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resolution 16/21**

Vanuatu

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICCPR (2008)	CAT (2011)	ICERD
	CEDAW (1995)	CRPD (2008)	ICESCR
	CRC (1993)		ICCPR-OP 2
	OP-CRC-AC (2007)		OP-CAT
	OP-CRC-SC (2007)		ICRMW
	CPRD (signature only, 2007)		CPED
	CPED (signature only, 2007)		(signature only, 2007)
<i>Reservations, declarations and/or understandings</i>			OP-CRC-AC (Binding declaration, art.3.2)
<i>Complaint procedures, inquiry and urgent action³</i>	OP-CEDAW, art. 8 (2007)		ICERD, art.14
	CAT, art. 20 (2011)		OP-ICESCR
	CPED (signature only, 2007)		ICCPR, art. 41
			ICCPR-OP 1
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW
			OP-CRPD
			CPED (signature only, 2007)

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁴ ILO fundamental conventions except No. 138 ⁵	Rome Statute of the International Criminal Court (2011)	Convention on the Prevention and Punishment of the Crime of Genocide Palermo Protocol ⁶ Conventions on refugees and stateless persons ⁷ ILO Convention No. 138 ⁸ ILO Conventions Nos. 169 and 189 ⁹ Additional Protocol III to the 1949 Geneva Conventions ¹⁰ UNESCO Convention against Discrimination in Education

1. The United Nations Joint Presences (UNJP) in their submission highlighted that the Republic of Vanuatu was the first Pacific country to ratify the Convention against Torture (CAT) in July 2011.¹¹

2. The Office of the United Nations High Commissioner for Refugee (UNCHR) recommended that Vanuatu accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol¹² and the 1954 and 1961 Conventions on stateless persons.¹³ UNESCO encouraged Vanuatu to ratify the Convention against Discrimination in Education.¹⁴

B. Constitutional and legislative framework

3. UNJP reported that UN Women had been working with the Government and civil society organizations on the Women Human Rights publication to look at CEDAW legislative compliance. The document was in the process of being finalized to assist the Government to work on implementation.¹⁵

4. According to UNJP, CRC was being incorporated into existing national legislation. The Government had begun the process of enacting a comprehensive Children's Law,¹⁶ with the support of UNICEF Pacific.¹⁷ Additionally, UNICEF had compiled a Child Protection Baseline Research Report (CPBR) in partnership with the Government, which contained recommendations, including developing a comprehensive Young Offenders Act, child-friendly investigative and court processes and a comprehensive family law; and establishing a child welfare and child protection system.¹⁸

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) proposed that Vanuatu be encouraged to enshrine the right to education in the Constitution¹⁹ and to take legal measures to make education compulsory and free of charge for all.²⁰

C. Institutional and human rights infrastructure and policy measures

6. UNJP stated that in February 2013 Vanuatu established an overarching National Human Rights Committee with a view to giving this Committee the responsibility for oversight of the development of a national human rights institution (NHRI).²¹

7. UNJP reported that both the office of the Attorney General, who was responsible for drafting legislation, and the Vanuatu Law Commission which recommended reforms, including upon referral by the Attorney General, were extremely understaffed. The backlog for legislative drafting work was significant. Most of the necessary institutional structures were in place, but political changes affected the availability of resources and the implementation of activities.²²

8. UNJP noted that Vanuatu's Department of Women's Affairs had the institutional authority to effectively promote implementation of CRC and CEDAW, although they were challenged by capacity, resources and Vanuatu's patriarchal and customary structures.²³

9. UNJP observed that the National Women's Development and Gender Policy was currently being developed by the Department of Women's Affairs.²⁴ The National Children's Policy 2007-2011 underwent a review in 2012/2013. The review was currently with the Government for endorsement.²⁵

