

**Universal Periodic Review (32nd session, January-February 2019)
Contribution of UNESCO**

Vanuatu

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	13/06/2002 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	22/09/2010 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	Not ratified			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of Vanuatu of 1980**¹ does not provide specific provision for the right to education. Nevertheless, Article 3 regulates the principal languages of education, which are English and French. Article 7 states that parents have the duty to support, assist, and educate their children, legitimate and illegitimate.
2. Vanuatu adopted its **Education Act**² in 2014. According to Article 7, it is the duty of the child's (who is at least 6 years old and less than 14 years old) parents to ensure that the child attends a school. Based on Article 8, a child is not to be refused admission to any school on account of his or her gender, religion, nationality, race, language or disability.
3. In terms of reporting to UNESCO, Vanuatu did not submit national reports within the framework of the **8th** (2011-2013) and **9th** (2016-2017) **Consultations** of Member States on the measures taken to implement the UNESCO 1960 Recommendation against Discrimination in Education. Similarly, Vanuatu did not report on the measures taken to implement UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **5th Consultation** (2009-2012) and **6th Consultation** (2016-2017).

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

4. Article 5 of the Constitution guarantees freedom of expression by recognizing that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights (...) freedom of expression".³
5. No freedom of information law exists in Vanuatu.
6. Defamation remains criminalized under Article 120 of the Penal Code: "No person shall by spoken or written words, gestures or any other method maliciously expose any other person alive or dead to public hatred, contempt or ridicule, or otherwise harm the reputation of that other person." Those guilty of defamation face a penalty of imprisonment for 3 years.⁴

➤ Implementation of legislation:

7. The Telecommunications & Radiocommunications Regulator (TRR) of Vanuatu, established as per Act No. 30 of 2009. The Minister responsible for Telecommunications appoints the Regulator. Regulator has power to grant, suspend, vary and revoke broadcast licences.⁵

¹ <http://www.unesco.org/education/edurights/media/docs/c96d44e13849359d4f91668f6cfe6c7127ae5863.pdf>

² https://moet.gov.vu/docs/acts/Education%20Act_No.%209%20of%202014.pdf

³ http://www.wipo.int/wipolex/en/text.jsp?file_id=195746

⁴ http://www.oapi.wipo.net/wipolex/en/text.jsp?file_id=198053

⁵ https://www.trr.vu/attachments/article/195/Telecommunications_and_Radiocommunications_Regulation_Act_2009.pdf

➤ Safety of journalists

8. UNESCO recorded no killings of journalists and media workers in Vanuatu since 2008.

III. UPR Recommendations

Right to education

9. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (February 2014)⁶:**

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

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

99.25. Include human rights education in school curricula

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

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

99.80. Continue to take measures that allow the improvement of the health and education systems of its population

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

99.86. Prioritise the education of all Vanuatu citizens

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

99.89. 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

⁶ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/VUIIndex.aspx>

99.96. Allocate more resources to the education sector

99.97. Put in place a strategy for the promotion of access to education for women and girls, reduce dropout 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

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

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

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

IV. Review and specific recommendations

10. In the previous UPR cycle, a number of recommendations addressed to Vanuatu related to compulsory education, human rights education, inclusive education, gender disparity, and social disparity. Vanuatu was also encouraged to expand and guarantee the access to education for all school-aged children.
11. During the reporting period, Vanuatu developed several policies and strategic plans, including the Vanuatu Education Sector Strategy⁷, the Inclusive Education Policy and Strategic Plan (2010-2020)⁸, and the Gender Equity in Education Policy (2005-2015)⁹. Moreover, with regard to data collection system to monitor the education progress, Vanuatu has established the Vanuatu Education Management Information System (VEMIS).¹⁰ Vanuatu also adopted a new Education act in 2014. However, concerns regarding access to education, education quality, gender equality, and social disparity remain.
12. The new **Education Act of 2014** adds early childhood education and care into its provision. It provides for early childhood and care, primary and secondary education based on Vanuatu cultures and beliefs; high standard education; **expand access** to secondary education; **eliminate gender disparity**; strengthen the administration of education system; reference to **non-discrimination** in terms of access and enrolment (including gender and disability); creation of various boards and committees that increased parental, community and NGO participation in education and funding through an education authority grants system to non-government schools. The act also aims at eliminating educational disadvantages arising from ethnicity or geographic, economic, social, cultural or other circumstances.
13. However, although the age range of students in kindergarten is regulated, the school-aged children are still considered as children from 6 to 14. Moreover, this new Education Act does not regulate **free and compulsory education**. In order to fully

⁷ <http://dfat.gov.au/about-us/publications/Pages/vanuatu-education-sector-strategy-2007-2016.aspx>

⁸ https://moet.gov.vu/docs/policies/Vanuatu%20Inclusive%20Education%20Policy_2011.pdf (from page 24)

⁹ https://moet.gov.vu/docs/policies/Gender%20Equity%20in%20Education%20Policy_2005-2015.pdf

¹⁰ <http://www.openvemis.gov.vu/Misc/About.aspx>

reach the objectives set by the act and to keep in line with the commitments of SDG4 and Education 2030, Vanuatu should be strongly encouraged to “ensure access to and completion of quality education for all children and youth to **at least 12 years of free**, publicly funded, inclusive and equitable quality primary and secondary education, of which **at least nine years are compulsory**, as well as access to quality education for out-of-school children and youth”, as set out by the Education 2030 Framework for Action.¹¹ Thus, Vanuatu could be encouraged to review its normative frameworks, in order to ensure in law at least 12 years of free education and 9 years of compulsory education.

