

**Universal Periodic Review  
(46<sup>th</sup> working group session)**

**Contribution of UNESCO to Compilation of UN information**

**Vanuatu**

**I. BACKGROUND AND FRAMEWORK**

<i>Title</i>	<i>Date of ratification, accession, acceptance, approval or succession</i>	<i>Declaration s /reservation s</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Not ratified	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 13 June 2002			The right to freely participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 22 September 2010			The right to freely participate in the cultural life of the community
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not ratified			The right to freely participate in the cultural life of the community

**II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION**

**A. RIGHT TO EDUCATION**

Discrimination in Education (UNESCO consultations)

1. Vanuatu did not submit any report to the 9<sup>th</sup> and 10<sup>th</sup> consultations on the Recommendation against Discrimination in Education<sup>1</sup>. Vanuatu participated in the 5<sup>th</sup> edition of the Global Report on Adult Learning and Education survey (which includes the monitoring of the Recommendation on Adult Learning and Education of 2015)<sup>2</sup>.

### Constitution and main education law

2. The Constitution of Vanuatu<sup>3</sup> does not enshrine the right to education. It provides that all persons are entitled to the listed rights and freedoms of the individual without discrimination and equal treatment under the law or administrative action (article 5).
3. As for the legislative framework, the education system is governed by the Education Act of 2014<sup>4</sup> which does not explicitly recognize the right to education but does provide for a principle of non-discrimination regarding the treatment of children and admission to school (sections 3 and 8).
4. While the Education Act of 2014 does not comprehensively enshrine the compulsory nature of education, it states parents' duty to enroll their children in school between 6 and 14 years old (section 7) which covers primary and secondary education (section 4). Ensuring the compulsory nature of education is the duty of the State. Also, it does not guarantee free primary and secondary education as multiple fees such as tuition may be charged (section 41). Regarding pre-primary education, Vanuatu's legislation does not guarantee its compulsoriness, and no provisions were found to identify whether it is free.

### **Review**

#### Enrollment rates

5. During the last UPR, recommendations were made regarding access to education (Recommendations N°90.38, N°90.13, N°90.41, N°90.43, and N°90.44).

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<sup>1</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000380609/PDF/380609eng.pdf.multi>

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[https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p::usmarcdef\\_0000381666&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach\\_import\\_ec2a3559-c3fe-46dc-b9ca-acbcbf97daa1%3F%3D381666eng.pdf&updateUrl=updateUrl1568&ark=/ark:/48223/pf0000381666/PDF/381666eng.pdf.multi&fullScreen=true&locale=en#%5B%7B%22num%22%3A94%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22XYZ%22%7D%2C-166%2C842%2C0%5D](https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p::usmarcdef_0000381666&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_import_ec2a3559-c3fe-46dc-b9ca-acbcbf97daa1%3F%3D381666eng.pdf&updateUrl=updateUrl1568&ark=/ark:/48223/pf0000381666/PDF/381666eng.pdf.multi&fullScreen=true&locale=en#%5B%7B%22num%22%3A94%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22XYZ%22%7D%2C-166%2C842%2C0%5D)

<sup>3</sup> <https://www.gov.vu/images/legislation/constitution-en.pdf>

<sup>4</sup> [https://moet.gov.vu/docs/acts/Education%20Act\\_No.%209%20of%202014.pdf](https://moet.gov.vu/docs/acts/Education%20Act_No.%209%20of%202014.pdf)

6. In that respect, Vanuatu has adopted the National Disability Inclusive Development Policy 2018-2025 which provides for all persons with disabilities to have equal opportunities to enroll in and attend education and training. It recognizes the right to access services, including education and infrastructure, and underlines the importance of equal access to post-school education and training options for students with impairments.<sup>5</sup>
7. The gross enrollment rates (GER)<sup>6</sup> in 2021 were:
  - In pre-primary education: 103% in total, 102% for girls and 103% for boys.
  - In primary education: 123% in total, 122% for girls and 124% for boys
  - In secondary education: 55% in total, 57% for girls and 53% for boys.
  - There is no data in tertiary education.
8. In 2019, the gross enrolment rate at pre-primary level was 106% and that at primary level was 119%. There was no data for 2019 at secondary level.

#### Investment in education

9. Vanuatu expenditure in education represented 2.2% of its GDP and 5.01% of government on expenditure in 2020 (UIS).

#### Legal age of marriage

10. According to the Joint CEDAW-CRC General Recommendation/Comment, a capable child below the age of 18 may be allowed to get married provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions.
11. While the Control of Marriage Act of 2006<sup>7</sup> states that the legal age of marriage is 21 years old, it allows for girls to be married from the age of 16 with parental consent (articles 2 and 3).

#### Continuity of learning

12. Previous recommendations also underlined the necessity to ensure the continuity of education (Recommendation N°90.41).

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<sup>5</sup> [GEM Peer Profile](#), Inclusion, Vanuatu

<sup>6</sup> UNESCO UIS data

<sup>7</sup> [http://paclii.org/vu/legis/consol\\_act/coma194/](http://paclii.org/vu/legis/consol_act/coma194/)

13. In this regard, Vanuatu's initiative during the pandemic of COVID-19 was to launch a radio learning program in April 2020. This program aimed to support homeschooling and to support parents with homeschooling from pre-primary education to primary level during the pandemic<sup>8</sup>.

