

ANNEX

Human Rights Council
Twenty-sixth session
Agenda 6
Universal Periodical Review

Report of the Working Group on the Universal Periodical Review Vanuatu

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

Vanuatu Government's response to the 109 recommendations

Vanuatu welcomes the recommendations made at the occasion of its second cycle of the Universal Periodic Review (2nd UPR) in Geneva, on 30th January 2014. Following the review, consultations with appropriate stakeholders and careful evaluation of the 109 recommendations were made including a four year implementation plan to address the accepted recommendations.

Vanuatu is pleased to report that out of these Recommendations, it has accepted 95 and noted 14. Vanuatu provides the responses to each recommendation clustered into thematic areas.

THEMATIC AREA 1: RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATY

RECOMMENDATION

STATE POSITION

COMMENTS

The International Covenant on Economic, Social and Cultural Rights (ICESCR)

99.3. Continue current efforts to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as soon as possible

Accepted

Vanuatu supports the importance of ratification to these conventions and will deposit an instrument of signature as it progressively realizes the obligations that come with ratification.

99.4. Consider ratifying the ICESCR

99.7. Ratify the ICESCR

99.8: Ratify the ICESCR

99.9. Become a party to the ICESCR

99.10. Continue efforts in strengthening its national legal frameworks, including by ratifying the ICESCR

99.11. Enhance technical cooperation with and seek support from the UN human rights mechanisms for further consideration of ratification of important documents on human rights, including the ICESCR

Accepted

Vanuatu supports this recommendation as it is crucial to Vanuatu to seek support that the UN Human Rights mechanisms can assist in the ratification of important Human Rights.

International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD)

99.6. Accede to the ICERD

Accepted

99.3: Continue current efforts to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as soon as possible

Accepted

Vanuatu supports this recommendation and will deposit an instrument of Signature. This align to the constitution of Vanuatu – Chapter 2 (5)(1) -(1) which states “The Republic of Vanuatu recognizes, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health”.

THEMATIC 2: IMPLEMENTATION AND REPORTING OF HUMAN RIGHTS TREATY

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

99.15. Undertake in an effective manner the necessary amendments to fully incorporate Convention on the

Accepted

Vanuatu supports these recommendations CEDAW in 1995 and submitted its initial,

Elimination of All Forms of Discrimination against Women (CEDAW) into the domestic legal system as soon as possible

99.34. Put in place a broad strategy, which includes legislation, to change or eliminate practices and cultural stereotypes which discriminate against women, in compliance with the CEDAW Convention

first and second report in 2006. The 4th and 5th state report have now been finalized.

Progress have been made gradually in this area . Legislative reform :

- The enactment of the Family Protection Act in 2008
- Review of penal code in 2006
- Decentralization act

Policy

- Gender is a bench mark in the Vanuatu priority action agenda
- The national gender policy is in progress to be finalize

Program

-NGO are delivering program and activities align to the CEDAW convention, however the Vanuatu government through the Department of Womens' Affairs needs to take a more proactive role in facilitating the coordination and revitalizing the national CEDAW committee which will facilitate the implementation on ground through the development of a national broad strategy which will facilitate domestication on CEDAW.

International Criminal Court/Rome statute

99.16. Make efforts to fully align its national legislation with all obligations under the Rome Statute	Accepted	Vanuatu government ratified the Rome Statute and will implement the provisions of this convention when it deems appropriate as the serious crimes covered in this Statute is not pertinent to the country as yet.
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The Role of Parliament in UPR Follow-up and implementation

99.29 Engage and involve national parliament in the follow up process and implementation of the Accepted recommendations in the 2 nd UPR report of Vanuatu, and as an example, by hosting a briefing on the role of Parliament on the UPR process and implementation	Accepted	Members of Parliament are key decision makers in the country therefore it is of importance for them to be informed and engage in the UPR process follow-up to promote a sense of ownership in promoting and protecting human rights
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International Covenant on Civil and Political Rights (ICCPR)

99.30. Submit the initial report to the International Covenant on Civil and Political Rights	Accepted	Vanuatu has ratified this convention and has the obligation to submit its initial report.
99.31. Respond as soon as possible to the pending request for the visit of the independent expert on the issue of foreign debt, in line with the standing invitation to the special procedures it had extended in 2009	Accepted	Vanuatu supports the visit of the independent expert on the issue of foreign debt but is unable to comment on the status of this pending request at this time

