

Fourth cycle Universal Periodic Review of Vanuatu



Joint Submission of the UN Country Team

United Nations Country Team



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List of submitting UN entities:

- United Nations Resident Coordinator’s Office [RCO]
- United Nations Office of the High Commissioner for Human Rights [UNOHCHR]
- United Nations Development Programme [UNDP]
- United Nations Children’s Fund [UNICEF]
- United Nations Entity for Gender Equality and the Empowerment of Women [UN Women]
- International Labour Organization [ILO]
- United Nations Population Fund [UNFPA]
- International Fund for Agriculture Development [IFAD]
- Food and Agriculture Organization for the United Nation [FAO]
- United Nations Educational, Scientific and Cultural Organization [UNESCO]

1. BACKGROUND AND FRAMEWORK¹

¹ UNCT notes that most of the data today available are significantly outdated and does not enable to provide evidence on progress since the last UPR. Examples include 2013 Demographic and Health Survey (DHS) or Vanuatu National Survey on Women’s Lives and Family Relationships (VNS), conducted by the Vanuatu Women’s Centre (VWC) and the Vanuatu National Statistics Office in 2009 and published in 2011 and Multiple Indicators Clustered Survey 2007). The MICS 2023 is current ongoing and final report will be ready between 2023 Q4 and 2024 Q1.

A. Treaty ratification, reporting and cooperation with UN human rights mechanisms.

1. Vanuatu is State party to five out of nine core human rights treaties, namely ICCPR, CAT, CEDAW, CRC, CRC OPAC, CRC OPSC, and CRPD. It has signed but not yet ratified ICED. Vanuatu has one overdue report to treaty bodies under the standard reporting procedure, that is its initial report to CAT, whereas it is waiting for the issuance of the List of Issues Prior to Reporting for its reporting obligations under ICCPR, CEDAW and CRC. Vanuatu has presented its initial report under CRPD in 2019.
2. Vanuatu had extended its standing invitation to Special Procedures of the Human Rights Council on 12 May 2009, which remains in effect, although there are pending visit requests.²
3. Although Vanuatu has ratified the majority of the ILO's fundamental conventions; it has not yet ratified more recent fundamental conventions.³ Several of the reports due on ratified ILO Conventions have not been submitted.⁴
4. **UNCT recommends** that Vanuatu ratify fundamental treaties and that Vanuatu fulfils its treaty reporting and implementation obligations, and that it seeks technical assistance from United Nations to enhance its engagement with UN human rights mechanisms. UNCT further recommends that Vanuatu establishes a National Mechanism for Implementation, Reporting and Follow-Up.

B. Constitutional and legislative framework

5. Vanuatu's Constitution provides the legal framework for good governance and the fundamental principles of the rule of law. It promotes and protects various fundamental rights and duties of all individuals in Vanuatu but the provisions exclude gender and disability as grounds of equality and non-discrimination. The Constitution also guarantees the enforcement of fundamental rights by providing legal recourse to the Supreme Court in the event of an infringement of a protected right.
6. There are discriminatory legislation on family and marriage that prohibit marriage on the grounds of disability, including psychosocial or intellectual disability.⁵

² Pending visit requests include those of Special Rapporteur on Indigenous Peoples, Special Rapporteur on Human Rights Defenders, Independent Expert on Foreign Debt, Special Rapporteur on rights to water and sanitation, Special Rapporteur on internally displaced persons, and Special Rapporteur on minority issues.

³ In 2022, the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) became fundamental. Vanuatu has not made progress towards the ratification and implementation of the International Labour Organization (ILO) Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).

⁴ The first report on the Minimum Age Convention, 1973 (No. 138) due in 2021, has not been received. Nine reports are now overdue, some of which should have included information in reply to the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) comments, including on fundamental Conventions.

⁵ People with disabilities in Vanuatu experience prejudice, discrimination, and limited access to healthcare and education. Approximately 28,000 people, or 12% of the population in Vanuatu were classified as people with disabilities (PWDs) in 2009, with a higher prevalence in rural areas (13.7%) compared to urban areas (3.4%)⁵. In 2019, the incidence of disability in Vanuatu decreased to 6.4%, with the highest prevalence among people aged 65 and over.⁵ Discrimination on the basis of disability disproportionately impacts women and girls due to the intersectionality of their gender, disability, and age.⁵ Children with disabilities face exclusion and higher levels of vulnerability.

