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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 ***

Vanuatu

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

* Late submission.
GE.08-

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

| <i>Core universal human rights treaties²</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|---|--|---|---|
| ICCPR | 21 November 2008 | None | Inter-State complaints (article 41): No |
| CEDAW | 8 September 1995 | None | - |
| OP-CEDAW | 17 May 2007 | - | Inquiry procedure (articles 8 and 9): Yes |
| CRC | 7 July 1993 | - | - |
| OP-CRC-AC | 26 September 2007 | Binding declaration under article 3: 18 years | - |
| OP-CRC-SC | 17 May 2007 | | - |
| <i>Core treaties to which Vanuatu is not a party: ICERD, ICESCR, OP-ICESCR³, ICCPR-OP 1, ICCPR-OP 2, CAT, OP-CAT, ICRMW, CRPD (signature only, 2007), CRPD-OP, and CED (signature only, 2007).</i> | | | |
| <i>Other main relevant international instruments</i> | | <i>Ratification, accession or succession</i> | |
| Convention on the Prevention and Punishment of the Crime of Genocide | | No | |
| Rome Statute of the International Criminal Court | | No | |
| Palermo Protocol ⁴ | | No | |
| Refugees and stateless persons ⁵ | | No | |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶ | | Yes, except Additional Protocol III | |
| ILO fundamental conventions ⁷ | | Yes, except Convention No. 138 | |
| UNESCO Convention against Discrimination in Education | | No | |

1. In 2007, the Committee on the Elimination of Discrimination Against Women (CEDAW) encouraged Vanuatu to consider ratifying ICESCR, ICERD, CAT, OP-CAT, and ICRMW.⁸ It also encouraged ratification of ICCPR, which Vanuatu subsequently ratified in 2008.

2. While noting that it is not party to the Conventions and protocols relating to the status of refugees and stateless persons,⁹ the Office of the United Nations High Commissioner for Refugees (UNHCR) stated that Vanuatu respects the principle of *non-refoulement* as a peremptory norm of customary international law. The Common Country Assessment (CCA) and UNHCR called for Vanuatu to accede to the 1951 Convention relating to the Status of Refugees. UNHCR called for accession to the 1967 Protocol and for introduction of a domestic regulatory framework to deal with the small, but significant, number of asylum-seekers and refugees.¹⁰

3. UNHCR noted Vanuatu's active involvement in a variety of regional mechanisms, including the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Pacific Immigration Directors' Conference, and the Pacific Islands Forum.¹¹

B. Constitutional and legislative framework

4. In 2007 CEDAW expressed concern that the Convention had not yet been fully incorporated into domestic legislation and urged Vanuatu to do so without delay. It was deeply concerned that according to Vanuatu's Constitution, cultural and religious norms, some of which have an adverse impact on women's enjoyment of their human rights, have equal status with

legal norms. It urged the Government to clarify the primacy of the principle of equality of women and the prohibition of discrimination over customary law, and to sensitize the judiciary, lawyers and prosecutors to the provisions of the Convention and its Optional Protocol,¹² as well as legislators on the need to achieve de jure and de facto equality for women.¹³ The 2003-2007 United Nations Development Assistance Framework (UNDAF) report and the CCA¹⁴ noted that some leaders are prone to considering human rights ideas as contradictory to traditional principles and beliefs. This has a particularly profound impact on the way the rights of women and children are interpreted.¹⁵

5. Similarly, in 1999, the Committee on the Rights of the Child expressed concern that domestic legislation and customary law do not fully reflect the principles and provisions of the Convention, recommending a review of domestic legislation to ensure full conformity.¹⁶ It called for further efforts to ensure that the general principles of the Convention are integrated in all legal revisions, judicial and administrative decisions and programmes and services which have an impact on children.¹⁷ It recommended that Vanuatu consider enacting a comprehensive children's code.¹⁸

C. Institutional and human rights infrastructure

6. UNDAF noted serious shortcomings in accountability at political and administrative levels. Most of the necessary institutional structures are in place but many have become ineffective because of a lack of resources or political interference in staff appointments and daily operations. As of 20 February 2009, Vanuatu does not have a national human rights institution (NHRI) accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.¹⁹

7. The CCA noted that political changes have led to frequent changes in policy directions, disruptions in government services and a general lack of application of good governance principles. Corruption and nepotism is also commonplace, with the Ombudsman's Office required to investigate the activities of many of the political elite. A Comprehensive Reform Programme (CRP) was developed in 1997 to restore the separation of powers, which the Constitution had created, and to ensure that institutions of governance developed the powers and capabilities necessary to fulfill their intended roles. However, with the continuing changes in government, there has been only limited impact on accountability, transparency or understanding of these issues within Parliament. Other measures have been adopted to enhance the independence and effectiveness of the judiciary, such as the Judicial Institutional Strengthening Project, the Auditor-General's Office and the Ombudsman's Office.²⁰ But the CCA noted that there are insufficient legal provisions for prosecution of those implicated for government abuses under the Ombudsman Act of 1998.²¹