United Nations Convention against Torture (CAT)

99.59. Implement reforms to ensure Vanuatu is able to meet its obligations under the United Nations Convention against Torture regarding prosecution for acts of torture, attempt to commit torture, or complicity or participation in torture	Accepted	Vanuatu ratified the United Nations Convention against torture and has a state obligation to implement reforms regarding prosecution for acts of torture, attempt to commit torture, or complicity or participation in torture
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United Nations Convention against Corruption (UNCAC)

99.71 Fully align its national legislation and policies with the provisions of the United Nations Convention against Corruption in order to effectively combat corruption and	Accepted	Vanuatu ratified and reported on the United Nations Convention against Corruption thus it is obliged to effectively combat corruption
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to further improve integrity, transparency and accountability

99.70. Implement promptly the Convention against Corruption

and to further improve integrity, transparency and accountability, as a pathway for enhancing development.

THEMATIC AREA 3: NATIONAL HUMAN RIGHTS MECHANISM

Human Rights Institution

99.17. Endeavour to establish a human rights institution in the country in accordance with the Paris Principles Accepted

Vanuatu had made commitment to set up this institution, a feasibility study conducted by OHCHR, PIFS, and the Asia-Pacific Forum for National Human Rights Institutions in 2011 provided recommendation for Vanuatu to set up a NHRI according to Paris principles.

99.18. Proceed with the establishment of a National Human Rights Institution in compliance with the Paris Principles

99.19. Establish an independent national human rights institution in accordance with the Paris Principles

Two weeks ago, the Prime Minister of Vanuatu, Honourable Joe Natuman launched the National Human Rights Committee.

99.20. Increase all kinds of measures aimed at establishing a National Human Rights Institution, in compliance with the Paris Principles, with the assistance of the Office of the High Commissioner for Human Rights

99.109. Continue its current momentum and efforts on democracy, good governance, legislative reform and capacity building for national human rights mechanisms, with more focus on employment for youth, education, health care, social welfare and preparedness and resilience in response to climate change

Ombudsman

99.21. Strengthen the role of the Ombudsman, in particular its powers of investigation in cases involving politicians Accepted

Vanuatu fully supports the role and investigation powers of the Ombudsman. The Ministry of Justice through the Vanuatu Law Commission and the Ombudsman are currently discussing strategy to implement this recommendation.

THEMATIC AREA 4: HUMAN RIGHTS PREVENTION PROGRAMS (EDUCATION AND AWARENESS)

General Human Rights Awareness

99.23. Continue to improve the knowledge of human rights among its population, especially by promoting education and awareness-raising activities on the matter Accepted

Vanuatu fully supports the continuous need for general human rights awareness. These recommendations have been progressively implemented in the country by NGOs and various government departments; however the government need to take the leading role in coordination and effective implementation to ensure its sustainability into its corporate plans.

99.24. Further address human rights issues in the country, especially through promoting human rights education

99.26. Provide human rights training to Government officials and teachers

99.27. Continue its efforts to further improve the awareness on human rights issues and international human rights conventions in Vanuatu, particularly by providing training to government officials

99.28. Mainstream human rights in all national programmes and policies

99.108. Continue to develop awareness-raising and action programs for its population, with the necessary international cooperation and solidarity of the community of nations, in order to deal with the impacts of climate change

99.62. Incorporate systematically in police training awareness raising on the rights of victims and suspects

Human Rights curriculum

99.25. Included human rights education in the school curricula	Accepted	Vanuatu fully supports this recommendation to include Human rights education into the school curricula is currently in its initial development stages, the curriculum will be title <i>civic education</i>
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THEMATIC AREA 5: GENDER EQUALITY

Strengthening Women's Machinery

99.22. Continue to allocate resources to the Department of Women Affairs to allow it to further enhance and implement programs for the advancement of women's rights	Accepted	Vanuatu supports this recommendation and would like to seek technical assistance to further enhance and implement programs by the Department of Womens' Affairs
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DWA will to strengthen its capacity in monitoring and evaluation.

