than international human rights principles only serves to further entrench attitudes towards gender while moving away from a survivor-centered approach.

| | |
|-------------------------|---|
| Government Institutions | The Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement is the statutory authority for the safeguarding of children and vulnerable adults. Committees on the Rights of the Child have been formed at national, regional, district and township levels to respond to cases of child abuse; however, there are gaps with regard to implementation of duties. For women, the Myanmar National Committee for Women's Affairs (MNCWA) has been established under the management of the Department of Social Welfare to respond to different issues related to women. The Myanmar Police Force also has the overall duty to ensure protection of all citizens including women and children, however there are serious concerns regarding the rule of law and trust by the community. |
|-------------------------|---|

109 [Majority Act \(1875\)](#)
 110 [Myanmar Penal Code \(1948\)](#)
 111 [Burma Laws Act \(1898\)](#)
 112 [Myanmar Buddhist Women's Special Marriage Law \(2015\)](#)
 113 [Christian Marriage Act \(1872\)](#)
 114 The Conversation, 2018. [Myanmar Debates Women's Rights amid Evidence of Pervasive Sexual and Domestic Violence](#)
 115 Myanmar National Human Rights Commission, 2011. [Mandate](#)

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

| Service Name | Description | Coverage | Contact |
|--|--|----------|--|
| Law Enforcement Agencies (to report cases to) | | | |
| Myanmar People's Police Force | Police 116 Includes an Anti-Trafficking in Persons Division | National | Emergency 199 Central Police Office T +95 67 549309 T +95 67 548863 (Ext 355) Yangon Division Police T +95 67 254437 T +95 67 24545 |
| Statutory Protection Agencies/Unit (to report abuse to) | | | |
| Ministry of Social Welfare, Relief and Resettlement | | National | Director for Children and Youth T +95 67 404379 T +95 67 403125 Deputy Director for Children T +95 67 404112 Deputy Director for Youth T +95 67 404112 Permanent Secretary: T +95 67 40450 http://www.mswrr.gov.mm/ https://www.facebook.com/myanmarnationally-outhpolicy |
| Department of Social Welfare | Operates a case management system | | Director Children and Youth Division T +95 067 3404379 Director Children's Department T +95 067 3404291 |
| World Vision Hotlines | Regarding children in armed conflict and rehabilitation | National | T +09 42 116 67020 |
| Local Health and Medical Services (to refer cases to) | | | |
| National Hospital 117 | | | List of hospitals in Myanmar |
| Ambulance | | Yangon | Ambulance 192 |
| Yangon Disabled Care Centre | Support for children with disability, including social and educational support and healthcare | Yangon | Yangon School for Physical and Intellectual Disabilities 65 Kyaik Wine Pagoda St, Mayan Gone Town, Yangon T +95 1 966 3392 |
| Myanmar Maternal and Child Welfare Association | Agency established to implement the National Health Plan by establishing clinics and awareness raising efforts | National | Thu Khu Ma Road, Dekkhina Thiri Town, Naypyidaw T +95 67 419002 T + +95 67 419011 E mmcwapresident@gmail.com |

116 There are currently no trained specialist staff in the Myanmar Police Department specifically for victims of sexual crimes, but complicated and public interest crimes are investigated by the Criminal Investigation Department (CID). Every Police Officer is trained to investigate sexual crimes and other crimes. Only experienced police officers at police stations are assigned for such important crimes. The CID investigates crimes where there is no clue of where the accused has run away, or where the crime needs more investigation or important crimes of public interest. For more, see [British Embassy in Myanmar](#).
 117 Local authorities will not accept evidence from a private clinic or international hospital. You must go to a Myanmar government hospital for attention.

Key Advocacy Services, Networks, and Agencies

| | | | | |
|--|---|----------|--|---|
| MIMU PSEA Network | UN and partner organisations carrying out operational functions for PSEA | | <p>PSEA Helpline T 09405149616 E mmrpsea@unfpa.org</p> <p>PSEA Coordinator Lian Yong mmrpsea@unfpa.org org</p> | <p>National PSEA Coordinator Seng Aung Sein Myint ssein@unicef.org https://themimu.info/sector/protection-sexual-exploitation-abuse-psea</p> |
| Akhaya Women Domestic Violence Hotline | Counselling and referrals to women and children. All consultants are female. May charge a fee of K100 per minute. | National | T 1886 (Ext 3) | |
| Myanmar Red Cross Society (MRCS) | Child protection institutional support at township level, including strengthening case management, reporting mechanisms, and child rights awareness | | <p>Headquarters Razathingaha Road, Dekhinathiri, Nay Pyi Taw T +95 67 3419041 T +95 67 3419046 E khinmaunghla@redcross.org.mm</p> | <p>Yangon Branch No. 42 Kannar/Strand Road, Botahtaung Township, Yangon T +95 1 392028 E khinmaunghla@redcross.org.mm</p> |
| UNICEF | Advocacy and support activities including with national and regional agencies across the country | National | | |
| Plan International | Awareness raising, capacity building and community facilitation | National | <p>Myo Myint Hyun, Child Protection and Rights Program Manager E myomyint.htun@plan-international.org</p> <p>Luk Nam, Child Protection Officer (IDP Camps) T 09 790 646703</p> | |

Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)

| | | | | |
|-------------------------------|--|--|---|--|
| Australian Federal Police | Report offences by Australians | | <p>T +61 2 6131 3000 After Hours +61 2 6126 7777 www.afp.gov.au</p> | |
| Australian Embassy in Myanmar | Assisting Australians overseas and delivering consular services to Australians most in need. | | <p>Emergency +61 2 6261 3305</p> <p>Vintage Tower 623 Pyay Road Yangon</p> | <p>T +95 1 230 7410 E austembassy.yangon@dfat.gov.au</p> |

NOTE

- List of English speaking lawyers and translators <https://www.gov.uk/government/publications/myanmar-list-of-lawyers>
- List of English speaking hospitals <https://www.gov.uk/government/publications/myanmar-list-of-medical-facilitiespractitioners>
- MIMU reporting and referral pathways and services can be found through the [MIMU GBV](#) and [MIMU MHPSS](#)



Prevention of Sexual Exploitation and Abuse (PSEA) – PNG

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

| | |
|----------------------|---|
| Demographics | Papua New Guinea (PNG) is the largest and most populous Pacific Island Country, although overall density outside of the capital of Port Moresby is low - 87% of the population live in rural and often very remote communities. ¹¹⁸ The trend toward urbanization accelerated in the 1990s, bringing in its wake squatter settlements, unemployment, and attendant social problems – almost 40% of the country lives in poverty. Almost two-thirds of the population is Christian. PNG has an estimated population of 7.6 million, of which nearly half (49%) are children between the ages of 0 and 18 years. ¹¹⁹ PNG is linguistically and culturally one of the most diverse countries in the world, with over 1,000 tribes and 800 languages. |
| Disability | There are an estimated 975,000 people with a disability in PNG, of which only 2% have access to adequate services. Around 15% of PNGs total population have some form of disability. Women and girls with disabilities are among the most marginalised and vulnerable, facing discrimination on the basis of both gender and disability. |
| Education | Approximately 27% of 6 to 16-year-olds are out of school. An average of 16.2% (15.9% of boys and 16.5% of girls) of students in primary schools are of the appropriate age for their grade level. Enrolment of over-age children is an issue in all grades but especially in primary school, leading to a gross enrolment ratio more than 172% in primary schools. 53% of schools are run by government and 46% by faith-based organisations. ¹²⁰ |
| Gender and Sexuality | Regional data shows that adolescent birth rates are rising, while contraceptive prevalence remains under 30%. Adolescent girls have a high proportion of unintended pregnancies, and international research indicates that up to 50% of unplanned pregnancies in young people are a result of reproductive coercion. ¹²¹ PNG has the highest incidence and prevalence of HIV in the Pacific, ¹²² and the relationship between intimate partner violence and HIV echoes global findings ¹²³ around direct transmission due to forced sex, reduced ability to negotiate sex due to intimate partner violence, sexual relationships at earlier ages, and increased vulnerability to sex work among victims of child sexual abuse. Women, transgender people, men who have sex with men, and women engaging in transactional sex are afraid to test, disclose results, access services or adhere to treatment due to real and perceived stigma, discrimination and violence from police, clients and others in their communities. The PNG Criminal Code ¹²⁴ outlaws sex “against the order of nature,” which has been interpreted |

118 World Bank, 2016. [Rural Population Report](#)
 119 Department of Community Development and Religion, 2017. [National Child Protection Policy 2017-2027](#)
 120 UNICEF, 2017. [Papua New Guinea Annual Report 2017](#)
 121 DFAT, 2018. [Ending Violence Against Women and Girls](#)
 122 Spotlight Initiative, 2019. [Country Programme Document: Papua New Guinea](#)
 123 FHI360, 2018. [Strengthening HIV/AIDS Services for Key Populations in Papua New Guinea](#)
 124 Criminal Code (1974)

to apply to consensual same-sex acts, and is punishable by up to 14 years imprisonment. While there is little information on actual convictions, the law is sometimes used pretext by officials and employers to harass or extort money from gay and lesbian people in PNG, including gay refugees.

| | |
|---------------------|---|
| Poverty | In 2017, 37.5% of the population lived below the national poverty line. ¹²⁵ Poverty is most severe in the West, especially in East and West Sepik provinces and the Highlands. |
| Public Attitudes | Only seven women have ever been elected to Parliament in 40 years, and after the 2017 national election there are currently no women in Parliament. Cultural and systemic obstacles prevent women from participating in political life and holding office. Other decision-making structures including customary, religious, and private spheres are also male dominated. Deeply rooted traditional practices like bride price (whereby the female is considered the property of the husband and his entire family) and polygamy exacerbate the issue and perpetuate structural discrimination. ¹²⁶ |
| Trafficking | Papua New Guinea is a source, destination and transit country for women and children trafficked for forced labour and sexual exploitation. Approximately 30% of sex trafficking victims are children under the age of 18, with some as young as 10 years old. ¹²⁷ |
| Violence | PNG is one of the most dangerous places in the world to be female. More than 75% of females experience rape or sexual assault once or more in their lifetime, and girls rather than women are more likely to be victims. Perpetrators of sexual violence against children are most often adult males categorised as ‘blood relatives.’ Family and domestic violence is brutal and severe, often includes torture and murder, and is most often perpetrated by adult males. ^{128, 129} Some studies have shown that 80% of men have perpetrated physical and/or sexual violence against a partner, 85% of men beat their child, and 29% of children were beaten at least once a week by male family members in 2013. ¹³⁰ In 2011, up to 74% of domestic violence survivors attending Family Support Centres are children. ¹³¹ Concerningly, women with some form of disability were more likely to agree that a woman should tolerate beatings in order to keep her family together and was more likely to experience sexual violence within marriage. ¹³² This may also be due to a lack of options to leave a marriage, and a lack of access to support services and networks. While such acts have long been criminalized and domestic violence was specifically proscribed under the 2013 Family Protection Act, few perpetrators are brought to justice. ¹³³ Officials often neglect survivors’ needs for safety, services, and justice. ¹³⁴ Police and prosecutors are very rarely prepared to pursue investigations or criminal charges against people who commit family violence—even in cases of attempted murder, serious injury, or repeated rape—and instead prefer to resolve them through mediation and/or the payment of compensation. Police also often demand money from victims before taking action, or simply ignore cases that occur in rural areas. There is also a severe lack of services for people requiring assistance after having suffered family violence, such as safe houses, qualified counsellors, case management, financial support, or legal aid. ¹³⁵ |
| Women's Empowerment | The 2020 Global Gender Gap Report ranked Papua New Guinea 127 out of 153 countries in terms of the Global Gender Gap Index, ¹³⁶ which measures gender disparity across four broad areas including economic participation and opportunity, educational attainment, political empowerment, and health and survival. When bride price is paid in marriage, a woman is considered the property of her husband and to his entire family. ¹³⁷ |