10. UNJP referred to the continued lack of capacity and political will to address issues in a coordinated and cross-sectoral manner and to focus on implementation of policies and programmes. A number of key Ministries or departments lacked the capacity for research, policy analysis and legislative review, impeding responsive policy advice.²⁶ However, UNJP indicated that, since the Comprehensive Reform Programme, Vanuatu moved into the development of long-term strategic planning and published their Priorities & Action Agenda (2006-2015), which was reviewed in 2010.²⁷

II. Cooperation with human rights mechanisms

11. UNJP noted that, while Vanuatu had ratified seven of the eight core ILO conventions, implementation of ratified conventions, and reporting on progress therein, remained a major challenge. For example, Vanuatu had not submitted any regular reports to the ILO on progress on implementation of ratified conventions and there were several capacity constraints in that regard.²⁸

A. Cooperation with treaty bodies²⁹

Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
HR Committee	–	–	–	Initial report overdue since 2010.
CEDAW	May 2007	–	–	Fourth and fifth reports overdue since 2012.

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CAT	–	–	–	Initial report overdue since 2012.
CRC	Sept. 1999	–	–	Second to fourth reports overdue since 2000, 2005 and 2010, respectively. Initial OP-CRC-AC and OP-CRC-SC reports overdue since 2009.
CRPD	–	–	–	Initial report overdue since 2010.

12. According to UNJP, the combined reports for CRC and CEDAW were drafted and awaiting Government endorsement.³⁰

B. Cooperation with special procedures³¹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	Yes
<i>Visits undertaken</i>	N/A	N/A
<i>Visits agreed to in principle</i>	N/A	N/A
<i>Visits requested</i>	N/A	Foreign debt (request in 2009, reminder in 2010)
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review one communication was sent. The Government did not reply to this communication.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

13. The OHCHR Regional Office for the Pacific was established in 2005 and is located in Suva, Fiji, covering the 16 Pacific Island Forum countries including Vanuatu.³² In September 2011, OHCHR, together with the Asia-Pacific Forum of National Human Rights Institutions (APF) and the Pacific Islands Forum Secretariat (PIFS), carried out an assessment mission on the establishment of a national human rights institution in Vanuatu and has been actively following up on the resulting recommendations with the Government.³³ In March 2013, OHCHR, the Secretariat of the Pacific Community's Regional Resource Team (SPC/RRRT) and the PIFS organized a workshop in Vanuatu on the UPR process, and how Vanuatu can prepare for the second round of reporting to the UPR. The workshop facilitated sessions for the Government and NGOs and supported the inter-ministerial Human Rights Committee to set up a work plan for the next 12 months to support implementation of the universal periodic review (UPR) recommendations and human rights instruments as well as the reporting obligations. Through the support of OHCHR, an "External Inspection Team" with government and non-government

representation, was established with a responsibility for monitoring prison conditions, and with its members trained by OHCHR on relevant international human rights standards. OHCHR is supporting the placement of a United Nations Volunteer (UNV) with the Ministry of Justice and Community Services to assist in the implementation and reporting of the UPR and CAT and to support the External Inspection Team.³⁴

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

14. UNJP referred to reported factors continuing to impinge on the promotion of equal opportunity. Vanuatu was a society in transition, with the coexistence of traditional and so called “modern” lifestyles, which placed a particular burden on women who were expected both to maintain their traditional roles and enter the formal economy in larger numbers. Women were struggling to achieve full equality in all aspects of social and political life, participate in decision-making at all levels, and claim their rights including the right to live free from violence.³⁵

15. UNJP also referred to the 2010 Gender Monograph, which noted that a significant number of households were headed by women, and that more women were now employed in the cash economy and the labour force, although women’s employment rates were lower than men’s in both urban and rural settings. It also noted that women were speaking out and calling for both Government and society at large to be accountable to meet commitments and were beginning to take a stand on issues that had been considered the domain of males, a developing situation more evident in urban areas.³⁶