Elimination of discriminatory practices towards women, children and persons with disability

99.32. Continue to promote legislation and actions to eliminate discrimination and strengthen protection of rights of vulnerable groups such as women, children and people with disabilities	Accepted	Vanuatu fully supports these recommendations and they are being progressively implemented.
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99.33. Develop affirmative action's for women's empowerment in the public and private sectors

99.35. Amend its Citizenship Act to avoid discrimination on the basis of sex and mitigates discrimination of women in employment and reduce existing wage gaps

99.36. Continue efforts to eliminate discriminatory practices against women, particularly regarding the granting of nationality.

99.107. Continue to seek technical assistance to address the specific problem of the disproportionately negative impact of climate change on women and children

Addressing Gender base violence and the Family Protection Act implementation

99.38. Take prompt action to implement the Family Protection Act, and consider initiatives to raise community awareness of that Act	Accepted	Vanuatu fully supports this recommendations and would like to report that since the enactment of the Family Protection Act in 2008 and its commencement in 2009,activities done were:
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99.39. Take all necessary measures for the effective implementation and dissemination of the "Family Protection Act" throughout the country, including in the most remote areas. In particular, in this respect, to provide sufficient funding to the department in charge of the implementation of this legislation

99.40. Take all measures to implement the Family Protection Act of 2008 and train the police specifically to receive complaints from women on violence perpetrated against them by their partners or spouses

- Establishment of national family protection taskforce and two provincial family protection taskforce, however these mechanism are not functioning effectively since there is no support from the government.
- Protection orders are currently issued by courts, the government needs to establish authorized

99.41. Continue to allocate sufficient resources to ensure the effective implementation of the Family Protection Act, and to adopt further measures to combat domestic violence, with a special focus on women and girls with disabilities, who are at greater risk of all sorts of violence

99.42. Continue its specific measures already undertaken to ensure that persons concerned are informed about the content of the Family Protection Law

99.43. Take all necessary measures so that the Family Protection Units can ensure that all cases of domestic violence are brought to justice

99.44. Ensure the dissemination of information about protective measures that are available and the legal framework in place to protect women, also among the rural population of the country

99.45. Further extend education and publicity program to all regions in order to inform women, and particularly women with disabilities, of the availability of the protection orders, counseling services and education under the new law

99.46. Continue its efforts in raising awareness campaigns to sensitize communities and general public on issues of domestic violence, with the support of the international community and other United Nations agencies

99.47. Continue to enhance measures combating the social and cultural causes of gender-based violence, by promoting awareness-raising campaigns, especially, in the education sector

99.48. Adopt a policy of prevention and public awareness, in addition to the work done by NGOs and the Vanuatu Women's Centre

99.49. Take the necessary measures to change the structures that prevent the implementation of CEDAW, including with regard to violence or murders linked to witchcraft.

99.50. Continue to take the necessary measures to combat all forms of violence against women and girls and to reduce discrimination against women, in particular in the job market and in national political life, where women are seriously under-represented

99.51. Implement its legislation to prevent violence against women and that it adopts a strategy to properly tackle the unequal status of women

99.52. Improve the protection of the rights of women and girls, including by effectively addressing gender-based violence, particularly domestic violence, and by advancing programs and training to counter discrimination with

persons and registered councilors

- Vanuatu women center is the only NGO currently undertaking continuous awareness on this act, other NGOs as the Vanuatu Christian Council (VCC) and other CSO/CBO undertake awareness subject to funding.
- In 2012 , the government through DWA and the child desk undertook awareness on FPA.

regard to women's employment and financial access

99.61. Ensure that perpetrators of violence against women are duly prosecuted and convicted

THEMATIC AREA 6: STRENGTHENING OF THE JUDICIAL SYSTEM AND LAW REFORM

99.56. Strengthen the justice system in order to avoid loss of faith and respect in the judicial system among citizens, including to raise the efficiency of birth registration system

Accepted Vanuatu fully supports these recommendations and is progressively working towards their implementation.

99.57. Take steps to further enhance the capacity of the judiciary, especially with regard to the backlog of court cases and the staffing of the Public Prosecutor's and the Public Solicitor's Offices

99.58. Continue to implement effective crime prevention measures to ensure safety and social order in its society

99.60. Take the necessary steps to ensure that the principles that guarantee equality between men and women are applied in judicial proceedings and that socio-legal services are made more available to women.