8. Concerned that Vanuatu's Department of Women's Affairs does not have the institutional authority, capacity and resources to effectively promote implementation of the Convention,²² CEDAW recommended that it be expeditiously strengthened with the necessary authority and adequate resources.²³

D. Policy measures

9. UNDAF noted that the importance of human rights, including the need for a consultative and participatory approach to development, was acknowledged in the CRP process.

10. CEDAW welcomed the attention paid to women with disabilities in the national disability policy and its endorsement of the Biwako Millennium Framework for Action Towards an Inclusive Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific during the Decade of Disabled Persons, 2003-2012. It commended Vanuatu on establishment of the National Disability Committee.²⁴

11. CRC noted that Vanuatu has elaborated a National Programme of Action for Children and encouraged all appropriate measures for its implementation.²⁵

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

| <i>Treaty body²⁶</i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---------------------------------|---|---------------------------------------|---------------------------|--|
| HR Committee | - | - | - | Initial report due in 2010 |
| CEDAW | 2005 | May 2007 | - | Combined fourth and fifth report due in 2012 |
| CRC | 1997 | October 1999 | - | Second report overdue since 2000 |
| OP-CRC- AC | - | - | - | Initial report due in 2009 |
| OP-CRC- SC | - | - | - | Initial report due in 2009 |

2. Cooperation with special procedures

| | |
|--|--|
| <i>Standing invitation issued</i> | No |
| <i>Latest visits or mission reports</i> | N/A |
| <i>Visits agreed upon in principle</i> | N/A |
| <i>Visits requested and not yet agreed upon</i> | N/A |
| <i>Facilitation/cooperation during missions</i> | |
| <i>Follow-up to visits</i> | N/A |
| <i>Responses to letters of allegations and urgent appeals</i> | There were no communications sent during the period under review. |
| <i>Responses to questionnaires on thematic issues²⁷</i> | Vanuatu responded to none of the 13 questionnaires sent by special procedures mandate holders during the period under review ²⁸ within the deadlines. |

3. Cooperation with the Office of the High Commissioner for Human Rights

12. OHCHR conducts its activities in Vanuatu largely through its regional office in Suva, Fiji, established in 2005.²⁹ In November 2005, OHCHR organized several events in Vanuatu, such as a series of advocacy activities on Human Rights Day to encourage ratification of the Convention against Torture. Consultations with NGOs were also organized to encourage greater engagement in human rights activities.³⁰ In 2007, OHCHR organized, in partnership with United Nations agencies, a sub-regional workshop in Vanuatu on implementing the concluding comments of CEDAW, attended by representatives of government and civil society, including women from the Cook Islands, Fiji, Vanuatu and Samoa. OHCHR published, with other United Nations

agencies, a compilation of concluding comments and observations on international human rights instruments to which Pacific island countries, including Vanuatu, are party.³¹

13. The Office supported regional initiatives aimed at reinforcing national protection systems, including through the Pacific Islands Forum and the Asia-Pacific Forum of National Human Rights Institutions and provided support to governments and civil society in the region on the establishment of national human rights institutions.³²

B. Implementation of international human rights obligations

1. Equality and non-discrimination

14. The 2003-2007 UNDAF noted that there continue to be factors that impinge on the promotion of equal opportunity. It is clear that while some women have achieved success in the public and private sectors, there remain many cultural and social constraints to gender equality in the family, employment and decision-making. Rural women carry heavy physical and child-rearing workloads. The report noted that Vanuatu must follow up its ratification of CEDAW and CRC with implementation.³³

15. In 2007 CEDAW requested Vanuatu to complete without delay its legislative reform to ensure that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention.³⁴ It was concerned about 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 women and men in all spheres of life. Such customs and practices, it noted, are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making, and in marriage and family relations, and the persistence of violence against women.³⁵ CEDAW requested Vanuatu to view its specific culture as a dynamic aspect of the country's life and social fabric and therefore subject to change. It urged Vanuatu to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, including awareness raising and working with the media.³⁶