125 Asian Development Bank, 2019. [Poverty in Papua New Guinea](#)
 126 Spotlight Initiative, 2019. [Country Programme Document: Papua New Guinea](#)
 127 USA State Department, 2020. [Trafficking in Persons Report](#)
 128 Human Rights Watch, 2020. [World Report](#)
 129 Australia National University, 2015. [The Spread of Sorcery Killing and its Social Implications](#)
 130 UNDP and Autonomous Bougainville Government, 2015. [Family Health and Safety Study](#)
 131 Medecins Sans Frontieres, 2011. [Hidden and Neglected: The Medical and Emotional Needs of Survivors of Family and Sexual Violence in Papua New Guinea](#)
 132 FHI360 2019. [Survey and Family Wellbeing in Western Highlands and West Sepik Provinces](#)
 133 Human Rights Watch, 2016. [Papua New Guinea](#)
 134 Human Rights Watch, 2015. [Bashed Up: Family Violence in Papua New Guinea](#)
 135 Human Rights Watch, 2016. [Papua New Guinea](#)
 136 World Economic Forum, 2020. [Global Gender Gap Report](#)
 137 AusAid, 2008. [Violence Against Women in Melanesia and East Timor](#)

RELEVANT PSEA LEGISLATION

| | |
|---------------------------|--|
| International Instruments | <p>The Convention on the Political Rights of Women ratified in 1982 codifies a basic international standard for women's political rights. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ratified in 1995 acts as an international bill of rights for women.</p> <p>The Convention on the Rights of the Child (CRC) ratified in 1993 is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. While there are examples of domestic courts willing to cite the CRC within decisions, domestic law supersedes.</p> <p>Additional general rights instruments ratified in 2008 include the International Covenant on Economic, Social and Cultural Rights (ICESCR) to ensure the enjoyment of economic, social and cultural rights, including the right to education; and the International Covenant on Civil and Political Rights (ICCPR) enables people to enjoy a wide range of human rights, including those relating to freedom from torture and other cruel, inhuman or degrading treatment or punishment.</p> <p>The Pacific Leaders' Gender Equality Declaration (2012)¹³⁸ saw Pacific leaders commit their governments to implement specific national policy actions to progress gender equality in gender-responsive government programs and policies, decision making, economic empowerment, ending violence against women, health and education.</p> |
| Legal Framework | <p>The Criminal Code Act (1974)¹³⁹ establishes 16 as the age of sexual consent, and indecent acts directed at children under 16 years is an offence. The Lukautim Pikinini Act (2015) establishes the minimum age for marriage is 18, and the Adultery and Enticement Act (1988)¹⁴⁰ interprets voluntary extra-marital sexual affairs as a sexual offence.</p> <p>The Constitution of the Independent State of Papua New Guinea (1975)¹⁴¹ includes a number of rights provisions that apply including the right to freedom from inhuman treatment, punishment that is cruel or inhumane, or is inconsistent with the inherent dignity of the human person.</p> <p>The Family Protection Act (2013)¹⁴² exists to prevent domestic violence and economic abuse and maximise safety of victims. The underlying principles include every person's right to freedom from violence, and that violence in marriage is not a private matter but a social problem of public concern. The Act makes it a criminal offence to assault, psychologically abuse, harass, intimidate, or sexually abuse a family member (whether or not there is evidence of physical injury), does not recognise customary payment as a defence, provides for family protection orders, and outlines conditions relating to protection orders.</p> <p>The Village Courts Act (1989)¹⁴³ addresses offences relating to fights or violence directed at a person and the property of a person. The Act enables Village Courts to issue IPOs, which make them an important agent in the dispensing of justice addressing family sexual violence at the community-level.</p> |

138 Independent State of PNG. *National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025*
139 *Criminal Code Act (1974)*
140 *Adultery and Enticement Act (1988)*
141 *Constitution of the Independent State of Papua New Guinea (1975)*
142 *Family Protection Act (2013)*
143 *Village Courts Act (1989)*

The **HIV/AIDS Management and Prevention Act (2003)**¹⁴⁴ provides protection from harassment, discrimination and intimidation for persons living with HIV and AIDS. The **Criminal Code Act (1974)** emphasises intentional or attempted transmission of HIV is an assault or attempted assault, occasioning bodily harm. If death has occurred, the perpetrator is to be charged with homicide.

Lukautim Pikinini (Child Protection) Act (2015)¹⁴⁵ is based on the Convention on the Rights of a Child and guarantees protection of rights, respect and dignity of all children. A person who believes, on reasonable grounds, that a child is a child in need of protection, may notify the Office for Child and Family Services. That person should also take 'whatever steps necessary' to assist the child. A person who performs 'professional duties' with respect to a child, or who in the course of their professional, official or community duties, has reason to believe that a child is in need of protection, must immediately report the matter to the Office for Child and Family Services. A person who fails to do so may be civilly liable.

Criminal Code Act (1974) was revised in 2002 to update and enhance provisions relating to rape and other sexual offences against both children and adults. It establishes 16 as the age of consent to engage in sexual activity and includes a set of specific crimes relating to sexual abuse and exploitation of children. In line with international standards, it criminalizes all penetrative and non-penetrative sexual acts, child prostitution and child pornography. In 2013, the Criminal Code was amended to criminalize domestic and international trafficking of men, women and children for the purpose of both forced labour and sexual exploitation. The offence allows for tougher penalties if the victim is a child it contains provisions for victim assistance and protection. However, the definition of trafficking in children is not fully in line with the Palermo Protocol because it requires an element of force, threat or deception. However, the Criminal Code still criminalises sex work which puts sex workers, including those who have been trafficked or forced to work, at increased risk of violence. Work on this is ongoing using CEDAW.

The **Cybercrime Code Act (2016)**¹⁴⁶ addresses child online grooming, child sex abuse material, and cyber harassment.

The **Censorship Act (2016)**¹⁴⁷ addresses solicitation of children for sexual purposes, including grooming, enticement, and extortion.

The **Sorcery Act (1971)** was repealed in 2013, and the government approved the Sorcery Accusation-Related Violence National Action Plan in 2015. The Action Plan covers five key areas: legal and protection, health, advocacy and communication, care and counselling, and research. Children, especially girls directly affected by sorcery accusation related violence, or whose caregivers are affected, are among the most vulnerable populations in PNG.¹⁴⁸

144 *HIV/AIDS Management and Prevention Act (2003)*
145 *Lukautim Pikinini Act (2015)*
146 *Cybercrime Code Act (2016)*
147 *Censorship Act (2016)*
148 Spotlight Initiative, 2019. *Country Programme Document: Papua New Guinea*

Government Agencies and Civil Society

In addition to legislation, PNG have a number of Action Plans relevant to addressing SGBV, such as the **Medium-Term Development Plan**¹⁴⁹ which sets out to achieve zero tolerance of GBV by 2030.

Vision 2050¹⁵⁰ recognizes the huge imbalance and inequity in PNG, which favours males and marginalises the equitable participation of females in every aspect of life, and the **Development Strategic Plan**¹⁵¹ is the long-term action plan for achieving Vision 2050. Strategic focal areas include gender empowerment; addressing violence against women and children (family violence); and equal access to literacy, higher education, and paid employment. The need to increase capacity and effectiveness of enforcing agencies and institutions to protect the victims of SGBV is recognized by the Sustainable Development Program.

The **National Strategy to Prevent and Respond to GBV 2016-2025**¹⁵² aims to develop a functioning GBV governance and reporting system; standardize institutional data; coordinate referrals and responses; and raise awareness.

The **National Policy on Social Protection 2015-2020**¹⁵³ recognises women and girls, including victims of GBV, must be recognized and require full protection and adequate assistance to improve their health, livelihood and wellbeing.

The **National Policy on Disability 2015-2025**¹⁵⁴ addresses the needs of persons with disabilities, including the needs of women and girls, in accessing services and development opportunities.

Goal Four of the **National Youth Policy 2007-2017** to promote healthy lifestyles acknowledges young people need protection from violence and sexual abuse.¹⁵⁵

The **Child Health Policy and Plan 2009-2020**¹⁵⁶ states domestic violence against mothers and physical and sexual abuse against children destroys families and the psychological, emotional, spiritual and physical developments necessary in childhood and adolescence. Health workers, teachers, community groups and neighbours need to identify and report child abuse and domestic violence.

The **National Health Plan 2010-2020**¹⁵⁷ recognizes the need to improve the health sector response to prevent injuries, trauma and violence that impact families and community, including via increased roll out of Family Support Centres.

The **Spotlight Initiative**¹⁵⁸ to eliminate violence against women and girls is charged with coordinating and implementing the Gender Based Violence Strategy. It's a partnership between UN agencies and program partners, World Bank, PNG Business Council, and governments of PNG, Australia, New Zealand.

149 Independent State of PNG. [National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025](#)
 150 Independent State of PNG, 2008. [Papua New Guinea Vision 2050](#)
 151 Independent State of PNG, 2010. [Development Strategic Plan 2010-2030](#)
 152 Independent State of PNG. [National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025](#)
 153 Independent State of PNG, 2015. [National Policy on Social Protection 2015-2020](#)
 154 Independent State of PNG, 2015. [National Policy on Disability 2015-2025](#)
 155 Independent State of PNG. [National Strategy to Prevent and Respond to Gender-Based Violence 2016-2025](#)
 156 Independent State of PNG, 2009. [Child Health Policy and Plan 2009-2020](#)
 157 Independent State of PNG, 2009. [National Health Plan 2010-2020](#)
 158 Spotlight Initiative, 2019. [Country Programme Document: Papua New Guinea](#)

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

| Service Name | Description | Coverage | Contact |
|---|--|---|--|
| Law Enforcement Agencies | | | |
| Police | Including Family and Sexual Violence Units (FSVU)159 | National Weekday 8-4pm | Emergency 112 |
| Statutory Protection Agencies/Unit | | | |
| 1-Tok Kaunselim Helpim Lain | Counselling line operated by Child Fund for persons affected by family and sexual violence. | | T 7150 8000 (toll free) Comprehensive Service Provider Directory – Family and SGBV Services |
| Local Health and Medical Services | | | |
| Ambulance | | | Emergency 110 |
| Meri Toksave | A Police and Healthcare service provider directory, healthcare referral information, and information on other local organisations and hotlines. Last updated in 2015. | | Police and Healthcare Directory and Service Provider List |
| Support Agencies | | | |
| Femili PNG | Case management services to survivors of family and sexual violence. Works at safe houses, courts, police stations, welfare offices, hospitals and other agencies as well as in the home and with transport and relocation services. | Lae and Port Moresby Weekday 9:30 – 5pm | Lae T 7091 4027 T 472 8904 Port Moresby Bel Isi T 7055 4401 Other T 7916 9063 General info@femilipng.org Chairperson stephen.howes@anu.edu.au |
| Key Advocacy Services, Networks, and Agencies | | | |
| Department of Health | GBV Survivor Services | National | T 301 3634 |
| UNDP | Providing support to the Royal PNG Constabulary FSVU units through prevention, operational support and community outreach on issues of gender-based violence | National | T 321 2877 (via UN reception) registry.pg@undp.org |
| Child Fund PNG | Advocacy organisation supporting long-term community development. Operates 1-Tok Kaunselim Helpim Lain | National | T 323 2544 Digicell (+675) 7030 0297 |
| National Department of Health | GBV Survivor Services | National | (+675) 301 3634 |
| Australian Federal Police and Embassy or Consular (if any person involved is an Australian National) | | | |
| Australian Federal Police | Report instances of child abuse by Australians | National | T (+61) 261 313 000 After Hours (+61) 261 267 777 www.afp.gov.au/en/policing/child-protection-operations.aspx |
| Australian High Commission in Port Moresby | Consular advice and services | National | T 325 9333 Godwit Road, Waigani NCD, Port Moresby |

159 FSVUs investigate reports of family and sexual violence, ensure reports are dealt with in a timely manner, assist complainants in applying for Interim Protection Orders, provide relevant support to complainants during the court processes; and liaise and make referrals to the Sexual Offences Squad.