16. UNJP stated that there had been little progress in revising the Citizenship Act in terms of which a non-national man married to a ni-Vanuatu woman was not entitled to citizenship, while a non-national woman married to a ni-Vanuatu man was. The Citizenship Act allowed a woman who renounced her citizenship after marriage to a non-national to regain citizenship in her country of origin upon evidence of the breakdown of her marriage, but the provision did not apply to men.³⁷

17. UNHCR recommended that Vanuatu: continue to take steps to ensure that births of all children are registered, by developing and implementing a national strategic plan for the improvement of Vanuatu’s Civil Registration and Vital Statistics’ regime which ensures that asylum seekers, refugees and persons at risk of statelessness have their births registered.³⁸

18. UNHCR pointed out that, according to official data from the Civil Registry of Vanuatu, birth registration coverage in the country was 75 per cent. However, a concern remained over the low rate of birth registration for children under 5, which currently reached 40 per cent.³⁹ It commended Vanuatu for piloting a mobile birth registration system in 2010, which resulted in registration of close to 17,000 children in Tafea Province, or 87 per cent of all children 0-18 years. The process of birth registration was simplified by allowing information about a newborn baby to be entered into a pre-programmed mobile phone, which sent the data to a specific Civil Registry database. Further, the Civil Registry conducted awareness sessions on the importance of birth registration in different communities in Luganville followed by the registration campaign of children, free of charge.⁴⁰

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

19. UNJP observed that Vanuatu suffered from high rates of gender-based violence, especially intimate partner violence. Only a small number of cases made it to court and in general, women faced difficulty in accessing justice and support services.⁴¹

20. UNJP reported that Vanuatu Women's Centre was the main agency providing legal support, counselling and temporary accommodation. A systematic study of domestic violence undertaken by Vanuatu Women's Centre, indicated that high rates of violence were perpetrated by current or former husband/partner; emotional violence (68 per cent); physical violence (51 per cent); sexual violence (44 per cent); physical and/or sexual violence (60 per cent). UNJP explained that, under the Family Protection Act of 2008, courts could issue Family Protection Orders to constrain the behaviour of perpetrators for up to two years.⁴²

21. UNJP stated that the passing of the Family Protection Act (2008) was a milestone, which made domestic violence a crime, established mechanisms for protection of women in rural and remote areas and excluded the payment of bride price as grounds for defence in domestic violence cases.⁴³ UNJP observed that the Department of Women's Affairs was piloting the implementation of the Family Protection Act in South Santo and on Malekula.⁴⁴

22. UNJP noted that the Police Academy had provided training in the handling of domestic violence and sexual assault cases. The Police Department had a "no drop" policy on reported domestic violence cases. If the victim later wished to withdraw her complaint, she must go to court to request it be dropped. However, "kastom" fines (the traditional act of passing judgment and appeasing parties involved, often entailing the exchange of mats and local food items) did act as mitigating factors for cases going to court. There was a need for more training on elimination of violence against women to be provided to the Police Department.⁴⁵

23. UNJP reported that Vanuatu had one of the highest rates of incest amongst girls aged 15 years in the region and this continued to be a concern. In certain communities marriage between second cousins was traditionally acceptable. There were concerted efforts amongst government and its partners alike in ensuring legislation, and other frameworks were in place to protect and respond to cases of domestic violence, ill-treatment and abuse of children, including sexual abuse within the family. Measures were on-going to respond and ensure provision of support services to women and children in legal proceedings and the prevention of criminalization and stigmatization of victims.⁴⁶

24. UNJP observed that the Government had established Family Protection Units in all provincial police headquarters. The Family Protection Unit with the Vanuatu Police Department dealt with cases of non-sexual abuse of children and cases of domestic violence including sexual violence. There was no specialized police unit for child victims.⁴⁷ However, the Family Protection Unit in the Port Vila Police Station did provide support to survivors of abuse and sexual crimes. An opportunity existed for this Unit to develop strategies to institute a special procedure for dealing with domestic or sexual violence and special procedures for child survivors and to extend the reach of the unit outside of Port Vila.⁴⁸