16. The 2002 CCA noted that a growing and significant number of households are headed by women, but certain jobs as well as access to property, land, skills and other economic resources are in effect only open to men. Many social obstacles limit adequate recognition of women's unpaid work and their indispensable contribution to society.³⁷ While noting with satisfaction the provision for temporary special measures in the Constitution, CEDAW was concerned about Vanuatu's lack of clarity of the purpose of such measures and their limited use.³⁸ It recommended drawing up a concrete plan for the application of temporary special measures in various areas, particularly in education and participation in political and public decision-making, with concrete goals, such as quotas and timetables.³⁹

17. While noting efforts to identify and amend discriminatory legal provisions, CEDAW was concerned, particularly, about the delay in the revision of the Citizenship Act⁴⁰ and requested its amendment without delay to bring it into compliance with article 9 of the Convention.⁴¹ It was concerned that a man married to a ni-Vanuatu woman is not entitled to citizenship, whereas a woman married to a ni-Vanuatu man is. It was also concerned that a man applying for citizenship after 10 years of residence can include his wife and children in his application, whereas a woman cannot.⁴² Furthermore, a 2007 United Nations Development Programme (UNDP) and United Nations Development Fund for Women (UNIFEM) report noted that while a woman who

renounces her citizenship after marriage to a non-national can only regain citizenship in her country of origin upon evidence of the breakdown of her marriage, the provision does not apply to men.⁴³

18. CEDAW urged Vanuatu to complete its law reform in the area of family law within a specific time frame, and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution.

2. Right to life, liberty and security of the person

19. CEDAW expressed concern about the prevalence of violence against women and girls, including cultural practices that constitute, or perpetuate, such violence.⁴⁴ A 2006 UNFPA report noted that many cases of domestic violence that are initially reported to the police are later withdrawn, sometimes because chiefs intervene.⁴⁵ CEDAW was especially concerned about the use of customary methods of punishment (*kastom faen*) in cases of rape, which may act as a substitute for the punishment of offenders provided for in the law or lessen their punishment.⁴⁶ The UNDP and UNIFEM report also noted that domestic violence offences have not been incorporated into criminal law, in non-compliance with CEDAW.⁴⁷

20. CEDAW urged Vanuatu to give priority attention to combating violence against women and to adopt comprehensive measures to address it. It requested the State to raise public awareness that all forms of violence against women, including domestic violence, constitute discrimination under the Convention and are unacceptable; and to enact legislation as soon as possible to ensure all such violence, including sexual abuse and sexual harassment, constitutes a criminal offence. Vanuatu should ensure that victims have access to immediate and effective means of redress and protection and that perpetrators are prosecuted and punished.

21. CEDAW recommended that legal aid be made available to all victims of violence, particularly in rural/remote areas. It recommended training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, to ensure that they are sensitized to all forms of violence against women.⁴⁸ The UNFPA report noted that a “no drop” policy, which requires that all cases that come to the attention of the police must be taken forward even if the complaint is dropped by the victim, has yet to be adopted.⁴⁹

22. Similarly, CRC recommended that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and that sanctions be applied to perpetrators. Measures should be taken to ensure provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, and the prevention of criminalization and stigmatization of victims.⁵⁰ The 2007 UNDP and UNIFEM report also noted that, in non-compliance with CEDAW, incest is an offence for a girl aged 15 years or above attracting a penalty of seven years. Criminalising all parties to an incestuous sexual encounter is contrary to CEDAW and may dissuade a victim from reporting it for fear of being charged with an offence.⁵¹ Moreover, protection from sexual harassment is absent under the criminal code of Vanuatu.⁵²

23. While corporal punishment is prohibited by law in schools, CRC remained concerned that traditional societal attitudes encourage its use within the family, in schools, in care and juvenile justice systems and in general. It recommended reinforcing measures to raise awareness of the negative effects of such punishment, and the provision of counselling and other

programmes for parents, teachers and professionals working in institutions to encourage use of such alternatives. It strongly recommended that measures be taken to ensure full and effective implementation of the ban on corporal punishment in schools.⁵³ CRC noted the Ombudsman's efforts to facilitate this ban and to promote greater awareness of the Convention among the police.⁵⁴

24. Given the limited access to secondary education and the resulting early employment of children, CRC suggested that Vanuatu undertake a survey on child labour and economic exploitation, particularly in the informal sector.⁵⁵

3. Administration of justice and the rule of law

25. CEDAW recommended that Vanuatu undertake targeted awareness-raising measures to ensure that customary or "island" courts, the use of which is prevalent particularly in rural and remote areas, are familiar with the concept of equality in the Convention so that their rulings are not discriminatory against women, especially with regard to land ownership and inheritance, and to ensure that decisions of customary courts can be appealed in the formal legal system.⁵⁶ Concerned that women's access to justice is, in practice, limited,⁵⁷ CEDAW requested Vanuatu to enhance access to justice and to the courts, including by raising women's awareness of their rights.