Prevention of Sexual Exploitation and Abuse (PSEA) – Solomon Islands

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Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

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|-------------------------------------|--|
| Demographics & Population | Solomon Islands is a Pacific nation encompassing over 900 islands spread across 1,500 kilometres of ocean. It is ranked 152 out of 189 on the United Nation's Human Development Index. According to the Solomon Island Government's Statistic Office, the projected population in 2020 is 694,619 ¹⁶⁰ , and 70% of the population is under the age of 30. The country is characterised by a rich linguistic diversity: the 1999 census distinguished 91 different vernacular languages. English is the country's official language, but Pidgin is widely used as the lingua franca. ¹⁶¹ |
| Disability | Solomon Islands Government signed the Convention on the Rights of Persons with Disabilities in September 2008. Non-communicable diseases including heart disease, diabetes, strokes are the leading cause of disability in Solomon Islands. |
| Gender and sexuality ¹⁶² | While diverse, Solomon Island cultures are predominantly patriarchal. Implicit within these cultures are a complex array of gender norms that maintain strict social hierarchies dominated by men. As a result, Solomon Island women experience vast and persistent gender inequality, which is also reflected in extremely high rates of physical and sexual violence against women and girls. Sex between men is illegal under the Solomon Islands Penal Code and is punishable with imprisonment of up to 14 years, however the fact that these laws exist does not mean that they are strictly enforced: sex workers, women or men engaging in transactional sex, MSM or transgender people are not systematically prosecuted in Solomon Islands. |

160 Solomon National Statistics Office, 2020. *Projected Population by Province 2010 – 2025*
 161 SPC, 2015. *Solomon Islands Demographic and Health Survey*
 162 The Equality Institute, Monash University, and Oxfam Australia, 2019. *Transforming Harmful Gender Norms in Solomon Islands*

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|-------------------------|---|
| Health | Child stunting, which can lead to severe short and long-term health, developmental (cognitive), and economic consequences ¹⁶³ impact one third of the population (32%). ¹⁶⁴ Under-5 mortality rate is 20 per 1,000 live births; life expectancy at birth is 72 years with the probability of dying between 15 and 60 years (per 1,000) being 164 for males and 126 for females. Total expenditure on health per capita is \$108, or 5% of GDP. ¹⁶⁵ Solomon Islands has one of the highest rates of malaria infection in the Pacific region, and this continues to be a major health concern for pregnant women and children under five. Non-communicable diseases (NCDs) are the leading cause of mortality, with 60% of all deaths caused by cardiovascular disease, cancer, chronic respiratory disease, diabetes and other NCDs. Although health services in the country are technically free, both the quality of these services and geographic accessibility is poor – which disproportionately impacts women who may require permission from their husband or partner to attend a health clinic and are less able to afford costs associated with the travel. Secondary impacts of COVID-19 impacts women and girls greatest in countries with pre-existing high rates of GBV and a lack of social and economic support services. Impacts on women and girls include being confined with abusers, school closures, loss of income, disproportionate caregiving and domestic responsibilities, and frontline care for the sick. |
| Poverty ¹⁶⁶ | The Gross National Income per capita is \$1,810 (USD) and nearly 18% of all employed earn less than \$1.90 per day. The poverty rate has reached nearly 85%, with an estimated 80% of the poor living in rural areas, and 46% of all youth unemployed. 12% of those living under the food poverty line. |
| Public Attitudes | Violence against women is normalized, with 73% of men and 73% of women believing violence against women is justifiable, especially for infidelity, disobedience, and when women don't live up to gender roles that society imposes. Almost all men who cite hitting female partners as a form of 'discipline' suggested that women could improve the situation by 'learning to obey them'. Gender norms of masculinity tend to encourage men to 'control' their wives, often through violence, while women felt that bride prices (considered similar to a property title) gives men ownership over women. Despite continued efforts by INGOs, faith-based organizations, and international influence, political leaders have continued to trivialise and deny the existence of violence against women. ¹⁶⁷ |
| Religion ¹⁶⁸ | Christianity has a large influence on Solomon Islands society and is represented by a large range of Christian denominations. According to the 2009 Census, 96% of the population identifies itself as Christian, and the majority of the population identify as practicing Christians. Less than 1% of the population identified Custom Beliefs as their key religious affiliation. Many Christian denominations are well-established, well equipped civil society organisations staffed with local faith actors who implement long-term development and humanitarian responses. |
| Societal Structures | Solomon Islands is a patriarchal society and men hold the majority of leadership positions in state, customary and faith-based institutions. Just 7% of girls complete high school, and only three women have ever been elected to the 50-seat parliament since independence in 1978. Solomon Islands is culturally and ethnically diverse country. Ethnic identities are associated first with the island from which a person is from and then by which of the more-than 70 language groups they belong. |

163 WHO, 2013. *Childhood Stunting: Context, Causes and Consequences*
 164 DFAT, 2012. *Poverty, Vulnerability and Social Protection in the Pacific: The Role of Social Transfers*
 165 WHO, 2020. *Country: Solomon Islands*
 166 ADB, 2020. *Poverty Data: Solomon Islands*
 167 WHO, 2013. *Violence Against Women in Solomon Islands: Translating Research Into Policy and Action on The Social Determinants of Health*
 168 SPC, 2015. *Solomon Islands Demographic and Health Survey*

Until the arrival of missions and colonial government agencies, disputes were addressed variously by direct action such as warfare and revenge attacks, the sanction of sorcery, headmen or big men interventions, and compensation payments. Colonial authorities introduced formal law in the late nineteenth century, administered through colonial district officers, assisted by police and some 'native' officials, although customary practices - secular and sometimes violent responses to perceived wrongdoing - were still preferred by most Solomon Islanders. At independence (1978), chiefs and customary law were recognized constitutionally.¹⁶⁹

Missions (Churches) have undoubtedly altered custom and local leadership over a long period of time. Custom and tradition in Solomon Islands cannot be taken to be historically unchanging and should not be assumed to be completely distinguishable from Western systems of thought or behaviour, as they might once have been. Missions installed local leaders and affected the role and function of headmen and introduced systems of punishment and reconciliation that were absorbed into local conflict-management strategies and have become part of what Solomon Islanders think of as now as traditional processes.¹⁷⁰

Trafficking The commercial sexual exploitation of children (CSEC) operates in a fragmented and informal manner influenced by social practices wherein children are at risk.¹⁷¹ Key factors contributing to CSEC include gender inequalities and stereotypes, the absence of protective legislation, and harmful cultural practices such as forced (child) marriages and bride price.¹⁷² While there are low rates of prosecution, the government has increased efforts to prevent trafficking including for the purposes of CSEC which has resulted in the first convictions, and the establishment of The Anti-Human Trafficking Advisory Committee (AHTAC) which includes members of the government and civil society. The government created a revised version of its National Action Plan (NAP) against Human Trafficking and People Smuggling 2020-2025.¹⁷³

Violence Family violence is an epidemic. The Solomon Islands have one of the highest rates of family and sexual violence in the world – more than double that of the global average. Two thirds (64%) of women aged 15-49 have reported physical and/or sexual abuse by a partner in the past year alone.¹⁷⁴ This rate soars, when taking into account assault experienced either as a child (more than one third have been sexually abused/raped before age 15), or as an adult by perpetrators whom are not a partner (including family members, male friends of the family, and strangers). More than one third said their first sexual encounter was forced.

Alarming, 73% of Solomon Island men and women believe gender-based violence is acceptable.¹⁷⁵ The Family Protection Act 2014 is a step toward addressing family and sexual violence however access to specialist support and justice mechanisms for survivors of violence remains poor. Almost 80% of the population live in rural and remote communities, with very few technical support networks and services available. Consolidated and verifiable data on convictions as a result of the implementation of the act is not yet available.

Women and the Economy Women's economic empowerment is the ability of women to bring about positive changes in their lives and that of their families and societies as a result of their participation in economic activities. Unfortunately, Solomon Islands ranks 124 among 128 countries in terms of women's economic opportunity. Up to 50% of employees experienced domestic or sexual violence in the last 12 months, and for many, violence occurs repeatedly and regularly. 34% feel unsafe at work at least sometimes, and 20% work with somebody who is or has been abusive.¹⁷⁶ There is a large gender gap between paid and unpaid work - women make up more than half (56%) of unpaid workers, and only one third (33%) of paid workers, There is evidence that some women do not have autonomy over their earnings, nor are they able to contribute to household decisions regarding how money is spent.

169 World Bank, 2010. [Justice Delivered Locally: Solomon Islands](#)
 170 World Bank, 2010. [Justice Delivered Locally: Solomon Islands](#)
 171 Save the Children, 2015. [Dynamics of Child Trafficking and Commercial Sexual Exploitation of Children in Solomon Islands](#)
 172 Save the Children, 2017. [Evaluation: Commercial Sexual Exploitation of Children in the Solomon Islands](#)
 173 USA Department of State, 2020. [Trafficking in Persons Report](#)
 174 Ming, Stewart, Tiller, Rice, Crowley and Williams, 2016. [Domestic Violence in the Solomon Islands](#)
 175 Ming, Stewart, Tiller, Rice, Crowley and Williams, 2016. [Domestic Violence in the Solomon Islands](#)
 176 IFRC, 2019. [The Impact of Domestic and Sexual Violence on the Workplace in Solomon Islands](#)

RELEVANT PSEA LEGISLATION

International Instruments The Solomon Islands have ratified a number of relevant international frameworks, including the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** which is described as a bill of rights for women, and the **Convention on the Rights of the Child (CRC)** which sets out the civil, political, economic, social, health and cultural rights of children.

At a regional level, the **Pacific Partnership to End Violence Against Women**¹⁷⁷ (2018-2022) (Pacific Partnership) brings together governments, civil society organisations, communities and other partners to promote gender equality, prevent violence against women and girls (VAWG), and increase access to quality response services for survivors.

Legal Framework The **Age of Consent** is 15 years old, and activity with a person aged 14 or younger may result in prosecution for statutory rape. While the age of consent is 15, it is illegal to take a minor out of the care of her parents for the purpose of sexual contact and prohibits "procuring" a girl under age 18 for the purpose of sexual contact.

The **Child and Family Welfare Act (2017)**¹⁷⁸ seeks to provide protection for a 'child in need of care and protection' which includes a child who has been, or is at risk of sexual abuse or sexual exploitation.

The **Family Protection Act (2014)** criminalises domestic violence and provides increased protection, and promotes the safety, health and well-being of victims of domestic violence. It defines the types of violence, and relationships in which domestic violence can occur. The objectives of this act are to offer support and protection to victims/ survivors of domestic violence through police safety notices and protection orders and programs for recovery. The Act outlines punitive measures (including increased sentencing) for those convicted of domestic violence offences where aggravating factors are present.

The **Penal Code (Amendment) (Sexual Offences) Act (2016)**¹⁷⁹ Includes provisions relevant to sexual exploitation and abuse in relation to rape, including marital rape and compelled sexual intercourse. There are specific provisions for victims of an indecent act or rape who have 'significant disability'. The Act criminalises commercial sexual exploitation of children, and domestic people trafficking. While the definition of exploitation is not clear it is stated that it includes 'all kinds of sexual exploitation'. Sex work is criminalised and presents barriers to sex workers reporting instances of SEAH and accessing services and support for victims/ survivors of SEAH.

Immigration Act (2012)¹⁸⁰ prohibits and punishes all forms of trafficking in persons and provides specific legal protections against the trafficking of children. The Act outlines criminal liability for the act of trafficking and/or engaging and/or profiting from the exploitation of a trafficked persons; stating that consent of the trafficked person is not a defence.

Government Policies and Institutions The **National Gender Equality and Women's Development Policy 2016-2020**¹⁸¹ is the overarching policy framework for achieving gender equality and women's human rights in Solomon Islands. The Policy is premised on the vision that gender equality contributes substantially to improving the wellbeing of all—and the promotion of gender equality must be at the heart of the government's mission. It recognizes that continuing to invest in women's empowerment is vital to achieving gender equality and recognises the need for women and men to work together to address attitudinal and institutional barriers to gender equality.

The **National Policy to Eliminate Violence Against Women and Girls 2016 - 2020**¹⁸² provides a framework to implement the national, international and regional commitments to eliminate violence against women and girls. The Policy corresponds to Outcome 4: Preventing and responding to violence against women and girls, of the Gender Equality and Women's Development (GEWD) Policy.

177 Pacific Partnership, 2018. [Pacific Partnership to End Violence Against Women and Girls 2018-2020](#)
 178 [Child and Family Welfare Act \(2017\)](#)
 179 [Penal Code \(2016\)](#)
 180 [Immigration Act \(2011\)](#)
 181 Ministry of Women, Youth, Children and Family Affairs, 2016. [National Gender Equality and Women's Development Policy 2016-2020](#)
 182 Ministry of Women, Youth, Children and Family Affairs, 2016. [National Policy to Eliminate Violence Against Women and Girls 2016-2020](#)

The **National Strategy for the Economic Empowerment of Women and Girls**¹⁸³ is seeks to enhance gender equality and improve the economic status women. Financial inclusion is a key mechanism of the strategy; the MWYCFA conducts training on financial literacy, saving schemes and access to affordable financial services for rural women and girls.

