

# Are family protection orders helping to prevent domestic and family violence in the Pacific region?



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21 March 2023

First introduced in high-income countries, restraining or protection orders aim to prevent further domestic and family violence by imposing civil court orders, that if breached result in a criminal penalty. Although the evidence suggests some caveats about the effectiveness of such orders, overall they constitute an important option for survivors, and for many perpetrators or “respondents” to the orders, they do act as a warning and deter further abuse and violence.

**Surveys indicate** that the countries in the Pacific region have some of the highest rates of domestic and family violence in the world. To address this, countries have progressively introduced family protection legislation from 2008 onwards, which provides the basis for a protection order regime.

Each country’s legislation varies, but they have aspects in common. First, they all include short or immediate orders, and longer term orders, that require a civil burden of proof (on the balance of probabilities), and can be tailored to meet the circumstances of the applicants. Second, they have an emphasis on family and collective safety, which is reflected in the name of the legislation, for example “Family Protection Act”, “Family Safety Act” and “Family Peace Act”.

Where they differ is in relation to the names given to orders, and who can issue the orders. Orders are typically issued by the courts, but in some countries the police can also issue police safety orders or notices (Tonga, Cook Islands and Solomon Islands), and in some places there are authorised or prescribed persons who can issue short-term orders (Vanuatu and Solomon Islands).

Although 14 countries in the Pacific region have the legislation, to date there has been very little research or public debate about how well the aims of the original legislation have been achieved, and whether family protection orders are being

issued and are contributing to the prevention of domestic and family violence. With this in mind, a [symposium on family protection orders](#) was held by the Australian National University and the Pacific Community (SPC) in December 2021, which brought together a wide range of perspectives. It included speakers who contributed a specific country or a regional perspective, with 10 Pacific countries represented. The speakers and panels comprised a diverse range of agencies and individuals who work to address domestic and family violence in the region, including lawyers, judicial officers, academics, police officers, government officials, and representatives from specialist domestic and family violence services, regional bodies and aid projects.

The picture that emerged is one of relatively slow progress in implementation, coupled with a sense of cautious optimism that it is worth continuing to invest in embedding protection order regimes across the region.

Although a lot of work has already been done by government departments and service providers to ensure that systems and processes are in place, a common theme across the presentations was the challenges associated with implementation. Widespread implementation has to occur in contexts where justice systems are under-resourced and key personnel may not have the knowledge, capacity and skills to carry out their responsibilities under the legislation. In particular, several presentations referred to limited or poor policing and enforcement, with police criticised for taking too long to serve orders (or not serving them at all), and not taking action when an order is breached. Unhelpful attitudes towards domestic and family violence among court officials, as well as police, was seen as contributing to inertia and impeding the success of family protection order systems.

Barriers that hamper implementation of protection orders related to awareness, attitudes and accessibility. Legislation is ineffective if citizens do not know it exists, or how it can assist them. Educating the public, as well as relevant service providers, about family protection orders and how they work was a common theme. Linked to this, several presenters stressed that to address domestic violence there was the need to challenge ingrained views about men and women, relationships, and issues of power.

Rural and remote areas, where the majority of populations live, were consistently referred to as more likely to be at a disadvantage, not least because they are less likely to have access to and awareness of orders. Mention was made of no services in some places, or prohibitive costs of transport to access a service or court. The efficacy of legislative provisions that seek to enable the issuing of orders in rural areas through, for example, village courts in Papua New Guinea and “authorised persons” in Vanuatu, was not discussed at length. However, discussions about

accessibility did include the use of phone and email to issue orders rather than applying in person. These were used in some cases during the COVID-19 pandemic but also have a place during non-crisis times. Lastly on accessibility, several presenters highlighted that there is a need to ensure that different groups in society have equal access, including people with disability and the LGBTQI+ community.

From the presentations, it was very apparent that various non-government organisations or centres act as important advocates for individual survivors, and contribute to creating systems that work effectively. In most countries, it is civil society groups that are taking the lead on advocacy and support services for survivors. [Research in PNG](#) demonstrated that women with access to a specialist domestic and family violence support service have a greater chance of getting a family protection order, and of obtaining a longer term order. In most Pacific countries, government support for victim support services is lacking.

What was promising or positive from the symposium included regional leadership, with a regional working group now in place to improve implementation of the legislation. Also, courts across the region are contributing data on their work, including four countries' courts reporting on family protection order numbers in their annual reports. In terms of future directions, it was exciting to have an overview of perpetrator re-education, and an argument for a Pacific approach to changing men's attitudes and behaviour. There was also evidence of impact, with research in PNG showing most women who had an order felt safer.

Our conclusion after the symposium was that, while they are not perfect, family protection orders do provide an important option for survivors of domestic and family violence who seek protection and reparation through Pacific justice systems, and that this government-sanctioned response requires continued investment and should not be undervalued.

*Read the [report from the “Symposium on family protection orders in the Pacific region”](#), or listen to the [audio recordings](#).*

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