25. According to UNJP, the Ministries of Justice and of Education and its partners were working closely towards putting systems in place to raise awareness of the negative effects of corporal punishment, the provision of counselling and other programmes for parents, teachers and professionals working in institutions to encourage use of other alternatives to corporal punishment. Work was ongoing in strengthening traditional protection measures to compliment the formal structures.⁴⁹

C. Administration of justice and the rule of law

26. UNJP reported that the police force remained weak and that third countries were giving support for strengthening the functionality of the force. There was a backlog of court cases overdue, and inadequate staff within the Public Prosecutor's and Public Solicitor's Offices. The capacity, neutrality and independence of the judiciary needed further enhancement.⁵⁰

27. UNJP stated that it was not easy for women to claim their rights as the legal system generally failed to enforce the constitutional provision guaranteeing equal status between men and women and the island courts adopted decisions based on customary laws and practices, which were often discriminatory against women. Customary rules in the context of land ownership were often used to deny women or their direct descendants the sharing of land resources equally with those who were descendants of the male lineage. UNJP reported that in May 2013, the Malvatumauri National Council of Chiefs (MNCC) organised a workshop on Gender and Land resulting in the Council endorsing a Declaration on Gender and Land. The Declaration recognized that the fundamental principles of the Universal Declaration of Human Rights (UDHR) and CEDAW were part of custom. Part of the declaration was for the MNCC to strengthen customary practices that promoted the value of gender equality and land issues and to work together with organizations to promote, address and protect gender and land in the areas of access, ownership and active participation in decision making processes.⁵¹

28. UNJP stated that there was continued concern at the low minimum age for criminal responsibility (10 years) and at the age at which children could be taken into custody (16 years). There was a lack of services for victims, and especially for women and children. The proposed Children's Act and a review of the penal code as recommended in the Child Protection baseline study would begin in August 2013. With respect to the judiciary, including the juvenile justice process, Vanuatu had undertaken measures to reform the system of juvenile justice in accordance with CRC and other related United Nations standards, and introduced training programmes for police officers and judiciary.⁵²

29. According to UNJP, the 2011 UN Common Country Assessment (CCA) noted that there had been improvements in political stability, rule of law, and control of corruption, aspects of public financial management (PFM), and aspects of financial accountability, although Parliament had changed over once already since the 2012 elections, creating once again concerns about political stability.⁵³

30. UNJP also noted that the low use of information, the weakness of accountability and performance measurement, and the difficulties of collaboration and coordination and management of increasing cross-sectoral initiatives in the public sector continued to pose governance challenges.⁵⁴

D. Right to marriage and family life

31. UNJP highlighted that 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 were expected to be addressed by a comprehensive family law. There was continued concern that the law provided for different ages of marriage - 16 years for women and 18 years for men.⁵⁵

E. Freedom of expression and right to participate in public and political life

32. In 2010, the Special Rapporteurs on the right to freedom of opinion and expression and on the situation of human rights defenders sent a joint communication regarding allegations of threats of reprisals against a witness, as well as her family, to the killing of a prisoner, who had escaped from the prison of Port Vila, by Vanuatu Mobile Forces (VMF) officers inside the Cook barracks located in the Anabrou neighborhood in Port-Vila. Concerns were expressed that alleged acts of intimidation and harassment against the witness and her family might be in reprisal for her testimony. Further concerns were expressed for the physical and psychological integrity of the witness and her family.⁵⁶

33. UNESCO encouraged Vanuatu to: introduce a freedom of information law in accordance with international standards;⁵⁷ and decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.⁵⁸ It also noted that the media self-regulation mechanism did not exist in Vanuatu⁵⁹ and recommended its development.⁶⁰