99.63. Consider incorporating the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules", as part of its programme to enhance the conditions of women detainees in prisons

Accepted

99.64. Develop legislation and appropriate sentences for juvenile offenders

99.65. Continue efforts to introduce a criminal justice process for youth in Vanuatu, which improves the outcomes for offenders, victims and their families

99.66. Expedite the legislative process to bring the juvenile justice system in line with the standards of the Convention on the Rights of the Child, and additionally strengthen training programs for police officers and the judiciary

99.67. Develop rehabilitation centers for young offenders with facilities that promote the psychological and physical development of these young persons and their social reintegration

99.68. Revise the legislation on the age of criminal responsibility

99.69. Continue to step up efforts to raise the minimum age for criminal responsibility including continuing review of relevant legislation

THEMATIC AREA 7 : CHILDREN

99.72. Continue taking steps to ensure that births of all children are registered	Accepted	Vanuatu fully supports these recommendations and is working progressively towards implementing them.
99.73. Strengthen all types of measures aimed at the universal registration of children across the country, among others, through a broader use of the mobile birth registration system, promoting new awareness-raising strategies on the importance of birth registration and ensuring that it remains free		
99.53. Take further measures in combating gender-based violence, domestic violence, ill-treatment and abuse of children including sexual abuse		
99.54. Include in its priority action plan measures to step up efforts towards protecting children from abuse or violence		
99.55. Develop institutions for the support and protection of children		

THEMATIC AREA 8 : RIGHT TO INFORMATION

99.74. Approve the Right to Information Bill and National Media policy and decriminalize defamation in accordance with international standards	Accepted	Vanuatu supports this recommendation as an integral aspect to the communication of information to all. In May this year, the Prime Minister of Vanuatu launched its right to information policy and is currently implementing it.
99.75. Accelerate the introduction of a law on freedom of information in line with international standards		Vanuatu is currently working to finalize its Right to information bill to Parliament.

THEMATIC AREA 9 : WATER AND SANITATION

99.76. Take further steps to ensure the progressive realization for all inhabitants of the human right to safe drinking water and sanitation	Accepted	Vanuatu realizes the rights to good drinking water and sanitation and is currently progressing these recommendations.
99.77. Adopt policies and take measures to ensure full realization of the right to safe drinking water and sanitation, with special focus on rural areas		
99.78. Invest in the necessary infrastructure so that all citizens have access to adequate drinking water and sanitation, especially in rural areas		

THEMATIC AREA 10: HEALTH

99.79. Ensure that all Vanuatu people are able to access health services	Accepted	Vanuatu supports the need for access to health services and education system for all and is continuing with its programs, awareness to address these recommendations.
99.80. Continue to take measures that allow the improvement of the health and education systems of its population		

99.81. Continue to promote its progressive improvements to provide adequate access to its population to basic and quality health care services

99.82. In cooperation with the relevant international organizations, continue its programs to improve the public health standards and well-being of its people

99.83. Strengthen efforts to make further progress in the health-related MDGs

99.84. Continue addressing the HIV/AIDS impact on women and children, in particular the mother-to-child transmission

99.105. Continue to be committed to economic and social development, reduce the development gap between rural and urban areas, better protect people's right to health and right to development

99.106. Continuously seek international support in terms of technical and financial assistance in order to increase capacity-building and to develop programs and policies aimed at promoting the enjoyment of human rights to all citizens in key areas, such as health and education

THEMATIC AREA 11: EDUCATION

99.85. Continue to consolidate its education policies to improve the living conditions of its people, in particular of the neediest sectors of the population

Accepted

Vanuatu supports these recommendations and is currently working towards achieving them.