The **Women, Peace and Security National Action Plan 2017-2020**¹⁸⁴ recognises women were specific targets of gender-based violence including rape, forced marriage and domestic violence during the Tensions. The consequences of sexual violence and rape, including pregnancy, birth and bearing of children, contraction of sexually transmitted infections, shame, stigmatisation and psychological trauma, have had an enduring impact on women's lives, health, safety, well-being and security. The National Action Plan (NAP) consolidates action from a range of recommendations and directives, and sets out how Solomon Islands will promote and implement the objectives of the UNSC Resolutions and CEDAW (Convention on Elimination of all Forms of Discrimination against Women). It is a practical tool and organising framework designed to address gender inequalities in security and peace initiatives, budgets, and results, and to ensure women and girls are protected and equitably benefiting from ongoing development and recovery efforts.

In addition to the national policies above, various government bodies are tasked with mandatory reporting requirements. For example, the Director of the Social Welfare Division may request information from any person or organisation relating to any child for the purposes of determining whether the child is in need of care and protection, or for any proceeding under the Child and Family Welfare Act. Failure to comply with an information request is an offence punishable by 50,000 penalty units and/or 5 years imprisonment. The provision applies despite any law imposing obligations of secrecy or non-disclosure. The Director may also take a range of actions including application for appropriate care and protection orders. Moreover, under the Family Protection Act 2014 'health care providers' who are notified by a child patient that they have been a victim of domestic violence must refer the patient to appropriate support services, give the patient the opportunity for medical examination and further treatment or counselling as required, and report to a social welfare officer or police officer.

At a regional level, the **Pacific Islands Forum Secretariat** (PIFS) have established a Reference Group on SGBV to foster multi-sectoral coordination between other Pacific Regional organisations (PROs), governments and non-government actors. With a dedicated gender advisor, PIFS also monitors political commitments around national legislation.

Pacific Community (SPC) are a regional technical organisation providing advice and services and seeking to empower Pacific communities and address cross-cutting issues such as gender equality, youth and human rights. SPC works directly with governments and CSOs to support EAW work, including in gender statistics and gender mainstreaming. SPC's Regional Rights Resource Team (RRRT) specifically supports training in gender and legal literacy, human rights advocacy, and legislative lobbying. RRRT tracks progress on international conventions and domestic legislation, and engages with Parliaments, judges, police, legal agencies, government departments, communities and civil society on issues related to EAW.

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

| Service Name | Description | Coverage/ Location | Contact |
|---|--|---------------------|--|
| Law Enforcement Agencies | | | |
| Police (RSIPF) | | National | Emergencies 999 |
| Community Policing Team | | Central | T 239999 |
| Family Violence Unit | | Central | T 20023 |
| Sexual Assault Unit | | Police HQ Rove | T 21226 |
| Police Stations | | White River | T 21363 |
| | | Central/ China Town | T 22999 |
| | | Kukum | T 22336 |
| | | Naha | T 39647 |
| | | Henderson | T 36201 |
| Statutory Protection Agencies/Unit | | | |
| Police Family Violence Office | | | T 20023 |
| Local Health and Medical Services | | | |
| National Referral Hospital (MHMS) | | Honiara | T 24452 |
| Gizo Hospital | | Gizo | T 60224 |
| Kirakira Hospital | | Makira | Kirakira Station Rd, Nakumwe 677 |
| Mental Health Division (MHMS) | | NRH | T 20690 |
| Gender Based Violence Unit (MHMS) | | Honiara | T 20686 |
| Support Agencies | | | |
| SafeNet Coordinator | | | T 23544 SafeNet Direct Response Directory |
| Family Support Centre | Counselling and legal support | | T 20619 or 26999 |
| Christian Care Centre | Psychological first aid, referrals, temporary shelter for women and children | | T 36319 or 7418842 or 7562749 |
| Social Welfare Division (MHMS) | Ministry of Health and Medical Services (MHMS) | | T 20569 or 20686 |

183 Ministry of Women, Youth, Children and Family Affairs. [A National Strategy for Economic Empowerment of Women and Girls](#)
184 Ministry of Women, Youth, Children and Family Affairs, 2017. [Women, Peace and Security National Action Plan 2017-2020](#)

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|---|---|---|
| Seif Ples Hotline | 24 Hour Hotline offering comprehensive first response services to survivors of SGBV | T 132 or 24677 |
| MWYFCA – EAWG Policy Coordinator | | T 23544 |
| Legal | | |
| Public Solicitors Office | | T 28406 or 22348 |
| Australian Federal Police and Embassy or Consular (if any person involved is an Australian National) | | |
| Medical | DFAT Safe Traveller | T 713600 |
| Australian High Commission in Solomon Islands | | T 21561 T 1300 555 135 in Australia T (+61) 2 6261 3305 from overseas E consular.honiara@dfat.gov.au W solomonislands.highcommission.gov.au Corner Hibiscus Ave and Mud Alley, Honiara |



Prevention of Sexual Exploitation and Abuse (PSEA) – Sri Lanka

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

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| Demographics ¹⁸⁵ | Sri Lanka is an island in the Indian Ocean, about 28km off the south-eastern coast of India. The total population of Sri Lanka is approximately 21.67 million (2018), ¹⁸⁶ and about 52% of the population are female. The overall life expectancy is 72 years for males and 78 years for females, with a probability of dying between 15 and 60 years (per 1,000 population) as 191 for males, compared to 73 for females. Fertility rate is 2.21 births per woman, and under-5 mortality rates are 7 per 1,000 live births. Total expenditure on health per capita is \$369 (USD) or 3.5% of GDP. Gross national income per capita is \$9,470. The official languages are Sinhala and Tamil. |
| Disability ¹⁸⁷ | The long-standing war in Sri Lanka has resulted in significant rates of physical impairment and mental illness, with the World Report on Disability identifying a disability prevalence rate of 12.9%. Approximately 27.6% of the population in conflicted areas in the North Eastern province experience severe post-traumatic stress impairments. Women and girls with disability are disproportionately impacted compared to males with disability, with lower rates of school attendance, lower rates of employment, and higher rates of poverty, and exposure to SGBV and SEA. |
| Education ¹⁸⁸ | Sri Lanka is one of only two countries in South Asia recognized by the UN as achieving a threshold considered as 'high' human development. Despite the a 27-year civil war from 1983-2009 and the 2004 Tsunami, the country maintains some of the highest literacy rates in South Asia. Education is compulsory until 16 years of age, with Sinhala, Tamil & English taught at schools. Subsequently, Sri Lanka has the highest reported youth literacy rate in South Asia at 98.77%. |
| Gender ¹⁸⁹ | Sri Lanka ranks 97 of 187 countries in the Human Development Index and is performing even better for gender with a rank of 74 for its Gender Inequality Index. However, out of the 6.8 million economically active population, 64% are male whereas women only account for one third of the labour force (34%). Women have low representation in government – at municipality and local government level women comprise only 2% of elected officials (2008-2012), with only 5.3% of women elected to Parliament in 2015. According to the findings of the study conducted in 2019 by UNFPA, 90% of Sri Lankan women and girls have faced sexual harassment in public buses and trains at least once in their lifetime. |

185 WHO, 2020. [Health Topics: Sri Lanka](#)
 186 World Bank, 2020. [Population: Sri Lanka](#)
 187 ACFID, 2014. [Sri Lanka Disability Information Sheet](#)
 188 WENR, 2017. [Education in Sri Lanka](#)
 189 UNDP, 2020. [Sri Lanka: Gender Equity and Equality](#)

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| Health | Sri Lanka inherited a well-developed healthcare system from British Colonial rule, and the government have strived to maintain it with impressive national health indicators, especially for maternal and child health and HIV/AIDS. The maternal mortality rate, for instance, has declined over the last decade, with 98% of births taking place in hospitals and 99% receiving skilled attendance at birth. There are 3,600 adults aged 15 and over living with HIV/AIDS, 1,000 of whom are female. ¹⁹⁰ However, there is still much to be done in terms of rights and services for vulnerable sub-populations of women such as young girls from rural backgrounds, widows, sex workers, female headed households and single unmarried women who are vulnerable due to cultural and social norms that stigmatise them and those from sexual minorities (lesbian, gay, bi-sexual and transgender persons). ¹⁹¹ Great strides are still required in policies related to adolescent sexual and reproductive health. Key issues include inadequacies in legal protection and policy recognition, particularly vulnerable population groups; legal protection for pregnant adolescents and adolescents living with HIV against discrimination in education settings; implementation of sexual and reproductive health education in schools; gaps between the realities of adolescent sexuality and restrictive or confusing laws and policies; and poor law enforcement against, and redress for, sexual violence. ¹⁹² |
| Poverty ¹⁹³ | 4.1% of the population lives below the national poverty line, although 9% of the population are undernourished or experiencing undernourishment. 0.3% of the employed population earn less than \$1.90 per day, two thirds of whom are female. |
| Public Attitudes ¹⁹⁴ | Sexual and domestic violence directed towards women are serious and pervasive. A culture of silence surrounds acts of gender-based violence, with victims deterred from taking legal action and going through legal procedures. Marital and domestic rapes are everyday life for many married women and hardly ever reported, as they are not even considered rapes, but the right of a married man. |
| Violence | 1 in 3 women experience sexual and gender-based violence in Sri Lanka. ¹⁹⁵ This rate is likely far higher when considering violent crimes against women are greatly underreported, and definitions of SGBV are culturally vast and varied (for example, marital rape is often considered the right of the husband). Incidences of rape and incest recorded by the police have increased by 40% in the last 10 years, however existing laws designed to protect women are poorly enforced, SGBV is not taken seriously by Sri Lankan authorities, and less than half of reported crimes against women are solved. Since the end of the civil war in 2009, there has been an increased military presence in northern and eastern regions of the country. The number of assaults in women and girls in these regions has simultaneously risen with and is attributable to the increased number of military and police members. In its complaint, ECCHR points out the extent to which these violent acts and ongoing impunity are closely linked to the antiterrorism law called the Prevention of Terrorism Act. This law from the 1970s, modified in 2011, makes it easier for police and military members to carry out body inspections and 'searches' without having to justify doing so. These searches are often carried out alongside sexual harassment and violence that is specifically of a sexual nature. ¹⁹⁶ According to the International Crisis Group, the Sri Lankan government has refused to acknowledge or investigate allegations of sexual violence by security forces during and after the end of the war. |

190 UN Aids, 2019. [Country Factsheet: Sri Lanka](#)
 191 Arrow, 2015. [Country Profile on Universal Access to Sexual and Reproductive Health in Sri Lanka](#)
 192 WHO, 2011. [Advancing ASRH Through Human Rights: Strengthening Laws, Regulations, and Policies: Sri Lanka](#)
 193 ADB, 2020. [Poverty Data: Sri Lanka](#)
 194 Immigration and Refugee Board of Canada, 2012. [Sri Lanka: Sexual and Domestic Violence, Including Legislation, State Protection, and Services Available for Victims](#)
 195 UNDP, 2020. [Sri Lanka: Gender Equity and Equality](#)
 196 ECCHR, 2012. [Sexual Violence in Sri Lanka](#)

RELEVANT PSEA LEGISLATION

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| International Instruments | <p>Sri Lanka has ratified a number of International Treaties, including the Universal Declaration of Human Rights (1948) which establishes principles for the rights and freedoms of individuals, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1981) described as an international bill of rights for women, Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (1981), the Convention on the Rights of the Child (1991) which sets out the civil, political, economic, social, health and cultural rights of children, and the Convention on the Rights of Persons with Disabilities (CRPD) (2007).</p> <p>At a regional level, Sri Lanka applies the Incheon Strategy which provides Asia Pacific (and the world) with the first set of regionally agreed disability-inclusive development goals ensuring disability-inclusive disaster risk reduction and management.</p> |
| Legal Framework | <p>Age of Consent is 16. Individuals aged 15 or younger are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape or the equivalent local law. Statutory rape law is violated when a man has ‘consensual’ sexual intercourse with a girl aged 15 or younger. Exceptions are made for those under the age of consent who are married. While the Marriage Registration (Amendment) Act (1995)¹⁹⁷ increased the age of marriage to 18 years for all persons except Muslims, the Muslim Marriage and Divorce Act allows for marriage from the age of puberty, and allows for the marriage of a girl under the age of 12 years to married with the authorisation of a Quazi judge.¹⁹⁸ If married, there is no age of consent, and therefore the minimum age of marriage for Sri Lankan Muslim girls is technically zero years.</p> <p>The Penal Code (1883)¹⁹⁹ has been amended over the years to make illegal sexual abuse and exploitation (1885), and to broaden the definition of rape to include “with or without her consent” with a minimal custodial sentence (1995). Statutory rape is recognised at 16 years of age. However, marital rape is not considered a crime except in circumstances where the couple has legally separated.</p> <p>The Prevention of Domestic Violence Act (2005)²⁰⁰ provides for the prevention of any act of domestic violence, but does not legally obligate medical service providers to report possible cases of domestic violence to the police, and nor does it require the setting up of shelters or other facilities making it difficult for women to access or sustain court proceedings.</p> <p>The Constitution²⁰¹ provides for the protection of fundamental rights and recognises the right to equality and equal protection of the law as well as protection from discrimination of certain specific grounds, including sex. However, the Fundamental Rights Chapter has limitations, including no retrospective effect, and no provision for judicial review of past legislations – meaning gender discriminatory laws which were in effect at the time this constitution was adopted cannot be challenged and therefore reform of these rely on political will alone. Moreover, the right to culture and religion has so far trumped the right to equality, as evidenced in the Muslim law, as there is no minimum age for marriage and therefore consent.</p> |

