

Public Prosecutor

-v-

Martha Robson

SENTENCE

This was a 17 year old girl, I am told totally innocent at the time of the ways of the world, who got herself pregnant after an association with a boy, who upon learning that she was pregnant, disowned her. She was too scared to bring herself to tell her parents about her pregnancy. She carried the baby to full term, without her parents ever discovering that she was pregnant, gave birth to a son and killed him immediately following her delivery of the baby. This is not an unheard of situation in Vanuatu, though mercifully it is rare. I wholeheartedly support the view that there should be more efforts put into providing some form of sexual education in schools and also to the public at large, so that parents could be taught to be more supportive of a child who unfortunately gets herself pregnant. I believe that the Vanuatu Council of Churches should play a more active role in villages, in letting it be known that those young girls who find themselves in the unfortunate position not to be able to talk to their parents, can come to the churches and discuss the matter with church leaders, particularly the nuns in Vanuatu, who I am sure would give such girls their full support.

This community is such, that children, however conceived are always welcome, if not in the immediate family, certainly by others. There are so many people who desperately want children, that they would always be prepared to adopt an unwanted child. Experience has taught me time and again that in Vanuatu, although the pregnant girl may fear to tell her family and does not disclose her pregnancy, that in practice once the parents discover that their child is in fact pregnant, they are fully supportive of her and do bring up the baby within the family quite happily thereafter.

The killing of a child in Vanuatu, born or unborn, is a crime. We are a sufficiently civilised society to be different from other countries that treat the killing of unborn children as a natural thing, to the extent that in some countries it has become a mode of contraception. I am proud of the fact that we do not adhere to this belief and practice. I do not believe that unfortunate incidents such as this, call for us to advocate for abortion laws to be brought in. We are a nation founded on the belief in God and a Christian nation that believe in the sanctity of life, at whatever stage the life may be. May it always be so. This court passes no moral judgement on those unfortunate enough to adhere to the belief in abortions and passes no judgement on those who have for whatever reasons, subjected themselves to abortions, it merely makes the perfectly legal observation that our laws prevent the taking of innocent

human life at whatever stage it may be and expresses the strong desire that it should always remain so.

Incidents such as the present case are extremely rare here. This is a case which is almost four years old and the fact that this young woman now comes before the court after so long a time, is through no fault of her own. She is plainly extremely remorseful for what she has done. She is now fully mature and realises fully the horror of her act and deeply regrets what she has done. She will have to live with the killing of her own child for ever on her conscience. I do believe that as she grows older the full impact of what she has done will weigh heavier on her.

She pleads guilty before this court and I bear in mind everything said by her learned counsel on her behalf. In the exceptional circumstances of this case, I do not propose to pass a sentence of imprisonment on her. I propose to discharge the defendant under section 42 of the P.C. Act for a period of 3 years upon the following conditions:

That every Monday, Wednesday and Friday, between the hours of 5.15 pm and 7.15 pm she attends at \_\_\_\_\_, and there assists in the tasks set out for her, and that she continues to do so for a period of 6 months from today, until 22 December 1995.

I also order that her name shall not be disclosed and that every care must be taken in any reporting of this case as may occur, to ensure that her identity is not disclosed to the general public.

By Order of this Court dated this 22nd day of June 1995.

*Charles Vandin d'Imecourt*  
CHARLES VANDIN d'IMECOURT  
Chief Justice