34. UNJP noted that the draft women in government policy outlined specific measures to be taken to increase the political participation of women, including research, education (political literacy) of candidates and voters, and affirmative action, and there was a commitment to gender-mainstreaming as a strategy of the whole of government.⁶¹ Over the past four years, UN Women had been supporting the Government in women's political participation through its Gender Equality in Political Governance project.⁶² UNJP indicated that in May 2013, the Council of Ministers endorsed a policy paper to amend the Decentralization and Municipalities Acts to introduce temporary special measures for a quota of 30–34 per cent reserved seats for women in all Municipal Government Councils for a period of four terms or 16 years.⁶³

35. UNJP indicated that UNDP had supported the Government, in partnership with international NGOs such as the Centre for Democratic Institutions, in facilitating induction programmes for newly elected Members of Parliament, to prepare and empower MPs in their new role.⁶⁴

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

36. UNJP referred to the concern raised by CEDAW at the discrimination faced by women in employment, as reflected in the wage gap and occupational segregation, as a continuing issue.⁶⁵ Efforts to empower women economically through training and micro finance opportunities were continuing and had been expanded to women in rural and remote areas.⁶⁶

37. UNJP noted that Vanuatu did not have a system for aligning the minimum wage with rises in the cost of living. This had led to a situation where many employees could be accurately described as 'working poor', with serious implications for the welfare of their extended dependents. While Vanuatu had well developed representative organisations of both workers and employers and a generally co-operative tripartite consultative process, the benefits of collective bargaining were out of reach of most employees in the private sector. This was characterized by a large number of small businesses and a high rate of informal sector employment. Gaps in the existing industrial relations framework and weaknesses in legal enforcement of the minimum wage, in compliance with National Provident Fund obligations, and in the process of minimum wage setting were all issues that must be addressed.⁶⁷

38. UNJP reported on the establishment of a tripartite labour advisory council, convened by the Government and attended by representatives of workers and employers creating a forum for partnership amongst the three, with the support of the International Labour Organization (ILO). ILO had worked closely with the Vanuatu National Youth Council in developing a Youth Employment Strategy.⁶⁸

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

39. UNJP reported that socio-economic disparities, geographic and political difficulties facing Vanuatu had impeded full implementation of some of the human rights conventions to which Vanuatu was a party, particularly regarding children and women in its dispersed island communities, some of which were very difficult to reach.⁶⁹

40. According to UNJP, the Government was clearly committed to improving the delivery of social services: a third of the recurrent budget was allocated to health (11 per cent) and education (21 per cent) alone, and development partner support to those fields was substantial. A large number of policies and strategies guided its work in those areas.⁷⁰

41. UNJP noted that a Child Poverty and Disparity study for Vanuatu, undertaken by UNICEF Pacific in collaboration with the National Statistics Office,⁷¹ showed that children experienced three times more deprivation in rural than urban areas; however, food deprivation was significantly worse in urban areas.⁷²

42. UNJP explained that, in Vanuatu, a distinction must be made between rural and urban poverty. The rural majority, which had traditionally enjoyed “subsistence affluence”, suffered a “poverty of opportunity” - a lack of access to services (education, health, regular water supply, transport, communications, and energy) and increasingly a lack of income-earning opportunities, as Vanuatu entered the cash economy, which were driving rapid urbanization. The rapidly growing urban population, especially in densely populated squatter settlements in the urban areas of Port Vila and Luganville, living in rented sub-standard accommodation, was increasingly experiencing real income poverty, with families unable to meet basic nutrition, shelter, education and health needs. This situation was exacerbated by the effects of the global economic crisis and rising food prices, with families cutting back on amounts and types of food consumed, removing children from secondary school and experiencing increased protection and domestic violence issues.⁷³

43. UNJP reported that the proportion of households using an improved drinking water source had increased steadily to reach 81 per cent in 2009, slightly short of the MDG target of 85 per cent. The situation with respect to sanitation was of much greater concern, as about a third of the population did not have access to an improved source of sanitation and only 30 per cent of households disposed of children’s faeces safely.⁷⁴

