



Awareness Advisory: Harmful Digital and Online Offenses in Vanuatu

The Department of Communications and Digital Transformation (DCDT) issues this advisory concerning harmful online content on all social media platforms in Vanuatu. It emphasizes the importance of public awareness about the laws and potential legal actions related to harmful digital communication, including offenses such as abuse, threats, misinformation, and misleading content.

This advisory covers online and social media offenses under Vanuatu laws, including the Harmful Digital Communications Act, the Penal Code, and the Cybercrime Act. It aims to raise awareness about harmful content, threats, and legal penalties for unlawful digital actions.

Purpose

Vanuatu's Harmful Digital Communications Act, effective from 2 January 2025, broadens digital communication to include email, phone calls, social media posts and comments, texts, web chat, blogs, podcasts, videos, and other electronic messages. It also defines harm as serious emotional distress.

The Act complements the Penal Code and Cybercrime Act, which already criminalize threats, abuse, fraud, obscene publications, child sexual abused material (CSAM), incitement, and computer offenses. These laws mean conduct on Facebook, WhatsApp, TikTok, Messenger, email, websites, or other platforms can result in civil orders, criminal charges, fines, imprisonment, or both.

Harmful content

Under the Harmful Digital Communications Act, digital communication must not disclose sensitive personal facts, be abusive, threatening, intimidating, menacing, indecent, obscene, harassing, false, misleading, or breach confidence. It must also not encourage targeting, suicide, or denigration based on color, race, ethnicity, nationality, political affiliation, religion, gender, sexual orientation, or disability.

Common harmful online behaviours may include:

- Posting humiliating or abusive comments intended to upset or shame someone;
- Sharing false allegations or rumours about another person;
- Publishing private or confidential information without permission;
- Threatening, intimidating, or repeatedly harassing a person through messages or posts; and
- Sharing obscene material or child sexual abuse material, which can also trigger serious offenses under the Penal Code and Cybercrime Act.

Key offences

Law	Offence	What the offence covers	Penalty or consequence
Harmful Digital Communications Act	Non-compliance with court order	Failing without reasonable excuse to comply with an order to remove content, stop conduct, publish a correction, allow a reply, or publish an apology.	Individual: fine up to VT500,000, imprisonment up to 6 months, or both; body corporate: fine up to VT1,000,000.
Harmful Digital Communications Act	Causing harm by posting digital communication	Posting a digital communication with intent to cause harm, where the post causes harm to the victim.	Individual: fine up to VT500,000, imprisonment up to 2 years, or both; body corporate: fine up to VT1,000,000.
Harmful Digital Communications Act	Posting intimate visual recording without consent	Posting an intimate image or recording without consent, or being reckless about consent. ^[1] A child under 16 cannot consent to such posting.	Individual: fine up to VT500,000, imprisonment up to 2 years, or both; body corporate: fine up to VT1,000,000.

Penal Code [Cap 135]	Threats to kill person	Making threats to kill is a criminal offence under the Penal Code and may apply whether the threat is delivered offline or through digital means where the act occurs within Vanuatu's jurisdiction.	Criminal liability under the Penal Code.
Penal Code [Cap 135]	Criminal defamation	Publishing material that unlawfully damages a person's reputation may amount to criminal defamation.	Criminal liability under the Penal Code
Penal Code [Cap 135]	Abusive or threatening language	Using abusive or threatening language may constitute an offence, including when communicated online.	Criminal liability under the Penal Code.
Penal Code [Cap 135]	Obscene publications	Publishing obscene material is an offence.	Criminal liability under the Penal Code
Penal Code [Cap 135]	Possession or publishing child pornography	Possessing child pornography or publishing child pornography is an offence.	Criminal liability under the Penal Code.
Penal Code [Cap 135]	False or misleading statements / deception	Online scams, fake investment offers, or deceptive requests for money may also fall within offences such as obtaining money by deception or false or misleading statements.	Criminal liability under the Penal Code. ^[3]

Cybercrime Act No. 22 of 2021	Computer-related offences	The Cybercrime Act criminalizes unauthorized actions committed on and through computer systems and provides sanctions for computer-related crimes.	Criminal liability under the Cybercrime Act.
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Practical warning signs

Citizens should be cautious of the following social media threats and harmful content risks:

- Fake accounts impersonating a person, official, business, or public authority;
- Threatening posts, voice notes, or direct messages intended to frighten or silence someone;
- Viral false accusations, fabricated screenshots, or edited media designed to damage reputation;
- Non-consensual sharing of intimate images or videos;
- Scam messages, phishing links, and deceptive requests for money or account details; and
- Child sexual abuse material, exploitative content, or obscene material shared online.

Public guidance

Citizens should be cautious before posting, forwarding, or commenting online, as digital actions can lead to legal consequences under various laws. Even a joke, retaliation, or gossip might result in complaints, court orders, investigations, or criminal charges if it causes emotional harm, contains threats, spreads falsehoods, breaches privacy, or involves obscene or exploitative material.

Good practice includes:

- Do not post or share harmful, threatening, false, obscene, or humiliating content
- Do not share intimate images without clear and lawful consent;
- Do not forward suspicious links, scam messages, or requests for money without verification;
- Keep evidence such as screenshots, message history, account names, dates, and website links (URLs) if abuse occurs; and

- Report serious threats, scams, child sexual abuse material, or other unlawful content to police or the relevant authority as quickly as possible.

Reporting and accountability

Online behaviour is not consequence-free simply because it occurs on a phone or social media platform. Vanuatu's legal framework now makes clear that harmful communication, online threats, intimate image abuse, fraud, obscene publication, and computer-enabled offending can all lead to investigation and penalty.

REPORT TO:

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