

REPUBLIC OF VANUATU

BILL FOR THE HARMFUL DIGITAL COMMUNICATIONS (AMENDMENT) ACT NO. OF 2025

Explanatory Note

This Bill amends the Harmful Digital Communications Act No. 14 of 2024 (“the Act”).

Vanuatu is undergoing significant digital transformation, and as the internet becomes increasingly central to communication, commerce and governance, there is the urgent need for updated regulatory measures.

The Act must be empowered with provisions to address emerging digital threats such as deepfakes, abuse of personal data online, and accessing and sharing of illegitimate and harmful content like pornography. This is a growing concern over online harm, particularly among vulnerable groups such as girls, women and youth.

This amendment will address the online harm concern by preventing access, disclosure and distribution of pornographic content, and to prevent exposure of minors to pornographic content.

This amendment will also address the online harm concern of people using fake IDs to cause harm.

Prime Minister



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An Act to amend the Harmful Digital Communications Act No. 14 of 2024.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Harmful Digital Communications Act No. 14 of 2024 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF HARMFUL DIGITAL COMMUNICATIONS ACT NO. 14 OF 2024

1 Section 1 - Interpretation

Insert in their correct alphabetical positions:

“**digital impersonation** means the act of fraudulently assuming or misrepresenting the digital identity of another person, group, or entity, without consent, and using electronic means with the intent to deceive, harm, defraud, or manipulate others;

fake ID means any document or means of identification that:

- (a) is not issued by or under the authority of a governmental entity (such as a state, national, or international government, or an authorized agency); or
- (b) has been altered, forged, counterfeited, or otherwise modified after issuance for the purpose of deception, or fraud; or
- (c) establishes a false identity by presenting information (such as name, date of birth, photograph, or other identifying details) that is not true or does not belong to the person presenting it;

internet service provider means an entity or company that provides individuals, businesses, and organisations with access to the internet and related services such as email, web hosting and digital storage;

minor means a person under the age of 16 years;

online content administrator means an individual, group or entity responsible for creating, managing, overseeing, maintaining and regulating user-generated digital content on online platforms and digital systems;

pornographic content means any material, regardless of medium (print, digital, audio, video, animation) that is produced, distributed, or possessed with the intent to cause sexual arousal and that depicts sexual acts, nudity, or lewd behaviour and includes the following materials:

- (a) photographs, films, and videos; and

- (b) written stories or descriptions; and
- (c) audio recordings; and
- (d) computer-generated images or animations (including AI-generated content); and
- (e) online content (websites, social media, forums, etc.);

social media platform means any online service, site, or application that enables users to create and share content or to connect with other users for social or professional networking. These platforms facilitate the creation and exchange of user-generated content, communication, and interaction among individuals or groups, often on a large scale;”

2 After paragraph 2(2)(a)

Insert

- “(aa) disclose pornographic content;
- (ab) allow access to pornographic content;
- (ac) allow for the distribution of pornographic content;
- (ab) expose a minor to pornographic content;”

3 At the end of section 2

Add

- (3) In addition to subsection (2), a person must not create or use a fake ID to perform a digital communication.”

4 After subsection 11(2)

Insert

- “(2A) The Magistrates Court may, on an application, make an order against an internet service provider to restrict access to a pornographic website.
- (2B) The Magistrates Court may, on an application, make all or any of the following orders against an online content administrator or social media platform:

- (a) to ban access to pornographic contents;
- (b) to ban the use of fake IDs.”

5 Paragraph 11(4)(a)

Delete “subsection (1) or (2)”, substitute “subsection (1), (2), (2A) or (2B)”

6 After section 15

Insert

“15A Causing harm by creating or distributing or posting pornographic content

If a person creates or distributes or posts pornographic content, the person commits an offence punishable on conviction:

- (a) in the case of an individual – to a fine not exceeding VT2,000,000 or by imprisonment to a term not exceeding 3 years, or to both; or
- (b) in the case of a body corporate – to a fine not exceeding VT5,000,000.

15B Exposing a minor to pornographic content

If a person exposes a minor to a pornographic content, the person commits an offence punishable on conviction:

- (a) in the case of an individual – to a fine not exceeding VT2,000,000 or by imprisonment to a term not exceeding 3 years, or to both; or
- (b) in the case of a body corporate – to a fine not exceeding VT5,000,000.

15C Causing harm by creating and using fake ID

A person who intentionally or without lawful excuse creates and uses a fake ID to cause harm or creates and uses a fake ID to digitally impersonate a person to cause harm, commits an offence punishable on conviction:

- (a) in the case of an individual – to a fine not exceeding VT2,000,000 or by imprisonment to a term not exceeding 3 years, or to both; or
- (b) in the case of a body corporate – to a fine not exceeding VT5,000,000.”