26. The CCA stated that the police force is weak, many court cases are overdue, there is a lack of appropriate laws to protect women and children, and inadequate staff within the Public Prosecutor's and Public Solicitor's Offices. The capacity, neutrality and independence of the judiciary needs further enhancement. Abuse of power and of public offices continues, as well as the manipulation of the laws designed to prevent such behaviour.⁵⁸

27. CRC expressed concern about the low minimum age for criminal responsibility (10 years) and recommended reviewing the legislation to bring it into full conformity with the Convention.⁵⁹ Concerned about problems with respect to the judiciary, including the juvenile justice process, CRC recommended that Vanuatu undertake measures to reform the system of juvenile justice in the spirit of the Convention and of other United Nations standards in this field; and introduce training programmes on relevant international standards for all professionals involved.⁶⁰

4. Right to marriage and family life

28. CEDAW was concerned about discriminatory provisions in the customary law governing marriage and family relations, permitting polygamy and the practice of *kastom*, and with regard to land and inheritance.⁶¹

29. CEDAW and CRC expressed concern that the law provides for different ages of marriage for women and men - 16 years for women and 18 for men.⁶² CEDAW urged Vanuatu to raise the minimum age to 18 years for women.⁶³

5. The right to participate in public and political life

30. CEDAW was concerned about underrepresentation of women at all levels of political and public life, particularly in Parliament, the judiciary, the diplomatic service and appointed decision-making bodies in education and administration, such as the Teachers' Services Commission.⁶⁴ A 2008 United Nations Statistics Division source indicated that the proportion of

seats held by women in the national parliament was 3.8 per cent in that year.⁶⁵ CEDAW requested Vanuatu to strengthen and implement measures to increase the number of women in elected and appointed office. It called for the use of temporary special measures to accelerate women's full and equal participation, particularly at high levels of decision-making. It also recommended that steps be taken to make the 30 per cent quota for women in parliamentary elections recommended by the Electoral Commission of Vanuatu, a requirement for all political parties. It further recommended conducting training programmes on leadership and negotiation skills for current and future women leaders, and awareness-raising activities on the importance of women's participation in decision-making for society as a whole.⁶⁶

6. Right to work and to just and favourable conditions of work

31. UNDAF noted the lack of employment or income-generating opportunities for a significant section of the community in Vanuatu. People living in rural areas are often most affected, and with the large numbers of people gravitating to urban areas seeking employment, many are finding it difficult to secure access to a sustainable livelihood.⁶⁷ Limited employment opportunities in urban areas, particularly among youth, have led to an increase in social problems such as theft, domestic violence and alcohol abuse. There is also a pressing need to address the disparities in income-earning opportunities between men and women and between urban and rural areas.⁶⁸

32. CEDAW expressed concern at the discrimination faced by women in employment, as reflected in the wage gap and occupational segregation. It was also concerned about the differential treatment of women working in the public and private sectors,⁶⁹ and requested Vanuatu to ensure equal opportunities in the labour market, and that legal provisions apply to both sectors, especially regarding maternity leave.⁷⁰ While noting the expansion in membership of the National Provident Fund, CEDAW was concerned that many women have limited or no access to the insurance benefits provided by the Fund⁷¹ and recommended expansion of access, including by extending membership to additional categories of workers, such as domestic workers, informal or casual workers and non-wage workers.⁷²

7. Right to social security and to an adequate standard of living

33. UNDAF stated that Vanuatu has been accorded United Nations Least Developed Country status since 1995.⁷³ A 2007 UNDP report ranks Vanuatu 120 on the Global Human Development Index, with adult literacy estimated at 74 per cent.⁷⁴ A 2008 United Nations Statistics Division source indicated that the proportion of undernourished population in 2002 was 12 per cent.⁷⁵

34. UNDAF noted growing concern over the number of people facing a poverty of opportunity in rural areas and the vulnerable groups living in or near the urban centres of Vanuatu. Political instability and weaknesses in governance institutions has hampered sustainable economic development and the implementation of sound resource management policies, regulations and decisions. In many instances the urban elite have been the major beneficiaries of economic progress. There is a pressing need to address disparities in the delivery of and access to quality basic social services. With increased migration from rural to urban areas, the unemployed poor and squatter settlements of urban areas are facing problems of inadequate housing, poor infrastructure and a lack of access to adequate water and sanitation services.⁷⁶ The report noted the inability of many people to gain adequate access to quality basic health and education services, particularly those living in isolated rural areas and vulnerable groups living

within or on the fringes of urban areas.⁷⁷

35. In the same vein, CEDAW expressed concern about the difficult situation of women in rural/remote areas, including access to health care, education and literacy programmes, and income-generation opportunities,⁷⁸ recommending special attention for such women, particularly with regard to the above-mentioned issues, and in access to training opportunities, credit facilities and markets. It invited Vanuatu to use the successful example of existing microfinance programmes to give women enhanced access to savings and income-generation projects.⁷⁹