### Quality

14. The last UPR also raised concerns regarding the quality of education (Recommendations N°90.43 and N°90.44).

15. The 2020-30 Vanuatu Education and Training Sector Strategic Plan was drafted by the Ministry of Education and Training and adopted in 2020. One of the Strategic Plan's aims is to thoroughly review and implement the country's legislative framework and IT policy to improve teaching and learning in schools.<sup>9</sup> It also supports equipping schools with computer labs and emphasizing the development of minimum ICT standard for schools. The overarching objective is to improve the quality of education.

## **B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION**

### Constitutional and Legislative Framework:

16. Freedom of expression is guaranteed for all individuals by Article 5 of the Constitution, with restrictions only applicable to non-citizens as prescribed by law.<sup>10</sup>

17. The Right to Information Act 13 of 2016 provides "guarantee of the right to information of all persons and to establishing practical effective mechanisms supportive of that right and for related matters".<sup>11</sup>

18. Defamation is criminalized under Article 120 of the Penal Code. In 2021, new criminal defamation provisions came into force. Under the law, an individual could face up to three years imprisonment for false representation on any public platform including "television, radio, internet websites, social

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<sup>8</sup> GEM, Peer Profile, Vanuatu, Technology (<https://education-profiles.org/oceania/vanuatu/~technology>)

<sup>9</sup> GEM, Peer Profile, Vanuatu, Technology (<https://education-profiles.org/oceania/vanuatu/~technology>)

<sup>10</sup> <https://www.gov.vu/images/legislation/constitution-en.pdf>

<sup>11</sup> [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_isn=105151&p\\_lang=en](https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=105151&p_lang=en)

networking sites and blog sites".<sup>12</sup>

#### Implementation of the law:

19. The Telecommunications & Radiocommunications Regulator (TRR) of Vanuatu is established as per Act No. 30 of 2009. The Minister responsible for Telecommunications appoints the Regulator. The Regulator has power to grant, suspend, vary and revoke broadcast licenses.<sup>13</sup>
20. The Right to Information Act 13 of 2016 establishes the role of the Information Commissioner, who is appointed by the Judicial Service Commission. The Commissioner is chosen from individuals who are not associated with political parties or currently serving in legislative bodies.<sup>14</sup>
21. The Commissioner has not been appointed since adoption of the Act in 2016.

#### Safety of journalists:

22. As at 15 June 2023, UNESCO has recorded no killings of journalists and media workers in Vanuatu since systematic reporting began in 2006.

### **III. RECOMMENDATIONS**

#### **A. RIGHT TO EDUCATION**

23. Vanuatu should be encouraged to:
  - i. Ratify the UNESCO Convention against Discrimination in Education.
  - ii. Enshrine in the Constitution the right to education for all without discrimination.
  - iii. Revise the legislation to explicitly provide free primary and secondary education for at least 12 years, of which at least 9 are compulsory.
  - iv. Gradually introduce at least one year of free and compulsory pre-primary education.
  - v. Strengthen efforts to increase the enrollment rate, especially in secondary education.
  - vi. Increase efforts to finance education, by allocating at least 4%-6% of GDP to education; and/or at least 15%-20% of public expenditure to education, in accordance with international benchmarks.

#### **B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION**

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<sup>12</sup> [http://www.paclii.org/vu/legis/num\\_act/slpa2021n2o2021480/](http://www.paclii.org/vu/legis/num_act/slpa2021n2o2021480/)

<sup>13</sup> [https://www.trbr.vu/attachments/article/195/Telecommunications\\_and\\_Radiocommunications\\_Regulation\\_Act\\_2009.pdf](https://www.trbr.vu/attachments/article/195/Telecommunications_and_Radiocommunications_Regulation_Act_2009.pdf)

<sup>14</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/105151/128521/F421863969/VUT105151.pdf>

24. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.
25. The Government is encouraged to assess the appointment system for the Telecommunications & Radiocommunications Regulator to ensure that this body is independent, in compliance with international freedom of expression standards.
26. The Government is encouraged to appoint Information Commissioner in accordance with the Right to Information Act.

### **C. CULTURAL RIGHTS**

27. Vanuatu is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The UNESCO Culture Conventions 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 facilitate 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.

### **D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS**

28. Vanuatu did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. In May 2023, UNESCO's Executive Board also adopted 216 EX/Decision 45, which calls on all Member States to redouble their efforts to ensure the full and comprehensive implementation and monitoring of the 2017 Recommendation on Science and Scientific Researchers along the lines established in this decision. Therefore, Vanuatu is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice. Particular attention should be paid to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, equal opportunities and treatment, including for girls and women pursuing a scientific career, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications with emphasis on non-discrimination and inclusion; protection for the rights of human subjects of research; and promotion of the science society interface. UNESCO stands ready to support Vanuatu develop and nurture its science ecosystem, and the protection of their science and scientific researchers, in line with the abovementioned Recommendation. Vanuatu is invited to reach out to the UNESCO Secretariat for that purpose.

29. Furthermore, Vanuatu is encouraged to expand input on issues covered by the Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Vanuatu is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.