14. Vanuatu should also be encouraged to ratify the Convention against Discrimination in Education 1960, as it would provide Vanuatu with a supportive legal environment and sufficient human rights guarantees for the effective implementation of the right to education and SDG4 targets. In that respect and if needed, Vanuatu could seek UNESCO’s assistance in this ratification process. Vanuatu should finally be encouraged to submit state reports for the periodic consultations on the implementation of UNESCO’s standard-setting instruments.
15. Regarding specific challenges faced by Vanuatu, the issue of **over-age students** in primary and secondary education is still severe. Vanuatu could therefore be encouraged to guarantee access and facilities to non-formal education program for over-age students. Consequently, although Gross Enrolment Rates (GER) suggest that enrolment in primary education is increasing, a large proportion of this increase is actually due to the enrolment of students from outside of the intended age group. Vanuatu is responding to this with a “**6 Yia, Klas 1 (Right Age)**” media campaign, targeting those geographical regions where the data demonstrates this to be a greater issue.
16. Both Gross and Net **Enrolment Rates at secondary level** remain low; 69 and 44% and 34 and 22% respectively for junior and senior secondary (2016 UIS data). However, retention within senior secondary is increasing – if students do enter senior secondary they are more likely to stay with an increase from 19.1% in 2014 to 62.4% in 2017. There has been an increase in the number of schools offering senior secondary programmes to Year 13 which supports higher retention as students no longer need to travel to be able to study at this level.
17. Besides, Vanuatu is facing important challenges regarding gender inequality in the field of education. Discriminatory gender stereotypes and patriarchal attitudes regarding to the roles and responsibility of women in society and family remain due to the insufficient eliminating measures.¹² Vanuatu could be encouraged to develop special policy or strategic programme to eliminate gender inequality by increasing the participation of female students and providing equal access to education; adopting re-entry and inclusive educational laws for pregnant girls, young mothers and married girls under 18 years of age; eliminating gender stereotype in education materials; and providing relevant trainings for teachers.
18. Regarding **school curriculum**, sexual education remains an issue that could be more integrated. According to available information, no sufficient attention is paid to sexual education, especially in respect of the high rate of teenage pregnancies and sexually transmitted infections among adolescents.¹³ Moreover, the lack of policy and action plan on alcohol consumption, smoking and substance abuse among adolescents and

¹¹ http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

¹² Concluding observations, Committee on the Elimination of Discrimination against Women, 09 March 2016, CEDAW/C/VUT/CO/4-5, para.18.

¹³ Concluding observations, Committee on the Rights of the Child, 29 September 2017, CRC/C/VTU.CO/2-4, para.40.

limited programmers and public service available for those affected is damaging the adolescent health.¹⁴ Vanuatu could be encouraged to ensure that sexual and HIV/AIDS education is part of the mandatory school curriculum; develop special policy or strategic plan on the issue of alcohol, smoking and drug abuse and provide life-skills-based education for it.

19. Finally, it seems that the **education environment** in Vanuatu could be improved. As an illustration, in 2014, the percentage of schools with basic drinking water and sanitation or toilets were respectively 84% and 69%. Vanuatu should be encouraged to take measures to improve the education environment and guarantee basic education facilities, as the school environment is part of ensuring an education of good quality.

➤ **Specific recommendations:**

1. Vanuatu should be strongly encouraged to ratify the Convention against Discrimination in Education 1960, and if needed to seek UNESCO's assistance.
2. Vanuatu could be encouraged to add provisions of free and compulsory primary and secondary education into its legal framework, in line with SDG4 commitments which required States to "ensure access to and completion of quality education for all children and youth to at least 12 years of free, publicly funded, inclusive and equitable quality primary and secondary education, of which at least nine years are compulsory". The legal framework could be reviewed to better guarantee the right to education and strengthen the responsibility of the State, as children's parents are not the only ones to be accountable for their education.
3. Vanuatu should be encouraged to develop special policy or strategic programme to eliminate gender inequality by increasing the participation of female students and providing equal access to education (including pregnant girls, young mothers and married girls under 18 years of age, eliminating gender stereotype in education materials, providing relevant trainings for teachers, and reducing school violence of all forms).
4. Vanuatu should be encouraged to take measures to improve the education environment and facilities.
5. Vanuatu should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education.
6. Vanuatu should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.¹⁵

Freedom of opinion and expression

20. The Government is encouraged to introduce a freedom of information law in accordance with international standards.
21. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.

¹⁴ Concluding observations, Committee on the Rights of the Child, 29 September 2017, CRC/C/VTU.CO/2-4, para.40.

¹⁵ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

22. The Government is encouraged to assess the appointment system for the Telecommunications & Radiocommunications Regulator to ensure that this body is independent.

Right to culture

23. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁶ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)¹⁷, Vanuatu is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Vanuatu is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
24. Vanuatu is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)¹⁸, as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

Freedom of scientific research and the right to benefit from scientific progress and its applications

25. Vanuatu has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Vanuatu is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.

¹⁶ Periodic Report available at: <http://whc.unesco.org/document/116967>

¹⁷ Periodic Report not available

¹⁸ Periodic Report not available