H. Right to health

44. UNJP indicated that progress in addressing under-five and infant mortality had been stagnating in the last decade. More than 80 per cent of the under five deaths occurred in the first year. There were also considerable disparities between provinces with an under-five mortality rate of less than 20 per 1000 live births in urban Shefa, and 35 per 1000 in rural Tafea and that might be due largely to reporting challenges in these areas. Considerable disparities also existed for immunization, with full immunization coverage ranging from 32 to 82 per cent in different provinces although recent efforts including a Supplementary Immunization Activity in May 2013 should see those figures improve.⁷⁵

45. UNJP reported that pregnancy outcomes had improved as a result of improved antenatal care (84 per cent with at least one visit), the higher proportion of births attended by skilled birth attendants (80 per cent), increased rates of deliveries taking place in health facilities (80 per cent), better referral mechanisms to access emergency obstetric care and better access to primary health care. While there was improved contraceptive prevalence (now at 38 per cent), both the total fertility rate and the adolescent birth rate were still high.⁷⁶

46. UNJP further reported that the number of positive cases of HIV was low (5 reported since 2011), but it might be higher because of low levels of testing (only 10 per cent among the most at risk adolescents from the urban areas were tested and received results), and might be increasing because risk factors (such as high sexually transmitted infections (STIs) and teenage pregnancy rates, low levels of awareness and condom use, gender-based violence, transactional and forced sex and difficulty in accessing HIV services) were high.⁷⁷

I. Right to education

47. UNJP noted that the Early Childhood Care and Education Policy encouraged the use of local vernacular in the curriculum. The dual language system inherited from the colonial Condominium with England and France had been addressed through a new harmonized curriculum. Access to quality primary education had been addressed through the introduction of the school grants in 2010 creating a gender balance in enrolment.⁷⁸

48. UNJP reported that the Vanuatu Education Sector Strategy 2006 to 2016 outlined the direction for education envisioning that all children had equal access to quality education. Since January 2010, Vanuatu operationalized its Universal Primary Education policy by introducing school grants in schools. Student enrolment had increased significantly, which posed issues for the Ministry of Education in terms of space.⁷⁹

49. UNJP observed that specific policy had been developed to address gender equality and empowerment of women, including the Gender Equity in Education Policy (2005-2015), which established a gender focal point within the Ministry of Education (currently vacant).⁸⁰ This Policy did not address temporary special measures for women and girls in education and had yet to be integrated into the Vanuatu Education Road Map.⁸¹

50. UNJP reported that there was continued concern at the high levels of adult illiteracy, and girls' high drop-out rates in secondary education as well as the low level of enrolment of girls in secondary and higher levels of education. There was a marked difference in the quality of and access to education in urban and rural/remote areas, including the lack of sufficient boarding facilities for students and in particular girls. Through the additional support of NGOs, Vanuatu was able to enhance implementation of its national action plan for education for all.⁸²

51. UNJP highlighted concerns about the effective transition from school to life after school. There remained too many examples of children who were either pushed out early by the system or who had completed secondary level education but were unprepared for the real world. This included entering the labour market either as an employee or as an entrepreneur. Increased access to tertiary study in general had been achieved through an increase in scholarships provided by government and development partners, although concerns remained regarding the effective targeting of scholarships to the human resource and economic development needs of the country. For long-term benefits, Vanuatu should work towards excelling in educational achievements beyond primary level.⁸³

J. Persons with disabilities

52. UNJP reported that a National Policy on Persons Living with Disabilities 2008-2015 was developed by the Ministry of Justice & Community Services and the National Disability Committee. There were 13 priority areas of action identified in the document, amongst them: national coordination; legislative/policy framework; self-help and rehabilitative/service organizations; women with disabilities; education; training and employment; access to a built environment; access to public transport; poverty alleviation; early detection, early intervention and education; public awareness campaigns, and access to information and communication. A focus on regional cooperation obligated the government to utilize regional opportunities for implementation of the policy.⁸⁴ The Ministry of Education had integrated a policy for Children with Special Needs in School and was currently training teachers to support its implementation.⁸⁵