36. The CCA noted that access to good health care is the major national issue for children, closely followed by access to good quality education. The poorest services for children are in rural areas, where they are more vulnerable and susceptible to diseases due to inadequate health facilities, relative poverty and generally poor knowledge on how to raise a healthy child.⁸⁰

37. CRC was concerned that the survival and development of children within Vanuatu continued to be threatened by malaria, acute respiratory infections and diarrhoeal diseases. Concerned about the insufficient number of trained health workers, wide discrepancies in the distribution of health professionals between communities, limited access to health services in some island communities, poor sanitation and limited access to safe drinking water, particularly in remote areas, CRC recommended allocation of appropriate resources and comprehensive policies and programmes to improve children's health and facilitate access to primary health services.⁸¹

38. The CCA cited a survey showing that sanitation problems in urban areas include water pollution through human waste and inadequate disposal of household rubbish. There are inadequate sanitation facilities in the hastily erected and overcrowded squatter settlements. In some areas, up to twenty families share the communal standpipes, making the potential for the transmission of communicable diseases very high.⁸² CRC also recommended taking additional measures to increase access to safe drinking water and to improve sanitation.⁸³

39. CRC recommended that Vanuatu continue its efforts to reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; and prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children.⁸⁴

40. With regard to adolescent health policies, CRC recommended increasing efforts, particularly with respect to accidents, suicide, violence, alcohol consumption and tobacco use. It also recommended allocating adequate resources to develop youth-friendly counselling, care and rehabilitation facilities.⁸⁵ CEDAW and CRC expressed concerns about the high rate of teenage pregnancies, and that existing sex education programmes are insufficient.⁸⁶ CEDAW requested Vanuatu to strengthen measures to prevent teenage pregnancies and sexually transmitted infections by increasing awareness, providing comprehensive, youth-friendly sexual and reproductive health services, confidence-building programmes and age-appropriate sex education for girls and boys as part of the education curricula.⁸⁷ A 2005 report of the Joint United Nations Programme on HIV/AIDS (UNAIDS) noted that in Port Vila some 6 per cent of pregnant women have been found to be infected with gonorrhoea, 13 per cent with syphilis and more than 20 per cent with chlamydia.⁸⁸ Vanuatu was urged by CRC to strengthen reproductive health education programmes for adolescents and to ensure the inclusion of men in training programmes on reproductive health.⁸⁹ CEDAW further urged Vanuatu to take concrete measures to enhance all aspects of health care for women, including sexual and reproductive health services.⁹⁰

41. While noting with appreciation the activities of the Vanuatu Society of Disabled Persons, CRC remained concerned that insufficient efforts have been made to protect the rights of disabled children. It recommended allocating the necessary resources for programmes and facilities for children with disabilities, to develop early identification programmes to prevent disabilities, establish special education programmes for children with disabilities and further encourage their integration into the educational system and their inclusion in society.⁹¹

8. Right to education and to participate in the cultural life of the community

42. The CCA noted that the development of education has been hampered by the multiplicity of languages (80 to 100 vernaculars, two official languages and one national language, Bislama) and the dual language system (English and French) inherited from the colonial Condominium and which imposes severe cost penalties.⁹² CRC was concerned that efforts have not been made to introduce local languages into the education curricula and recommended that Vanuatu improve access to education at all levels, increasing enrolment of girls, introducing local languages as additional tools of instruction, and improving its overall quality.⁹³

43. Noting the importance of the role of traditional education, particularly in remote island communities, CRC was concerned about the limited access to education, low literacy rate, poor quality of education, general lack of relevant learning material and other resources, and insufficient numbers of trained/qualified teachers.⁹⁴ Appreciating Vanuatu's achievement of parity in primary education, and its commitment to achieve, by 2015, access for all children to free and compulsory primary education of good quality, CEDAW was concerned at the high levels of adult women's illiteracy, and girls' high drop-out rates.⁹⁵ CEDAW and CRC expressed concern about the low level of enrolment of girls in secondary and higher levels of education, CEDAW was also concerned by the marked difference in the quality of and access to education in urban and rural/remote areas, including the lack of sufficient boarding facilities for girls.⁹⁶ CRC and CEDAW recommended raising awareness of the importance of education, as a fundamental human right and as a basis for the empowerment of girls and women,⁹⁷ and to influence cultural attitudes positively in this regard.⁹⁸ CEDAW recommended that Vanuatu enhance implementation of its national action plan for education for all.⁹⁹