99.87. Take all the necessary measures to ensure that the right to education is enjoyed by all children

99.88. Give consideration to improving its domestic legislation and existing programs aimed at increasing access to education

99.96. Allocate more resources to the education sector

Accepted

Vanuatu supports this recommendation and the government is allocating more resources to the remote schools thus is working progressively towards to fulfilling these recommendations

99.97. Put in place a strategy for the promotion of access to education for women and girls, reduce drop-out rates among girls in secondary education and improve the access to and the quality of education in rural areas

99.98. Reinforce efforts addressing high level of adult illiteracy and low rate of girl's enrolment in secondary and higher levels of education

THEMATIC AREA 12: PERSONS WITH DISABILITY

99.99. Vanuatu is encouraged to take steps to fully implement its policies and action plans on the rights of women and persons with disabilities

Accepted

Vanuatu supports the implementation of the disability convention and is progressively realizing the obligations in its laws, policies and building codes for disability friendly to ensure their equal human rights are respected, thus is working

99.100. Ensure all relevant domestic laws include disability as a prohibited ground of discrimination

achieving these recommendations.

99.101. Continue its work progressing towards implementation of the Convention on the Rights of Persons with Disabilities (CRPD), including through prompt implementation of the new Building Code for the Public Works Department to ensure buildings and amenities are disability-friendly

99.102. Adopt measures to ensure the accessibility of persons with disabilities to places such as schools, hospitals, markets and public offices

99.103. Continue with the measures aimed at improving the protection and integration of persons with disabilities, in particular in the areas of access to education and public transport

99.104. Promote the situation of disabled persons and their working conditions

THEMATIC AREA 13: DEATH PENALTY

99.37. To not yield to the pressure to reintroduce the death penalty and maintain its abolition, in accordance with the global trend towards abolition

Accepted

Vanuatu fully supports this recommendation to not re-introduce the death penalty, this aligns to right to life in the Vanuatu constitution 5 (1) (k).

NOT SUPPORTED "NOTED"

99.1 Accession to the convention on the Prevention and Punishment of the Crime of Genocide

Thematic area 1: Ratification of international human rights treaty

99.2 Accede to the Convention on the Prevention and Punishment of the Crime of Genocide and the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR)

Although Vanuatu has signed Rome Statute, the crime of genocide and aggression is not a serious crime with regards to Human Rights in Vanuatu.

99.5. Sign and ratify the following international instruments: ICESCR and its Optional Protocol (OP- ICESCR), the ICERD, the Second Optional Protocol to the ICCPR, and finally the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

Vanuatu supports the spirit and importance of these conventions and protocols but is not ready to accede as yet.

99.13. Continue the efforts aimed at ratifying the CPED as well as the main international instruments on human rights, to which the country is not yet a party

Although Vanuatu supports the spirit of this recommendation, it is still not ready to commit itself fully to these human rights optional protocol conventions as lack of resources and capacity continues to be a problem to fully implement and report on the conventions that have been already ratified.

99.14. Ratify the Optional Protocol to the Convention against Torture

99.12. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), signed in 2007

Although Vanuatu supports the need to ratify the Optional Protocol, it is yet to compile its initial report having signed the Convention Against Torture in 2011.

Although Vanuatu supports this important convention , the issue of enforced disappearance is currently being captured by the ICCPR and CAT and Vanuatu has

ratified.

99.86. Prioritize the education of all Vanuatu citizens

99.89. Develop a compulsory education policy for primary school-aged children and continue to promote the importance of education

99.90. Take legal measures to provide free and compulsory education for all under the right to education, and implement the inclusive education policy

99.91. Continue to formulate appropriate plans to establish a compulsory education policy

99.92. Continue efforts to make education more accessible through a compulsory primary education policy

99.93. Provide primary education accessible to all by making education compulsory at the primary level

99.94. Take measures to improve access to grants for primary education, to make primary education compulsory, to improve the quality of primary education in remote regions and to increase the facilities to obtain secondary education throughout the country

99.95. Continue efforts to implement the Universal Primary Education Policy, including by increasing its budgetary allocation and formulating the compulsory education policy

Thematic Area 11 - Education

We fully support the spirit of these recommendations however the term 'compulsory' is not in the current education act. Vanuatu will try its best to ensure that a legislation is in place to address this issue through national consultation and awareness as a right.

The newly elected Prime Minister, Honourable Joe Natuman indicated his views on education in Vanuatu recently in the Daily Post of 11 June, 2014 stating : "I wish to emphasize that this Government places high priority on education for all the children of Vanuatu today and tomorrow". This might just be promising era for Vanuatu to be able to address 'compulsory' education