K. Indigenous peoples

53. UNESCO reported that Vanuatu was particularly interested in enhancing the role of indigenous knowledge in the country's environmental management. UNESCO was helping Vanuatu redesign its science curricula to incorporate key elements of the vast body of indigenous knowledge that continued to thrive in the archipelago.⁸⁶

L. Migrants, refugees and asylum seekers

54. UNHCR welcomed the opportunity to comment on the national legal framework underpinned by the Immigration Act No.17 of 2010 ("the legislation"). However, UNHCR was concerned that the legislation was not fully in line with international standards,⁸⁷ including on protecting against refoulement.⁸⁸ In that regard, it recommended that Vanuatu, inter alia, codify its international obligations under ICCPR and CAT to provide complementary protection to persons who do not fall within the scope of the 1951 Refugee Convention, but who nevertheless were in need of international protection.⁸⁹

55. UNHCR welcomed several safeguards against statelessness found in the Citizenship Act of the Republic of Vanuatu. However, it observed that there were existing gaps between the current nationality law and international standards that aimed to prevent and reduce statelessness. For instance, there was no safeguard that provided for the grant of citizenship to otherwise stateless children born on the territory and foundlings of unknown parentage found in Vanuatu did not acquire the nationality as of right. It recommended that Vanuatu: undertake a study of the domestic laws and practices with a view to future revision to better comply with the standards set out in the 1954 and 1961 Conventions.⁹⁰ UNHCR also indicated that it stood ready to support capacity building activities and provide further technical advice to Vanuatu.⁹¹

M. Right to development and environmental issues

56. UNJP listed key challenges to continued and inclusive economic growth including: few primary commodity exports; vulnerability to natural disasters and impacts of climate change; growing population scattered across many isolated islands remote from main markets and with no economies of scale; infrastructure deficiencies that raised costs, reduced access to essential social services, increased the size of the few urban centres and thus contributed to exclusion; high costs of services; external shocks including high food prices; wages and salaries not reflecting rises in the cost of living, limited financial and human resource capacity and low productivity of small-holder production systems.⁹²

57. Additionally, UNJP reported that Vanuatu faced a full range of geological and climatic hazards as it was located in both the “ring of fire”, which made it subject to volcanic eruptions, earthquakes, tsunamis, and landslides, and the “cyclone belt” which put it in the path of tropical cyclones. It was subject to climatic variability and extremes through cycles of El Niño and La Niña, which increased the risks, respectively, of droughts and floods.⁹³ Climate change and sea-level rise (particularly for low lying settlements, with communities coping with the impacts of these phenomena); soil erosion and land degradation; coastal erosion; loss of forests; loss of biological diversity; water pollution; waste disposal and recycling; reef destruction and over-exploitation of marine resources; and the natural disasters to which it was extremely vulnerable, were key environmental challenges that confronted the country. The potential impacts unfolding due to climate change on health, survival and development would be most severe for the youngest children (0-5 years). Increased natural disasters and displacement also put access to education and protective safety nets for all children at risk.⁹⁴

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Vanuatu from the previous cycle (A/HRC/WG.6/5/VUT/2).

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
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
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 CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13.. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

⁴ 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); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva 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). 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.