197 [Marriage Registration \(Amendment\) Act \(1995\)](#)
 198 A Quazi is a male judicial officer to administrate the Muslim matrimonial law in Sri Lanka.
 199 [Penal Code \(1883\)](#)
 200 [Prevention of Domestic Violence Act \(2005\)](#)
 201 [The Constitution of the Democratic Socialist Republic of Sri Lanka \(2015\)](#)

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| Policies and Mechanisms | <p>The Women’s Charter (1993)²⁰² which does not have legal force, was created as a means of translating CEDAW commitments into context. The Charter spells out steps to take to ensure equal rights of women and provided for the establishment of a National Committee on Women. The Committee mandate is to monitor and ensure the implementation of the provisions set out in the Charter through policy, awareness raising, and advocacy. A Gender Complaints Unit has also been established to receive complaints of gender-based discrimination.</p> <p>Policy Framework and National Plan of Action to address SGBV (2016-2020)²⁰³ vision is to create a violence free life for women and children with zero tolerance for SGBV. The National Action Plan is part of a project under the Ministry of Women and Child Affairs, supported by UNDP’s Strengthening Enforcement of Law, Access to Justice and Social Integration (SELAJSI) Programme.</p> <p>The Population and Reproductive Health Policy (1998)²⁰⁴ includes a separate goal for achieving gender equality and countering violence against women.</p> <p>The National Action Plan for the Protection and Promotion of Human Rights (2011-2016)²⁰⁵ is the Government’s response to the recommendation of the Vienna Declaration and Programme of Action to improve the protection and promotion of human rights.</p> <p>In addition to the legislative and policy frameworks above, Sri Lanka has a number of government bodies tasked with representing the interests of women including Ministry for Women’s Empowerment, Ministry of Women and Child Affairs and Social Security,</p> |
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REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE OR HARASSMENT

| Service Name | Description | Coverage | Contact |
|--|--|--|--|
| Law Enforcement | | | |
| Police | | National Headquarters IG Helpdesk Telephone Index | Emergency 119 T 42111 T 444480 or 444483 Police Telephone Index |
| Child and Women Bureaus, Police | Staffed primarily with female police officers these Bureau’s | 36 divisional offices located within Police Headquarters and most Police Stations throughout the country | T 444444 www.police.lk |
| Statutory Protection Agencies/Unit (to report abuse to) | | | |
| Centre for Gender-Based Complaints | Part of Ministry of Women & Child Affairs and Social Security, the Centre provides onsite legal and psychosocial support to survivors and facilitates action by other agencies in response to complaints | National | T 186055 E secycdwa@gmail.com 5th Floor, Sethsiripaya Stage II, Battaramulla |

202 [Women’s Charter \(1993\)](#)
 203 [Ministry of Women and Child Affairs and UNDP, 2016. Policy Framework and National Plan of Action to address SGBV in Sri Lanka \(2016-2020\)](#)
 204 [Ministry of Health, 1998. Population and Reproductive Health Policy](#)
 205 [National Legislative Bodies and Authorities, 2011. Sri Lanka: National Action Plan for the Protection and Promotion of Human Rights 2011-2016](#)

Local Health and Medical Services (to refer cases to)

| | | |
|---------|---------------------|----------------------------------|
| Medical | National Colombo | Emergency 110 T 691111 |
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|--------------------|--|--|
| Ministry of Health | | T 092698 E info@healthmin.wpc.gov.lk |
|--------------------|--|--|

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| Child Line | Toll-free 24-hour hotline dedicated to receiving complaints | National T 1929 www.childprotection.gov.lk |
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| Women Helpline | Provides assistance and relief dedicated to receiving complaints | National T 1938 |
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Support Agencies (to refer cases to)

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| Family Planning Association | Counselling for women and children (GBV) | T 555455 http://www.fpasrilanka.org/ |
|-----------------------------|---|---|

| | | |
|-------------------|--|---|
| The Welcome House | Crisis intervention centre women and girls in crisis, providing safe temporary shelter, counselling services, police assistance, and connections to medical and legal help. | Colombo T 691871 E welhouse@sltnet.lk |
|-------------------|--|---|

| | | | |
|---------------|--|-----------------------------|---|
| Women in Need | Counselling, Legal, and SGBV Guidance | 6 Crisis Centres Nationally | Hotline 011 4718585 T 671411 |
| | | Counselling Sinhala | T 774992555 or 775646555 |
| | | Counselling Tamil | T 770822444 |
| | | Legal Advice | T 768686555 E connect@winsl.net |

Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)

| | |
|----------------------------|--|
| Australian High Commission | T 463200 21 Srimath RG Senanayake, Mawatha, Colombo 7 https://srilanka.embassy.gov.au/ |
|----------------------------|--|

Prevention of Sexual Exploitation and Abuse (PSEA) – Timor Leste

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

| | |
|--------------------------|---|
| Demographics | <p>Timor-Leste is located in the eastern half of the island of Timor, north of the Timor Sea and Australia. Tetun is the most widely used language, followed by Bahasa Indonesia, then Portuguese and English. Timor-Leste has a total population of 1.3 million, with approximately one third residing in urban areas and cities such as the capital, Dili.²⁰⁶</p> <p>Total expenditure on health is 1.5% of GDP, equating to \$102 per capita. Probability of dying under five years is 46 per 1,000 live births; probability of dying between 15-60 years is 176 (males) and 122 (females) per 1,000; and overall life expectancy at birth for 67 for men, and 70 for women.</p> <p>While poverty levels remain high, with gross national income per capita at \$6,410 in 2013, progress has been made in improving living standards. The proportion of Timorese living in poverty declined from 50% in 2007 to an estimated 42% in 2014. Investments in human capital are directly linked to Timor-Leste's future growth, productivity, and competitiveness. In 2017, the Human Capital Index for Timor-Leste stood at 0.43, as compared to the East Asia and the Pacific's regional average of 0.61. A healthier and more skilled workforce is necessary to better meet the future labour demands across the economy and increase earnings.²⁰⁷</p> |
| Disability | <p>In 2015, just over 38,000 people identified as having a disability which comprised 53% male and 47% female which represents 3.4% of the male population and 3.1% of the female population.²⁰⁸ Global statistics indicate children living with disability are four times more likely to experience violence, and those with mental or intellectual impairments are closer to five times more likely to experience sexual violence.²⁰⁹ It is important to recognise that emergency contexts such as COVID-19 heighten pre-existing vulnerabilities, and therefore these figures are expected to be much higher.</p> |
| Education ²¹⁰ | <p>Males attend every level of education at higher rates than females. Only 20% of preschool-aged children are enrolled in school, more than a quarter (26.0%) of the population aged six years and over have never attended school, 70% of grade one students don't meet basic learning outcomes, and nearly 37% of rural youth (15-24) are illiterate, compared to just 6% in urban areas.</p> |

206 WHO, 2020. [Countries: Timor-Leste](#)
 207 World Bank, 2020. [The World Bank in Timor-Leste](#)
 208 General Directorate of Statistics and UNFPA, 2018. [Timor-Leste Population and Housing Census 2015](#)
 209 WHO, 2020. [Disabilities and Rehabilitation: Violence Against Adults and Children with Disability](#)
 210 UNICEF, 2020. [Quality Education: Realising Rights to Quality Education for all Children](#)

The Gender Parity Index varies between different levels of education. It is close to parity for secondary (0.98), pre-secondary (1.03) and primary education (0.95), strongly in favour of girls for pre-primary education (1.70) and strongly in favour of men for tertiary education (0.80). Some factors that may impact girl's participation include only 44% of schools have functioning toilets and 60% have drinking water.

| | |
|--------------------------------------|---|
| Women's Leadership | <p>Suco councils' function as the most important and relevant governance unit to local people, having developed from a traditional and more or less autonomous sphere of spiritual and cultural organization. Female representation on Suco Councils is relatively high (a quota system exists to promote women's participation), however only 5% of Suco Council Chiefs are women.²¹¹ A recent amendment to the electoral law states that 33% of the political parties' lists must be women candidates, resulting in 38% of seats in the National Parliament being women, the highest rate in the Asia Pacific region.</p> |
| Gender and Sexuality | <p>Timor-Leste ranks 111 out of 187 countries in the Gender Inequality Index. Women have long experienced discrimination in health, education, employment and access to justice, with the prevalence and severity of SGBV considered to be a key inhibitor of development.²¹² Rural women and girls face particularly a strong patriarchal culture which translates to widespread inequality and discrimination.²¹³</p> <p>Sex work is legal, but soliciting and third party involvement for profit is prohibited. Timor-Leste is both a source country and destination for women and child victims of sex trafficking. While consensual same-sex activity is legal, same-sex couples and households are not eligible for the same legal protections.</p> <p>In times of emergency, potential impacts on women include an increase in SGBV; unpaid workload as primary caregivers; food insecurity due to reduced livelihoods and gender norms in which men and children eat first; reduced access to maternal, reproductive and sexual health services; lower levels of education, employment, and economic security makes women and girls more vulnerable to financial shocks; WASH facilities are not gender or disability-inclusive; prevention and response strategies are not gender-sensitive.</p> |
| Indonesian Occupation ²¹⁴ | <p>Timor-Leste declared itself independent from Portugal in 1975 but was invaded by neighbouring Indonesia nine days later - which left most of the population displaced and 70% of infrastructure decimated. In 1999, 78% of people voted for independence from Indonesia which came into effect in 2002. Whilst women occupied every position during the resistance struggle - as diplomatic lobbyists; carrying weapons in the jungle; and as spies and couriers and saboteurs, they have received very little recognition for their efforts post-independence.</p> |
| Labour | <p>80% of women are not paid for their work, compared to 33% of men. The country's strong patriarchal culture and customary laws reinforce strict gender roles, denying women their voice in decision making and making them more vulnerable to alarming rates of violence. Labour force participation for women is lowest in Dili, where close to two thirds (65%) of women aged 15 and above are outside of the labour force. Women occupy less than 23% of management and decision-making positions, which has declined from 35% in 2010.²¹⁵ The income inequality is 31.6, which when considering 42% of the population live below the national poverty line, places women and girls at higher risk.</p> |
| Poverty ²¹⁶ | <p>Timor-Leste remains one of the poorest countries in the South East Asian region, and two thirds of Timorese live on less than USD\$2 a day. It ranks 134 out of 187 countries and territories on the Human Development Index.</p> |

211 WorldOMeter, 2020. [Timor-Leste Demographics](#)
 212 Department of Pacific Affairs, 2018. [Timor-Leste and the Empowerment of Women: Access to Justice and the Future for Domestic, Family, and Sexual Violence Survivors](#)
 213 IWDA, 2020. [Timor-Leste](#)
 214 IWDA, 2019. [Independent but Not Yet Free: The Evolving Work of Timorese Women](#)
 215 WorldOMeter, 2020. [Timor-Leste Demographics](#)
 216 UN Women, 2003. [CEDAW in Action: Timor-Leste](#)

Violence 59% of women in Timor-Leste over the age of 15 have experienced physical and/or sexual partner violence in their lifetime and 47% have experienced it in the last 12 months.²¹⁷ For married women, their current partner was the perpetrator in 74% of cases. 86% of women and 81% of men thought that domestic violence was in some circumstances justifiable.²¹⁸

Sexual and gender-based violence (SGBV) and domestic violence are critical issues for women in post-conflict Timor-Leste. Domestic violence is the most reported case to the Vulnerable Persons Unit of the National Police, a unit set up with assistance from the UN specifically for vulnerable people including women, children and the elderly.