44. CEDAW recommended expansion of the use of temporary special measures, including incentives to parents, especially in rural/remote areas, and scholarships to girl students. It requested a comprehensive curricula review and introduction of gender-sensitive curricula and teaching methods that address the structural and cultural causes of discrimination against women. It also encouraged Vanuatu to increase the number of female teachers, especially in rural/remote areas, and to take further measures to improve adult literacy.¹⁰⁰

45. A 2008 UNESCO publication reported a net enrolment of only 38 per cent of children in secondary school in Vanuatu.¹⁰¹ The CCA noted that children dropping out of school were left without sufficient livelihood or vocational training.¹⁰² Local communities, church groups, individuals and NGOs offer limited opportunities for learning life skills through non-formal education, but there is a lack of adequate and satisfactory provision of other educational services, leaving school leavers with neither employable nor other skills for survival in the modern sector. Further, the modern school system has distanced them from the way of life of their parents, and the children have not had the opportunity to acquire the values and skills for survival in the traditional village situation.¹⁰³

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

46. In 1999, CRC noted the efforts to improve the general situation of health, in particular infant mortality and under-five mortality rates had declined rapidly, immunization coverage had improved, and a food and nutrition programme had resulted in a reduction in malnutrition.¹⁰⁴

47. In 2007 CEDAW commended Vanuatu for meeting one of its targets under goal 3 (eliminating gender disparity in primary education) of the Millennium Development Goals.¹⁰⁵ It also commended Vanuatu on its microfinance programmes and schemes targeting disadvantaged women.¹⁰⁶

48. The 2002 CCA noted numerous situations in Vanuatu where people cannot exercise fundamental human rights, either because they are unaware of them or because the Government has not recognized them.¹⁰⁷ There remains much to be done to strengthen the key institutions of governance, promote community participation in the decision-making processes and a rights-based approach to development.¹⁰⁸

49. CRC acknowledged that the socio-economic, geographic and political difficulties facing Vanuatu have impeded full implementation of the Convention, particularly regarding children in its dispersed island communities, some of which are very difficult to reach.

50. CRC also acknowledged the vulnerability of Vanuatu to natural disasters such as cyclones, typhoons, tidal waves and flooding, and the challenges faced in this regard.¹⁰⁹ The CCA noted that Vanuatu's natural environment is under threat from natural disasters, unsustainable development and climate change and that on average, one damaging cyclone passes through its waters every year and periodic larger events cause extensive damage. On the worst affected islands they render thousands homeless by damaging houses, schools and public buildings, flooding gardens, destroying most commercial and subsistence crops, and wrecking many small coastal vessels on which fishing and local transport depend.¹¹⁰ A 2007 UNDP report noted that Vanuatu is highly vulnerable to climate disasters and annual damages are estimated at 2–7 per cent of GDP.¹¹¹

51. Soil erosion has been a problem in small islands, such as on Aneityum Island, and has worsened in recent years from a combination of continued logging and the extensive and uncontrolled use of fire to clear vegetation for gardens. Landslides caused by heavy rainfall and earthquakes are also worrying.¹¹² Most communities face hazards due to environmental degradation, caused by unregulated natural resource extraction and pollution of their land and water resources by logging and mining operations. The socio-economic impact is multiplied by the high degree of vulnerability due to the small size of the country, the remoteness of some communities, lack of infrastructure and fragility of island environments, degradation of traditional coping mechanisms, high population growth and low human development indicators.¹¹³

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

52. Recommendations are reflected in the relevant sections above.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

53. In 1999, CRC recommended that Vanuatu seek technical assistance from various United Nations bodies with regard to enactment of a comprehensive children's code;¹¹⁴ implementation of the National Programme of Action for Children;¹¹⁵ sensitizing civil society about children's rights;¹¹⁶ recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence;¹¹⁷ improving primary health care;¹¹⁸ training of persons working with and for children with disabilities;¹¹⁹ access to education;¹²⁰ and juvenile justice.¹²¹

54. CEDAW invited Vanuatu to work in collaboration with civil society and seek the support of the international community to accelerate compliance with all provisions of article 10 (regarding education) of the Convention.¹²²

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to Convention on the Rights of Persons with Disabilities |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance |

³ Adopted by the General Assembly in its resolution 63/117, in which it recommended that a signing ceremony be organized in 2009. Article 17, para 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked

Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ CEDAW/C/VUT/CO/3, para 43. See also the Common Country Assessment 2002 for Vanuatu, p. 28, available at http://www.undg.org/archive_docs/6166-Vanuatu.pdf (accessed on 16 December 2008).