⁵ 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 Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise 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. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- ⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁷ 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.
- ⁸ International Labour Organization Convention No. 138 concerning Minimum Age for Admission to Employment.
- ⁹ International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No.189 concerning Decent Work for Domestic Workers.
- ¹⁰ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- ¹¹ UNJP, submission to the UPR on Vanuatu, para. 2.
- ¹² UNHCR, submission to the UPR on Vanuatu, p.3.
- ¹³ Ibid., p.5.
- ¹⁴ UNESCO, submission to the UPR on Vanuatu, para.38.
- ¹⁵ UNJP, submission to the UPR on Vanuatu, para. 6.
- ¹⁶ Ibid., para. 4.
- ¹⁷ Ibid. para. 51.
- ¹⁸ Ibid., para. 5.
- ¹⁹ UNESCO, submission to the UPR on Vanuatu, para.40.
- ²⁰ Ibid., para. 41.
- ²¹ UNJP, submission to the UPR on Vanuatu, para. 7.
- ²² Ibid., para. 7.
- ²³ Ibid., para. 9.
- ²⁴ Ibid., paras. 12 and 46.
- ²⁵ Ibid., para. 11.
- ²⁶ Ibid., para. 8.
- ²⁷ Ibid., p. 2.
- ²⁸ Ibid., para. 3.
- ²⁹ 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 |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ³⁰ UNJP, submission to the UPR on Vanuatu, para. 1 and p.3.
- ³¹ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³² OHCHR 2011 Annual Report, p. 314.
- ³³ Ibid., p. 315.
- ³⁴ UNJP, submission to the UPR on Vanuatu, para. 15. See also OHCHR 2012 Annual Report, page 238.
- ³⁵ UNJP, submission to the UPR on Vanuatu, para. 16.
- ³⁶ Ibid., para. 18.
- ³⁷ Ibid., para. 19.
- ³⁸ UNHCR, submission to the UPR on Vanuatu, p.4.
- ³⁹ Ibid.
- ⁴⁰ Ibid., p.2.
- ⁴¹ UNJP, submission to the UPR on Vanuatu, para. 20.
- ⁴² Ibid., para. 21.
- ⁴³ Ibid., para. 46.
- ⁴⁴ Ibid., para. 12.
- ⁴⁵ Ibid., para. 22.
- ⁴⁶ Ibid., para. 23.
- ⁴⁷ Ibid., para. 12.
- ⁴⁸ Ibid., para. 22.
- ⁴⁹ Ibid., para. 24.

- ⁵⁰ Ibid., para. 27.
⁵¹ Ibid., para. 26.
⁵² Ibid., para. 28.
⁵³ Ibid., para. 7.
⁵⁴ Ibid., para. 47.
⁵⁵ Ibid., para. 29.
⁵⁶ A/HRC/16/44/Add.1, paras. 2405- 2416.
⁵⁷ UNESCO, submission to the UPR on Vanuatu, para. 43.
⁵⁸ Ibid., para. 44.
⁵⁹ Ibid., para. 31.
⁶⁰ Ibid., para. 46.
⁶¹ UNJP, submission to the UPR on Vanuatu, para. 46.
⁶² Ibid., para. 52.
⁶³ Ibid., para. 30.
⁶⁴ Ibid., para. 54.
⁶⁵ Ibid., para. 32.
⁶⁶ Ibid., para. 39. p. 7.
⁶⁷ Ibid., para. 31.
⁶⁸ Ibid., para. 55.
⁶⁹ Ibid., para. 48.
⁷⁰ Ibid., para. 45.
⁷¹ Ibid., para. 51.
⁷² Ibid., para. 36.
⁷³ Ibid., para. 35.
⁷⁴ Ibid., para. 37.
⁷⁵ Ibid. para. 38.
⁷⁶ Ibid., para. 39, p. 8.
⁷⁷ Ibid.
⁷⁸ Ibid., para. 41.
⁷⁹ Ibid., para. 13.
⁸⁰ Ibid., para. 46.
⁸¹ Ibid., para. 43.
⁸² Ibid., para. 42.
⁸³ Ibid., para. 44.
⁸⁴ Ibid., para. 14.
⁸⁵ Ibid., para. 40.
⁸⁶ UNESCO, submission to the UPR on Vanuatu, para. 33.
⁸⁷ UNHCR, submission to the UPR on Vanuatu, p.3.
⁸⁸ Ibid., pp.3-4.
⁸⁹ Ibid., p.4.
⁹⁰ Ibid., p.5.
⁹¹ Ibid.
⁹² UNJP, submission to the UPR on Vanuatu, para. 34.
⁹³ Ibid., para. 49.
⁹⁴ Ibid., para. 50.
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