Sexual and domestic violence was a major concern raised at the first National Women's Conference in 2000. Since then, efforts have been made through legislation and public awareness to combat the structural gender inequalities underlying the disproportionately high level of violence against women and children. A 2009 report prepared by 87 non-governmental organisations (NGOs) on the real life of women in Timor-Leste identified a lack of access to justice for women, a situation compounded by impunity for perpetrators of violence against women. The problem was deemed to be endemic because of the failure to promote human rights and equal recognition and representation for women.²¹⁹

RELEVANT PSEA LEGISLATION

International Instruments Timor-Leste has ratified the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, described as an international bill of rights for women; the **Convention on Rights of the Child (CRC)** which sets out the civil, political, economic, social, health and cultural rights of children; and **United Nations 2030 Sustainable Development Goals** to address the global challenges we face, including those related to poverty, inequality, climate change, environmental degradation, peace and justice.

Legislative Frameworks Section 30 of the **Constitution (2002)**²²⁰ provides for violence against women, in recognising that everyone has the right to personal freedom, security and integrity; and no one shall be subjected to torture and cruel, inhuman or degrading treatment.

The age of consent is 14 years. However, the **Penal Code (2009)**²²¹ makes sexual conduct by an adult with anyone under 17 a crime if the adult "takes advantage of the inexperience" of the younger person and increases penalties when such conduct involves victims younger than 14. The Penal Code makes both child prostitution and child pornography crimes. It defines child for purposes of those provisions as a minor younger than 17.²²²

The **Law on Domestic Violence (2010)**²²³ recognises domestic violence as a complex social problem and establishes the legal regime applicable to prevention of domestic violence and protection and assistance to its victims. This Law recognises and reflects the principles of human rights enshrined in ratified international instruments, including the CRC. Pursuant to the Constitution, measures ensure respect for human rights, the wholeness of families, and acknowledges that families have a special duty to protect and defend groups that are particularly vulnerable, such as women and children.

Government Resolution No. 27/2011 on **Gender Working Groups** provides a legislative framework for intersectoral cooperation and coordination mechanism to ensure gender issues are given attention in every government Ministry and agency by developing a gender strategy and/or incorporating gender issues in work plans.²²⁴

217 IWDA, 2020. [Timor-Leste](#)
 218 Department of Pacific Affairs, 2018. [Timor-Leste and the Empowerment of Women: Access to Justice and the Future for Domestic, Family, and Sexual Violence Survivors](#)
 219 Department of Pacific Affairs, 2018. [Timor-Leste and the Empowerment of Women: Access to Justice and the Future for Domestic, Family, and Sexual Violence Survivors](#)
 220 [Constitution \(2002\)](#)
 221 [Penal Code \(2009\)](#)
 222 US Department of State, 2019. [Timor-Leste 2019: Human Rights Report](#)
 223 [Law on Domestic Violence \(2010\)](#)
 224 Government of Timor-Leste, 2011. [Gender Responsive Budgeting: Timor-Leste](#)

Agencies and Mechanisms The **National Action Plan on Gender Based Violence (2017-2021)** extends the government's commitment to ending GBV in Timor-Leste, based on a multi-sector implementation and has been developed in accordance with the national laws and international commitments of CEDAW, ICCPR, ICESCR, and CRC.

Program of the Eighth Constitutional Government (2.3.2 Women) (2018)²²⁵ recognises women and men have the same rights and obligations in all aspects of family, cultural, social, economic and political life. The Program sets out a plan to ensure those rights are realised, and for Timorese women to contribute better and more to society and the country's growth.

The **National Strategic Development Plan (2011-2030)**²²⁶ places emphasis on maximizing the potential of human and social capital. Equality between men and women in all areas is recognized as key to national development.

National Family Planning Policy (2004)²²⁷ recognises family planning as an important development effort that can help bring about improvements in society, and that everyone has the right to health and medical care, and the duty to protect and promote them.

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE.

| Service Name | Description | Coverage | Contact |
|--|---|----------|--|
| Law Enforcement Agencies (to report cases to) | | | |
| Police | | National | Emergency 112 T 7749 0497 |
| Vulnerable Persons Unit, Police | Investigates crimes against women and children | National | T 7724 3340 District contact numbers can be confirmed via this number, as they change often |
| Statutory Protection Agencies/Unit (to report abuse to) | | | |
| | Child protection within Ministry Solidarity Social and Inclusion (MSSI) | National | T 331 0541 E info@mss.gov.tl or unidade@mss.gov.tl |
| Local Health and Medical Services (to refer cases to) | | | |
| Ambulance | | | T 331 1044 |
| Guido Valadares National Hospital | Formerly Dili National Hospital, this is now the national hospital | | T 331 1000 T 331 1008 Estr. de Bidau, Díli, Timor-Leste |
| Oecusse Referral Hospital | Hospital | Oecusse | T 253 0027 |
| Ministry of Health and UNICEF Hotline | Mental health and psychosocial support hotline | National | T 12123 |

225 Government of Timor-Leste, 2018. [Program of the Eighth Constitutional Government](#)
 226 Government of Timor-Leste, 2011. [Strategic Development Plan 2011-2030](#)
 227 Ministry of Health, 2004. [National Family Planning Policy](#)

Support Agencies (to refer cases to)

| | | | |
|--|---|----------------------------|--|
| Uma Mahon | Safe place for victim of Domestic Violence or sexual harassment | FOKUPERS Dili FFCJ Dili | T 332 1534 or 7847 2598 T 7796 9826 |
| Psychosocial Recovery & Development in East Timor (PRADET) | Provision of safe rooms for treatment and emergency security for abuse victims; counselling, and forensic examination | Dili Oecusse Suai | T 7725 4579 T 7779 5882 or 7779 9072 T 77972081 |
| Casa Vida | Protection and safe house for girls | Dili – 24 hours | T 7735 234 |
| East Timorese Women's Communication Forum (FOKUPERS) | Provide shelter for adult/child victims of abuse. Aso provide counselling and accompaniment in police stations. | Dili HQ | T 332 1534 |
| Office of the Provedor for Human Rights and Justice (PDHJ) | Complaints of human rights infringement against state authorities | Dili HQ | T 333 1184 or 333 1071 Online Complaints Form |

Key Advocacy Services, Networks, and Agencies

| | | | |
|--------|---------------|------|------------|
| ALFELA | Legal Support | Dili | T 3310 282 |
|--------|---------------|------|------------|

Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)

| | | |
|--|------------------------------|---------------------------------------|
| Australian Federal Police Report child offences committed by Australians | To Australia In Australia | T (+61) 2 6131 3000 T 1800 813 784 |
| Australian Embassy, Dili | Consular Assistance | Dili T 332 2111 |

ADDITIONAL LIST OF AGENCIES AND CONTACT NUMBERS

Policia Nasionál Unidade VPU National Police

| | |
|----------|-----------|
| Nasionál | 7749 0497 |
| Dili | 7734 1607 |
| Aileu | 7595 2885 |
| Ainaro | 7595 3420 |
| Bacau | 7712 7186 |
| Bobonaro | 7749 0507 |
| Covalima | 7595 5663 |
| Ermera | 7669 9276 |
| Lautem | 7726 1849 |
| Liquica | 7595 9357 |
| Manatuto | 7749 0516 |
| Manufahi | 7566 7893 |
| Oecusse | 7596 0966 |
| Viqueque | 7736 7056 |

Ministério da Solidariedade Sasiál no Inkluzan (MSSI) Ministry of Solidarity and Social Inclusion (MSSI)

| | |
|-------------|-----------------------|
| Nasionál | 3310 501 - 3310 2019 |
| CSMM Dili | 7727 1715 |
| CSMM Aileu | 7867 6494 |
| CSMM Ainaro | 7805 9869 |
| Bacau | 7732 7456 |
| Bobonaro | 7743 1723 |
| Covalima | 7726 9604 |
| Ermera | 7823 2260 |
| Lautem | 7732 6469 |
| Liquica | 7818 6632 |
| Manatuto | 7731 9125 |
| Manufahi | 7761 4542 |
| Oecusse | 7732 0593 - 7610 9934 |
| Viqueque | 7804 7358 |

Ume Mahon

Safe place for victims of domestic violence or sexual harassment

| | |
|-----------------------------|-----------------------|
| FOKUPERS Dili | 332 1534 - 7847 2598 |
| FFCJ Dili | 7796 9826 |
| Casa Vida | 7735 2345 |
| FOKUPERS Suai | 7803 6085 |
| FOKUPERS Maliana | 7746 3907 |
| Uma Mahon Salele | 7798 1319 - 7537 2549 |
| Uma Mahon Lospalos | 7747 4055 |
| Uma Pas Viqueque | 7735 2424 |
| Uma Pas Manufahi | 7705 8045 - 7794 8711 |
| Forum Peduli Wanita Oecusse | 7600 7693 |

Asisténsia Legál ba Feto no Labarik ALFeLa ALFELA (NAtionala NGO) for Justice

| | |
|---------|---|
| Dili | 3310 282 - 7743 2177 7743 2103 - 7743 2140 |
| Baucau | 7743 2132 - 7743 2134 |
| Suai | 7743 2154 - 7743 2156 |
| Oecusse | 7743 2128 |

Prevention of Sexual Exploitation and Abuse (PSEA) – Tonga

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Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

Demographics Tonga is a Polynesian kingdom of more than 170 South Pacific islands, many uninhabited. The main island, Tongatapu, is protected by lagoons and limestone cliffs. Predominantly Christian country, the church plays a fundamental role in society.²²⁸ Tonga's population is approximately 103,197²²⁹ with 74% living on the main island of Tongatapu.²³⁰ Tonga has a relatively young population, 39% are 15 or younger, with a median age of 22 years, and only 9% are 60 years or older.²³¹

Gender and Sexuality²³² Tonga is ranked high in the human development category (105 out of 189 countries) and ranked 96 out of 162 countries on the Gender Inequality Index. 7.4% of parliamentary seats are held by women, and 94% of adult women have reached at least a secondary level of education compared to 93.4% of their male counterparts. Tonga has a very high rate of teenage pregnancy and a high rate of infant and child mortality - for every 100,000 live births, 124 women die from pregnancy related causes; and the adolescent birth rate is 14.7 births per 1,000 women of ages 15-19. Female participation in the labour market is 45.3 percent compared to 74.1 for men.²³³

Women's roles are based around the home and caring for extended family, while men are seen as providers for the family, and leaders in communities and politics. Tongan women are traditionally expected to be virtuous, dignified, submissive and dutiful, and mindful of her place in the family. Daughters are expected to accept that they have no right to the family home or land, which will be inherited by their eldest brother or brothers.²³⁴

Fakaleiti literally translates as 'like a lady' and the closest translation would be male to female transgender. Members of the Fakaleiti community are both integrated and marginalised in Tongan society, they have a place in customary society but they are also influenced by the more global contemporary picture.

Land Ownership²³⁵ Only men have legal rights to inherit land, and rights pass through male heirs. Women have no independent land rights unless they acquire a lease; however widows are permitted to continue to hold their deceased husband's land for life provided that they not remarry. The monarch and nobles control most of the land as estate holders, and Tongan men over the age of 16 years without land are eligible to apply for a grant or lease of a rural tax allotment of 3.3 hectares for farming and a town allotment of 1,618 square meters for residential purposes.

The second Royal Land Commission of Inquiry was held 2008-2012 to review land law practices, with wide public support for women to have equal land rights with men. The Commission recommended reforms that would allow women rights to town allotments to be used for housing; however, no changes were made to rural allotments because 'it has never been the traditional role of Tongan women to do heavy and hard labour work which was associated with farming'. As a consequence, some women with no land or income remain in households with violent fathers, uncles, family members or husbands with no viable means of support to leave.

Health Relative to other Pacific Island countries, Tonga is considered to have an effective primary health-care system, good public health infrastructure, comprehensive antenatal and postnatal care, immunization, water, sanitation and waste disposal programs. However, the emergence of non-communicable 'lifestyle' diseases (NCDs) such as diabetes and cardiovascular disease poses a huge threat to overall health. As of 2011, WHO estimates that NCDs account for 74% of all deaths in Tonga and are a leading cause of premature death and disability. Despite many preventative strategies implemented over the past decade, NCD risk factors continue to rise.