⁹ UNHCR submission to the UPR on Vanuatu, p. 1.

¹⁰ Ibid., p. 2.

¹¹ Ibid., p. 1.

¹² CEDAW/C/VUT/CO/3, para 11.

¹³ Ibid., para 13.

¹⁴ Common Country Assessment 2002 for Vanuatu, p. 54.

¹⁵ UNDAF for Vanuatu, United Nations Development Assistance Framework (UNDAF) Vanuatu 2003-2007, 2002, Suva Fiji, p. 10, available at http://www.undg.org/archive_docs/1550-Vanuatu_UNDAF_-_Vanuatu_2003-2007.doc (accessed on 16 December 2008).

¹⁶ CRC/C/15/Add.111, para 7.

¹⁷ Ibid., para. 14.

¹⁸ Ibid., para 7.

¹⁹ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex 1.

²⁰ Common Country Assessment 2002 for Vanuatu, p. 24.

²¹ Ibid.

²² CEDAW/C/VUT/CO/3, para 18.

²³ Ibid., para 19.

²⁴ Ibid., para 8.

²⁵ CRC/C/15/Add.111, para. 9.

²⁶ The following abbreviations have been used for this document:

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|--------------|--|
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC | Committee on the Rights of the Child |

²⁷ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

²⁸ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of

migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (m) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007.

²⁹ Office of the United Nations High Commissioner for Human Rights (OHCHR) annual report, 2006, p. 68.

³⁰ OHCHR annual report, 2005, p. 157.

³¹ OHCHR annual report, 2007, p.92.

³² Ibid.

³³ UNDAF for Vanuatu, United Nations Development Assistance Framework (UNDAF) Vanuatu 2003-2007, 2002, Suva Fiji, p. 10.

³⁴ CEDAW/C/VUT/CO/3, para 13.

³⁵ Ibid., para 22.

³⁶ Ibid., para 23.

³⁷ Common Country Assessment 2002 for Vanuatu, p. 28.

³⁸ CEDAW/C/VUT/CO/3, para 20.

³⁹ Ibid., para 21.

⁴⁰ Ibid., para 12.

⁴¹ Ibid., para 29.

⁴² Ibid., para 28.

⁴³ UNIFEM and UNDP, Translating CEDAW Into Law, CEDAW Legislative Compliance in Nine Pacific Island Countries 2007, Suva, Fiji, 2006, p. 394.

⁴⁴ CEDAW/C/VUT/CO/3, para 24.

⁴⁵ UNFPA, Adolescent and Adolescent Sexual and Reproductive Health Situation Analysis for Vanuatu, A Review of Literature and Projects 1995 – 2005, Suva, 2006, p. 45, available at <http://pacific.unfpa.org/pubs/ASRH%20Vanuatu.pdf> (accessed on 27 January 2009).

⁴⁶ CEDAW/C/VUT/CO/3, para 24.

⁴⁷ UNIFEM and UNDP, Translating CEDAW Into Law, CEDAW Legislative Compliance in Nine Pacific Island Countries 2007, Suva, Fiji, 2006, p.393.