Violence Violence against women and girls is endemic, widespread and deeply ingrained in society. Despite several government initiatives over the past decade, violence against women and girls remains a systemic issue, with a high degree of social, cultural, legal and institutional acceptance.²³⁶ Violence and abuse against women is not seen as a violation of human rights. It is often justified as a means of discipline and correction and dismissed as a private dispute within the family. Law enforcement agencies and the courts traditionally take a hands-off approach to responding, and there is reluctance to arrest perpetrators in small and close-knit communities. The social costs of domestic violence on families, health care, the justice system and the economy is significant.²³⁷

Sexual violence against women and girls appears to have worsened recently with soaring levels of sexual assault and rape.²³⁸ 3 in 4 women in Tonga have experienced physical or sexual violence in their lifetime, and 75% do not seek help from agencies or authorities.²³⁹ Domestic violence is an offence. Despite this, 85% of women who have suffered domestic violence are repeat victims (indicating perpetrators are repeat offenders), and women are often forced to return to the same environment where they have suffered abuse.²⁴⁰

228 Ma'a Fafine mo e Famili (MFF), 2009. [National Study on Domestic Violence on Women in Tonga](#)
 229 World Bank Data, 2018. [Tonga](#)
 230 Tonga Statistics Department, 2016. [Tonga 2016 Census of Population and Housing](#)
 231 Tonga Statistics Department, 2016. [Tonga 2016 Census of Population and Housing](#)
 232 Pacific Community, 2019. [Gender Equality: Where Do We Stand?](#)
 233 UNDP, 2019. [Human Development Report 2019](#)
 234 Pacific Community, 2019. [Gender Equality: Where Do We Stand?](#)

235 Pacific Community, 2019. [Gender Equality: Where Do We Stand?](#)
 236 Ma'a Fafine mo e Famili (MFF), 2009. [National Study on Domestic Violence on Women in Tonga](#)
 237 Pacific Community, 2013. [Legal Analysis on Violence Against Women- Tonga](#)
 238 RNZ, 2020. [Domestic Violence on the Rise in Tonga](#)
 239 Pacific Community, 2019. [Gender Equality: Where do we stand?](#)
 240 RNZ, 2020. [Domestic Violence on the Rise in Tonga](#)

RELEVANT PSEA LEGISLATION

| | |
|---------------------------|--|
| International Instruments | <p>Tonga is one of only six UN members (and the only country in the Pacific) which has not ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), an international bill of rights for women which obligates states to address structural and deep-rooted violence and discrimination.</p> <p>The Convention on the Rights of the Child (CRC) was ratified in 1995 (although no Optional Protocols have been ratified), and while awareness of rights to healthcare and education is improving, awareness of the CRC remains low. Tonga grapples with the concept of child rights because it is falsely believed to challenge parental responsibilities and the authority of the Church.</p> <p>International law (including CRC) is not directly applicable in Tonga, but has been used as compelling interpretive guidance by Judges as well as a model for legislators. For example, the ‘best interests of the child’ is an obligatory consideration under the Guardianship Act (2004) and is taken to have substantially the same meaning as in the CRC.</p> |
| Legal Framework | <p>The Constitution (1875)²⁴¹ and subsequent revisions do not specifically guarantee equal rights for women.</p> <p>The Family Protection Act (2013)²⁴² defines a child as a person under the age of 18, criminalises domestic violence, and allows victims to apply for protection orders. It places a duty on health practitioners and social service providers to examine and refer any notification of domestic violence to counselling and medical treatment as appropriate and file a police report on behalf of child victims.</p> <p>The age of consent in Tonga is 15 years old. Marriage is allowed for those aged 15-17 with parental consent under Section 6 of the Births, Deaths and Marriages Registration Act (1988)²⁴³ and as young as 14 under the Parent Consent Act (1926). While 6% of girls in Tonga are married before they turn 18, this is often caused by violence against girls, parental pressure, and ‘family honour’.²⁴⁴ Young victims of rape have been made to marry their rapists under these laws.²⁴⁵</p> <p>The Births Deaths and Marriages Registration Act (1988)²⁴⁶ and Nationality Act (2007)²⁴⁷ provide for compulsory registration of children and nationality. However, nationality is passed only by fathers, and children lose their nationality if the father gives up or loses their Tongan nationality. The Guardianship Act (2004)²⁴⁸ regulates guardianship, access, custody and adoption of children and ensures that Courts consider the ‘best interests of the child’ in all matters. It limits adoption to ‘illegitimate’ children (considered born outside of marriage), though legal guardianship may be granted in cases of ‘legitimate’ children.</p> <p>The Education Act (2013)²⁴⁹ entitles children to a quality and non-discriminatory education, criminalises corporal punishment, and ensures schools meet health and safety obligations.</p> <p>Recent developments in legislation and policy, in particular the Family Protection Act (2013), the Education Act (2013), and the Child Protection Policy, provide children with improved protection from domestic violence and better access to quality universal education.²⁵⁰</p> |
| Government | <p>The Revised National Policy on Gender and Development (RNPAD)²⁵¹ and its Strategic Plan of Action, launched in May 2014, aims for gender equity by 2025. Priority outcomes are geared toward mainstreaming gender equality and women’s empowerment in (1) family and social environments (2) leadership and political representation (3) addressing intersectional vulnerabilities (4) equal conditions for emergency response (5) gender mainstreaming across government policies, programs, services and (6) equitable access to economic assets and employment.</p> |

241 [Constitution](#) (1875)
 242 [Family Protection Act](#) (2013)
 243 [Births Deaths and Marriages Registration Act](#) (1988)
 244 Girls Not Brides, 2020. [Tonga: Child Marriage](#)
 245 RNZ, 2016. [Archaic Tongan Law Allows Forced Marriage to Rapists](#)
 246 [Births Deaths and Marriages Registration Act](#) (1988)
 247 [Nationality Act](#) (2007)
 248 [Guardianship Act](#) (2004)
 249 [Education Act](#) (2013)
 250 OHCHR, 2019. [Committee on the Rights of the Child Examines Report of Tonga](#)
 251 Pacific Community, 2019. [Gender Equality: Where do we Stand?](#)

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

| Service Name | Description | Coverage | Contact |
|--------------------------------------|---|---|---|
| Law Enforcement Agencies | | | |
| Police | | National Tongatapu 'Eua Ha'apai Vava'u | Emergency 922 T 23222 T 50313 T 60222 T 70233 |
| Statutory Protection Agencies | | | |
| Domestic Violence Unit, Police | DVU Police are trained in SGBV and dedicated to responding to domestic violence situations. Once a complaint is lodged, it cannot be withdrawn. DVU includes a safe space for children, and work closely with Pacific Prevention of Domestic Violence Program | Tongatapu and Vav'au | T 7401647 E tevita.vailea@police.gov.to |
| Local Health and Medical | | | |
| Hospitals | | National Tongatapu, Vaiola Hospital 'Eua, Niu'eiki Hospital Ha'apai, Niu'ui Hospital Vava'u, Prince Wellington Hospital | Emergency 933 T 23200 T 50111 T 60203 or 60790 T 702020 |
| Tonga Family Health Association | TFHA promotes safe and healthy choices is family planning, although TFHA also provides clinic services across the three main island groups, support groups targeted at young mothers and young boys and promote community awareness | Nuku'alofa, Tonga | T 22770 |
| Village Health Clinics | Village Health Clinics work closely to refer clients to the National Centre for Women and Children for counselling and/or Safe House support | National, though not comprehensive Tongatapu – 6 Health Centres Ha'apai – 2 Health Centres Vava'u – 3 Health Centres | |

Support Agencies

| | | | |
|--|--|------------|--|
| Family Protection Legal Aid Centre | Free legal advice and assistance to anyone facing violence within their families, without judgement and regardless of their personal circumstances | | T 26387 or 26388 or 7711943 E enquires.fplac@justice.gov.to W http://fplac.justice.gov.to/ |
| Women and Children Crisis Centre (WCCC) | WCCC works closely with the DVU with regards to inter-agency referrals between police, counsellors and the Safe House | Nuku'alofa | T 22240 W http://www.wccctonga.org/ |
| Tonga National Centre for Women and Children (TNCWC) | Crisis Centre providing support, counselling, information, advocacy, and referrals for women and children experiencing violence and abuse | Nuku'alofa | T 26567 or 28483 E www.tncwcinfo@gmail.com |
| Alonga Centre | Provides shelter and accommodation for persons living with disabilities. Centre works with TNCWC with regard to referrals and temporary support at the Safe House for women and children living with disabilities. | | T 29180 |

Key Advocacy Services, Networks and Agencies

| | | | |
|--|--|----------|---|
| Pacific Women | Supports partner organisations to prevent and respond to physical and sexual violence against women and children; also works to strengthen improved data on types and prevalence of violence | National | W https://pacificwomen.org/ |
| Ma'a Fafine mo e Famili (MFF) - Women and Families | Provides legal advice and counselling to women and families in crisis and lobbies for the ratification of CEDAW and CRPD | National | T 25991 E mfftonga@gmail.com |

Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)

| | | | |
|---------------------------------|---|----------|---|
| Australian Federal Police (AFP) | Report offences by Australians | | T +61 2 6131 3000 After Hours +61 2 6126 7777 www.afp.gov.au |
| Australian Embassy in Tonga | Assisting Australians overseas and delivering consular services to Australians most in need | National | T 23244 W https://tonga.embassy.gov.au/ Salote Road, Nuku'Alofa |



Prevention of Sexual Exploitation and Abuse (PSEA) – Vanuatu

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEAH ISSUES

| | |
|---------------------------|--|
| Demographics & Population | Vanuatu is a republic comprising 83 islands and atolls (63 of which are inhabited) in Melanesia. The total land area is 12,281 km ² . ²⁵² The total population is 234,023 (49.1% female and 50.9% male). Children aged 0-18 years comprise 44% of the total population, with infants and children aged 0-4 years making up the largest age bracket. Vanuatu has a growth rate of 2.4% per year, a fertility rate of 3.82 births per woman and life expectancy is 71 years. ²⁵³ Around 75% of people live in rural areas, making it more difficult to access health, education and social services, as well as collect data. Vanuatu is the least populated of the Pacific Island countries in Melanesia. ²⁵⁴ |
| Disability | People with disabilities constitute 12% of the total population, ²⁵⁵ with 11% of children living with some form of disability in 2012. ²⁵⁶ Although there is limited information about children living with disability, children with disability are more at risk of physical, emotional or sexual abuse, and neglect. Children with disability are also at greater risk of violence due to the difficulty to defend or express oneself; the chance of being a child carer to a disabled parent; the risk of not being registered at birth or for not reporting an abuse case involving children with disability due to feelings of shame or social stigma; and risk of being neglected within the community. ²⁵⁷ |
| Disaster | Vanuatu is particularly prone to disaster and climate risks, including tropical cyclones, earthquakes, droughts, tsunamis, and volcanic eruptions. |
| Education | In 2016, 11.2% of children aged 6-13 years were not attending school. Non-attendance rates varied between urban and rural populations, as well as across islands (up to 20.4% in Tafea). In 2018, adult literacy rate for Vanuatu was 87.5%. ²⁵⁸ |

252 UNICEF, 2017. *Situation Analysis of Children in Vanuatu*
 253 World Population Review, 2020. *Vanuatu*
 254 UNICEF, 2014. *National Child Protection Systems in the East Asia and Pacific Region: A Review and Analysis of Mappings and Assessments*
 255 Asia-Pacific Human Rights Information Centre, 2015. *Persons with Disabilities in Vanuatu*
 256 Australian DFAT, 2012. *Vanuatu Education Sector Program*
 257 Ministry of Justice and Community Services, 2016. *Vanuatu National Child Protection Policy 2016 - 2026*
 258 World Data Atlas. *Vanuatu Adult Literacy Rate*

Gender and Sexuality²⁵⁹ The UN Committee on the Elimination of Discrimination Against Women highlighted its concern regarding several aspects of women's unequal status in Vanuatu. One area that the Committee focused on was "the persistence of adverse cultural norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of men and women in all spheres of life". The Committee concluded that the Vanuatu Government has yet to undertake sustained and systematic action to eliminate stereotypes and negative cultural values, which perpetuate discrimination against women women's unequal status in public life, decision making, marriage and family relations, and the persistence of violence against women.²⁶⁰

Attitudes and beliefs about women and their roles – perpetuated through institutions "such as churches, chiefs, and political parties through their doctrines, principles, and structures that discriminate against women" – were also identified as major obstacles for advancing women's development in a recent review of Vanuatu's national machinery for women, supported by AusAID and UN WOMEN. Lack of political will and leadership to advance gender equality and women's empowerment were also identified as challenges.²⁶¹