- ⁴⁸ CEDAW/C/VUT/CO/3, para 25.
- ⁴⁹ UNFPA, Adolescent and Adolescent Sexual and Reproductive Health Situation Analysis for Vanuatu, A Review of Literature and Projects 1995 – 2005, Suva, 2006, p. 45.
- ⁵⁰ CRC/C/15/Add.111, para. 17.
- ⁵¹ UNIFEM and UNDP, Translating CEDAW Into Law, CEDAW Legislative Compliance in Nine Pacific Island Countries 2007, Suva, Fiji, 2006, p.392.
- ⁵² Ibid., p.395.
- ⁵³ CRC/C/15/Add.111, para. 16.
- ⁵⁴ Ibid., para. 3.
- ⁵⁵ Ibid., para. 22.
- ⁵⁶ CEDAW/C/VUT/CO/3, para 39.
- ⁵⁷ Ibid., para 38.
- ⁵⁸ Common Country Assessment 2002 for Vanuatu, p. 24.
- ⁵⁹ CRC/C/15/Add.111, para 13.
- ⁶⁰ Ibid., para. 23.
- ⁶¹ CEDAW/C/VUT/CO/3, para 38.
- ⁶² Ibid., para 40 and CRC/C/15/Add.111, para 13.
- ⁶³ CEDAW/C/VUT/CO/3, para 41.
- ⁶⁴ Ibid., para 26.
- ⁶⁵ United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg/Data.aspx> (accessed on 15 December 2008).
- ⁶⁶ CEDAW/C/VUT/CO/3, para 27.
- ⁶⁷ UNDAF for Vanuatu, United Nations Development Assistance Framework (UNDAF) Vanuatu 2003-2007, 2002, Suva Fiji, p. 11.
- ⁶⁸ Ibid., p. 1.
- ⁶⁹ CEDAW/C/VUT/CO/3, para 32.
- ⁷⁰ Ibid., para 33.
- ⁷¹ Ibid., para 32.
- ⁷² Ibid., para 33.
- ⁷³ UNDAF for Vanuatu, United Nations Development Assistance Framework (UNDAF) Vanuatu 2003-2007, 2002, Suva Fiji, p. 6.
- ⁷⁴ UNDP, Human Development Report 2007/2008, New York, 2007, p. 271, available at http://hdr.undp.org/en/media/HDR_20072008_EN_Complete.pdf (accessed on 28 January 2009).
- ⁷⁵ United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg/Data.aspx> (accessed on 15 December 2008).
- ⁷⁶ UNDAF for Vanuatu, United Nations Development Assistance Framework (UNDAF) Vanuatu 2003-2007, 2002, Suva Fiji, p. 1.
- ⁷⁷ Ibid., p. 11.
- ⁷⁸ CEDAW/C/VUT/CO/3, para 36.
- ⁷⁹ Ibid., para 37.
- ⁸⁰ Common Country Assessment 2002 for Vanuatu, p. 30.

⁸¹ CRC/C/15/Add.111, para. 18.

⁸² Common Country Assessment 2002 for Vanuatu, pp. 40-41.

⁸³ CRC/C/15/Add.111, para. 18.

⁸⁴ Ibid.

⁸⁵ Ibid., para. 20.

⁸⁶ CEDAW/C/VUT/CO/3, para 34.

⁸⁷ Ibid., para 35.

⁸⁸ UNAIDS, Aids Epidemic Update 2005, Geneva, 2005, p. 75, available at http://www.unaids.org/epi/2005/doc/EPIupdate2005_pdf_en/epi-update2005_en.pdf (accessed on 15 December 2008)

⁸⁹ CRC/C/15/Add.111, para. 20.

⁹⁰ CEDAW/C/VUT/CO/3, para 35.

⁹¹ CRC/C/15/Add.111, para. 19.

⁹² Common Country Assessment 2002 for Vanuatu, p. 41.

⁹³ CRC/C/15/Add.111, para. 21.

⁹⁴ Ibid.

⁹⁵ CEDAW/C/VUT/CO/3, para 30.

⁹⁶ Ibid.

⁹⁷ Ibid., para 31.

⁹⁸ CRC/C/15/Add.111, para. 21.

⁹⁹ CEDAW/C/VUT/CO/3, para 31.

¹⁰⁰ Ibid.

¹⁰¹ UNESCO Institute for Statistics, Global Education Digest 2008, p.85, available at http://www.uis.unesco.org/template/pdf/ged/2008/GED%202008_EN.pdf (accessed on 31 January 2009)

¹⁰² Common Country Assessment 2002 for Vanuatu, p. 30.

¹⁰³ Ibid., p. 42.

¹⁰⁴ CRC/C/15/Add.111, para. 18.

¹⁰⁵ CEDAW/C/VUT/CO/3, para 6.

¹⁰⁶ Ibid., para 7.

¹⁰⁷ Common Country Assessment 2002 for Vanuatu, p. 27.

¹⁰⁸ Ibid., p. 2.

¹⁰⁹ CRC/C/15/Add.111, para. 6.

¹¹⁰ Common Country Assessment 2002 for Vanuatu, pp 46 and 47.

¹¹¹ UNDP, Human Development Report 2007/2008, New York, 2007/2008, p. 101.

¹¹² Common Country Assessment 2002 for Vanuatu, p. 46.

¹¹³ Ibid., p. 48.

¹¹⁴ CRC/C/15/Add.111, para 7.

¹¹⁵ Ibid., para. 9.

¹¹⁶ Ibid., para. 12.

¹¹⁷ Ibid., para. 17.

¹¹⁸ Ibid., para. 18.

¹¹⁹ Ibid., para. 19.

¹²⁰ Ibid., para. 21.

¹²¹ Ibid., para. 23.

¹²² CEDAW/C/VUT/CO/3, para 31.