Despite general human rights protections under the Constitution of Vanuatu, there are very few legal protections against discrimination against a person based on their sexual orientation, and no protections against discrimination on the basis of gender identity and sex characteristics. Consensual same-sex sexual activity has been legal since 2007.²⁶²

Poverty In 2013 an estimated 15.8% of households were found to be multidimensionally poor, and 17.7% to be multidimensionally poor according to a novel Melanesian index. On average, Ni-Vanuatu households were deprived on 42.3% of indicators. In addition, 23% are not in poverty but vulnerable to poverty following a shock. Poverty is greatest in urban areas, especially Port Vila, and remote rural areas such as Baravet. It is lowest in Luganville and similar central-rural areas.²⁶³

Violence The high rates of all forms of violence against women (including violence by husbands/partners and non-partner violence) show that the use of violence as a form of punishment and discipline is accepted and condoned as a "normal" part of behaviour within many families and communities.²⁶⁴ The National Child Protection Policy identifies sexual abuse and incest are common, however the taboo nature of the issue does not enable public discussion to be held, nor is national-level information available. A child protection survey found 84% of respondents felt that sexual abuse is a big problem in Vanuatu, with most respondents agreeing that children are most often abused by someone they know and trust.²⁶⁵

The prevalence of sexual abuse against girls under the age of 15 are among the highest rates 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. Child marriage rates indicate 3% of girls are married by 15, and 21% married by 18.²⁶⁶

International evidence suggests that persons with disabilities are up to three times more likely to experience physical, sexual abuse and rape compared to people without disabilities.²⁶⁷

Vulnerability Vanuatu is one of the world's most vulnerable countries to natural disasters, frequently experiencing cyclones, earthquakes, tsunamis and volcanic eruptions. Emergencies occur on an annual basis, causing significant distress to communities, particularly those in isolated and rural areas. The effects this has on family livelihoods and access to basic services directly impacts family harmony and children's protection.²⁶⁸

259 Vanuatu Women's Centre (WVC), 2011. *Vanuatu National Survey on Women's Lives and Family Relationships*
 260 CEDAW, 2007. *Concluding CEDAW Comments: Vanuatu*
 261 Vanuatu Women's Centre, 2011. *Vanuatu National Survey on Women's Lives and Family Relationships*
 262 Kaleidoscope Human Rights Foundation and VPride Foundation, 2019. *Submission to the UN Universal Periodic Review Regarding the Protection of The Rights of LGBTI Persons in Vanuatu*
 263 Simon Feeny and Lachlan McDonald, 2013. *Multidimensional Poverty and Vulnerability in Solomon Islands and Vanuatu*
 264 Vanuatu Women's Centre, 2011. *Vanuatu National Survey on Women's Lives and Family Relationships*
 265 Save the Children Australia, 2019. *Unseen, Unsafe: The Underinvestment in Ending Violence Against Children in the Pacific and Timor-Leste*
 266 Girls not Brides, 2017. *Vanuatu*
 267 Ministry of Justice and Community Services. *National Disability Inclusive Development Policy 2018-2025*
 268 Ministry of Justice and Community Services, 2016. *Vanuatu National Child Protection Policy 2016 - 2026*

RELEVANT PSEA LEGISLATION

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|--------------------------|--|
| International Frameworks | Vanuatu ratified the Convention on the Rights of the Child (UNCRC) in 1993, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995 which largely acts as a bill of rights for women and prohibits the trafficking and exploitation of women, and obligates states to ensure free and full consent to marriage. In 2008, Vanuatu ratified two other general rights instruments, the Convention on the Rights of People with Disabilities (CRPD) and the International Covenant on Civil and Political Rights (ICCPR). |
| Legal System | <p>The Constitution of Vanuatu²⁶⁹ defines children as every person under the age of 18 years and enshrines a number of fundamental rights including the rights to life, liberty, security, equality and freedoms of expression and movement, and grants the Supreme Court jurisdiction to issue writs to enforce those rights.</p> <p>The Penal Code²⁷⁰ varies in considerations of sexual consent: Intercourse with a child under the age of 13 is punishable by imprisonment for up to 14 years; under the age of 15 by up to 5 years. Sexual intercourse with a child under the age of 18 is prohibited where the child is under the person's care or protection; homosexual intercourse under the age of 18 is prohibited.</p> <p>The Marriage Act identifies the legal age for marriage as 18 for boys and 16 for girls. Though customary law may see girls married as young as 12 years.²⁷¹ Both a Civil Marriage and a Church Marriage involve two people who have willingly consented to the marriage, whereas those who are party to Custom Marriage may not have willingly consented to the marriage.</p> <p>The Family Protection Act 2008²⁷² outlines that acts of domestic violence are prohibited, including physical, psychological and/or emotional abuse and sexual abuse, and constitute an offence punishable by imprisonment of up to 5 years and/or a fine of up to V 100,000 (article 10). Significantly, it states that criminal liability is not circumvented even if the defendant has paid money as restitution within customary law. Customary reparations may be taken into account in sentencing and may be ordered by a court as compensation for injury, loss or damage (articles 10, 22). In addition, a complainant, or a friend or family member, legal practitioner or police officer with the complainant's consent, may apply to the court for free for a protection order. A protection order may restrain a person, and a breach of a protection order is an offence.</p> |

269 [Constitution of Vanuatu](#) (1980)
 270 [Penal Code](#)
 271 [Marriage Act](#) (1971)
 272 [Family Protection Act](#) (2008)

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|---------------------|--|
| Government Agencies | <p>The police are required to investigate a domestic violence offence or breach of a family protection order if they suspect on reasonable grounds that such has occurred. If the officer believes on reasonable grounds that the offence has in fact occurred, the officer must care the person with an offence and arrest the person if the complainant is in danger of personal injury. The officer is obliged to bring the person arrested to Court as soon as practicable and no later than 48 hours from the arrest.²⁷³</p> <p>The Ministry of Justice and Community Services (MJCS) contains a Gender and Protection Desk for domestic violence and family protection issues. MJCS oversee the implementation of The National Disability Policy (2016-2022), and National Disability Inclusive Development Policy (2018-2025)²⁷⁴ which identifies strategic priority areas to improve access to strengthened sexual and reproductive health and justice services for women and girls with disabilities, increase sexual and reproductive health services access for women and girls, and increase programs aimed at eliminating violence including sexual abuse and exploitation perpetrated against women and girls with disabilities. Further, MJCS have a Child Desk tasked with overseeing the Vanuatu National Child Protection Policy (2016-2026) – although it is worth noting there is currently no formal structure for child protection or child welfare services.²⁷⁵ The Child Desk is a critical part of the National Child Protection Working Group comprised of representatives from government, CSOs, UN Agencies and NGOs across multiple sectors.</p> <p>Outside of Government Agencies, there are also traditional systems which are preferred by communities and considered fairer and effective in communities.²⁷⁶ This kastom system operates informally in every village and town, with a central idea that the chief(s) of a community are responsible for managing the vast majority of disputes. There is a strong emphasis on restoring relationships, often to the detriment of the immediate victim, and there is reluctance to intervene in interfamilial issues, such as sexual abuse and violence, as intervening may be perceived to cause discord.²⁷⁷ Kastom is endorsed in written Ni-Vanuatu law. It is recognised as a source of law, and Parliament is permitted to identify rules of kastom and allow those with kastom knowledge to sit with judges in Court.²⁷⁸ The National Council of Chiefs is also recognised in the Constitution.²⁷⁹ The Penal Code²⁸⁰ and the Criminal Procedure Code²⁸¹ allow for judicial consideration of customary compensation, reparation or reconciliation in sentencing.²⁸² This has occurred in several recent cases of sexual offences including offences against children.²⁸³ In some cases young girls have been offered by perpetrators to victims as replacement for lost lives, but the Supreme Court ruled in 2010 that this practice was 'akin to child trafficking and violates both women's and children's rights.'²⁸⁴</p> |
|---------------------|--|

273 [Family Protection Act](#) (2008)
 274 Ministry of Justice and Community Services. [National Disability Inclusive Development Policy 2018-2025](#)
 275 [Vanuatu Child Protection Policy 2016-2026](#)
 276 ECPAT International, 2014. [National Child Protection Systems in the East Asia and Pacific Region: A Review and Analysis of Mappings and Assessments](#)
 277 Victoria University of Wellington, 2004. [Beyond Case Law: Kastom and Courts in Vanuatu](#)
 278 [Constitution of Vanuatu](#) (1980)
 279 [National Council of Chiefs Act](#) (2006)
 280 [Penal Code](#)
 281 [Criminal Procedure Code](#) (1981)
 282 Vanuatu Law Commission, 2014. [Sexual Offences and Customary Reconciliation](#)
 283 See [Nakamura v Dalley](#) [2018] VUSC 134; [Matrimonial Case 04 of 2013](#); [Public Prosecutor v Samson Tasso](#) (2019) VUSC 16 Criminal Case 3371 of 2018; [Public Prosecutor v Philip](#) [2019] VUSC 15; [Criminal Case 3196 of 2018](#).
 284 Criminal Case no. 39 of 2010. [Public Prosecutor v Nalin Nawia](#)

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE

| Service Name | Description | Coverage | Contact |
|--|---|---|---|
| Law Enforcement Agencies (to report cases to) | | | |
| Vanuatu Police Family Protection Unit | Family violence and child protection unit | National | Emergency 1111 Kumul Highway, Port Vila T 22222 |
| Statutory Protection Agencies/Unit (to report abuse to) | | | |
| Ministry of Justice and Community Services | Responsible for implementing the NCPP through the Child Desk. Also operates the Gender and Protection Cluster. Primarily a policy and implementation body. | Port Vila | T +678 33615 E eeemil@vanuatu.gov.vu |
| Local Health and Medical Services (to refer cases to) | | | |
| Vanuatu Women's Centre | Counselling and support to women and children at risk of domestic violence, including legal aid, referrals, human rights, legal and policy advocacy, community education and research | National | T 24000 24 Hour Crisis Line T 25764 E vwnc@vanuatu.com.vu Rue d'Anjou, Nambatu, Port Vila |
| <p>Counselling Centres</p> <p>Sanma Counselling Centre T 36157 or 7771128</p> <p>Torba Counselling Centre T 7793459 or 7102422</p> <p>Penama Counselling Centre T 25764</p> <p>Malampa Counselling Centre T 7799165</p> <p>Tafea Counselling Centre T 88660 or 7101869</p> | | | |
| Vanuatu Family Health Association | Sexual and reproductive health | Port Vila, Santo, and a roaming mobile clinic | A Leeman House, 2 Emile Mercet Street, Port Vila T 22140 E vfha@vanuatu.com.vu |

| Support Agencies (to refer cases to) | | | |
|---|---|-------------------------|--|
| Vanuatu Women's Centre | Counselling and support to women and children at risk of domestic violence, including legal aid, referrals, human rights, legal and policy advocacy, community education and research | Port Vila | T 25764 or 24000 E vwnc@vanuatu.com.vu Rue d'Anjou, Nambatu, Port Vila See counselling centre contacts above. |
| The Vanuatu Family Health Association (VFHA) | Local non-governmental organisation involved with family planning | Port Vila, Santo | T 22140 or 36129 E vfha@vanuatu.com.vu Leeman House, 2 Emile Mercet Street, Port Vila |
| Ombudsman | Receives human rights abuses carried out by state bodies. | National | T 27200 E ombudsman@vanuatu.gov.vu |
| Key Advocacy Services, Networks, and Agencies | | | |
| Gender and Protection Cluster, Ministry of Justice & Community Services Department of Women's Affairs | Gender Based Violence advocacy to Government and the communities | National | Director, Rothina Ilo Noka E rinoka@vanuatu.gov.vu |
| Vanuatu Teacher's Union Women's Network | Lobby women and children's rights | Port Vila Luganville | T 23679 or 26903 T 37877 |
| Australian Federal Police and Embassy or Consular (if any person involved is an Australian National) | | | |
| Australian Federal Police | Report Child Offences by Australians | | T (+61) 2 6131 3000 After Hours (+61) 2 6126 7777 Online Reporting Form: https://forms.afp.gov.au/online_forms/cst_form |
| Australian High Commission in Vanuatu | Consular Assistance | National | T 22777 (24 Hours) Winston Churchill Avenue, Port Vila |





AUSTRALIAN
COUNCIL
FOR
INTERNATIONAL
DEVELOPMENT



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