7. No amendment has been made to the Control of Marriage Act in order to increase the minimum age of marriage from 16 to 18 years for women since the last UPR. Polygamy is not prohibited in Vanuatu and that the registration of customary marriages is not mandatory, which prevents women from claiming their legal rights.⁶
8. Vanuatu's 1980 Constitution guarantees the fundamental rights and freedoms of individuals regardless of race, place of origin, religious or traditional beliefs, political opinions, language, or sex. It also contains commitments to the preservation of customary law practices, which may be a potential barrier to equal treatment, for example, through the impact of women's ability to exercise rights over customary land or to access to justice for survivors of sexual assault, particularly girls who suffer abuse but have their cases adjudicated through the informal justice system rather than through formal mechanisms.
9. Vanuatu also currently lacks comprehensive child protection legislation, but a Child Protection Bill has been drafted to fill these gaps. A new Adoption Bill is also in the process of being finalised. The Penal Code includes relatively comprehensive provisions penalising violence against children and provides equal protection to boys and girls. However, abduction, sale and trafficking in children are not adequately addressed. The Criminal Procedure Code does not include special measures to facilitate children's evidence or reduce trauma at all stages of the criminal justice process. Vanuatu does not have a comprehensive child justice law and there are very limited special procedural protections for children in conflict with the law. A Juvenile Justice Bill has also been drafted to fill these gaps.
10. Vanuatu has made significant progress in providing legal identity for all, and passed comprehensive legislation to reform civil registration system.⁷
11. Important political and legislative reforms have been discussed and drafted during this reporting period to improve the electoral legal framework. Single Harmonized Electoral Bill and Political Integrity Bill contain numerous provisions to increase independence and autonomy of electoral management bodies, align the legal framework with international human rights standards and address political instability.
12. Under Vanuatu's Penal Code, the age of consent to sexual activity is 15 for both men and women.⁸ Sexual offences legislation in Vanuatu is outlined in the Penal Code of 1981 and subsequent amendments in 2003, 2006 and 2016. The Penal Code Amendment Act No. 15 of 2016 makes provisions for increased imprisonment penalty for abduction, incest, unlawful sexual intercourse, and intentional assault.
13. **UNCT recommends** that Vanuatu:

⁶ Gender equality is a pressing issue in Vanuatu and needs to be address urgently. There is a persistence of harmful practices such as underage marriage, "bride price" and accusations of "witchcraft" against women that lead to violence or murder.

⁷ The legislation includes: Vanuatu National Identity Act No. 27 of 2021; Civil Registration and Identity Management Act. No 28 of 2021; Amendment to National ID Act (to provide for use of E-ID); Amendment to Marriage Act. No 5 of 2021 (to expand the definition of marriage and requirements for celebration of marriage.

⁸ In 2009, 72% of women who stated that they were below the age of 15 at their first sexual experience stated that they had been forced or coerced to have sex. More up-to-date research is required to determine current trends in this area.

- a. Amend its constitution to incorporate the principle of equality of all persons as well as the prohibition of discrimination based on disability, sexual orientation or gender;
- b. Repeal or amend all discriminatory legislation to bring it in conformity with international human rights treaties, such as legislation on family and marriage that allows for discrimination against persons with disabilities, including sections 1 and 2 of the Matrimonial Causes Act (1986);
- c. Enact a Disability Bill, which includes the human rights model of disability enshrined in the CRPD;
- d. Revise legislation to disallow child marriages for both boys and girls;
- e. Adopt laws that explicitly prohibit polygamy and enable the registration of marriages;
- f. Expedite the legislative process to bring the juvenile justice system in line with the standards of the Convention on the Rights of the Child;
- g. Enact and implement pending child rights related legislation, including the Child Protection Bill, Juvenile Justice Bill, and Adoption Bill;
- h. Review the civil and traditional legal systems to undertake reforms that ensure that their provisions on women's rights are uniform and conform to the international standards of CEDAW.

2. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A. Equality and non-discrimination

14. Vanuatu's Constitution does not specifically prohibit discrimination on the grounds of gender, marital status, sexual orientation or disability. Despite efforts to promote gender equality, Vanuatu society still holds onto discriminatory gender stereotypes, and patriarchal attitudes persist regarding the roles and responsibilities of women and men in society and in the family. These attitudes prevent women from asserting their rights and actively participating in decision-making and other aspects of political and public life. There is still lack of consistency in implementation of laws on domestic violence by the law enforcement agencies who sometimes do not investigate complaints
15. Women have limited access to justice, in particular on the outer islands, due to their limited knowledge about their rights and limited access to legal assistance. Women face difficulties in obtaining effective remedies and redress in both the traditional and formal justice systems, and about the lack of study on this dual legal system.
16. LGBTI persons still continue to suffer discrimination in all aspects of life due to lack of protection policies.
17. While establishment of quota for women in the electoral laws has met with resistance by MPs, a quota for at least 30% female candidates by each political party has been proposed in the Political Integrity Bill. The bills have been deprioritised several times due to ongoing political turmoil.⁹

⁹ Since the last review, two general elections have been held in Vanuatu in 2020 and 2022, with 2022 being snap elections. In 2020, 17 female candidates contested elections but none of them could win a seat. In 2022 snap elections, there were the number of female candidates dropped to only seven. Only one candidate could win the seat to Parliament, a first female elected to Parliament since 2008.

18. Several critical factors impact gender relations in Vanuatu, including patriarchal values introduced through religion and colonial power structures and Kastom. Kastom is broadly defined as indigenous knowledge, beliefs, values, and practices and how these are expressed and manifested. Kastom law, may in some instances prevent or discourage the participation of women in decision-making processes pertaining to land management and tenure.
19. The 2006 Control of Marriage Act sets the legal age of marriage at 21 years. However, with parental consent, girls aged 16 years can be married. For boys, parental consent for marriage is at 18 years. The practice of early marriage is believed to be common in Vanuatu, particularly on isolated atolls where girls are reportedly married at younger ages. In some areas of Vanuatu, Kastom may advise that a girl is available for marriage and sexual intercourse once they begin to menstruate.¹⁰ In the Education Sector, VEMIS (Vanuatu Education Management Information System), more girls are enrolled in higher secondary education, but boys outnumber girls in terms of completion of school. The general discourse surrounding this phenomenon is that girls become pregnant and leave school, even though there exists a policy that enables young girls to return to school after giving birth.¹¹
20. Within some Ni-Vanuatu groups, Kastom may require a “bride price” to be paid upon marriage whereby a groom and/or the groom’s family pays the bride’s family in exchange for her hand in marriage; this may be viewed to impede gender equality and contribute to a culture in which women are viewed as property.¹²
21. Vanuatu has ratified the key equality and non-discrimination labour standards, namely the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Vanuatu has not yet ratified the more recent Violence and Harassment Convention, 2019 (No. 190).
22. The Custom Land Management Act (2013) allows for the participation of women in customary institutions which are involved in decision-making regarding land matters. However, land ownership remains in the hands of custom owners, the majority of which are men.
23. **UNCT recommends** that Vanuatu:
 - a. Put in place national policies to protect people from discrimination based on sexual orientation, gender identity and sex characteristics.
 - b. Put in place a comprehensive strategy to eliminate discriminatory gender stereotypes, ensuring broad participation of civil society organizations in this process, and including training the law enforcement agencies on dealing with women and child victims. Develop a strategy to ensure that traditional justice mechanisms comply with international human rights law when addressing complaints by women. The strategy should include capacity-building and training programmes on CEDAW and on women’s human rights for traditional justice authorities.

¹⁰ Between 2012 and 2018, it is estimated that 3% of women aged between 20 and 24 were first married by age 15, while 21% of women and 5% of men were first married by age 18.

¹¹ UNFPA is supporting the Ministry of Education and Training in developing a national curriculum for Comprehensive Sexuality Education or Family Life Education (FLE) as a means to addressing gender equality and gender-based-violence for both in and out of school young people. UNFPA is also supporting the development of a Family Life Education Policy with the Ministry of Education.

¹² In Women’s Lives and Family Relationships study, conducted in 2011, 53% of women in Vanuatu stated that they believe a woman becomes a man’s property if a “bride price” is paid.

- c. Ensure the full involvement of persons with disabilities, including persons with intellectual or psychosocial disabilities, through their representative organizations in legislative and policy development and decision-making.¹³
- d. Take concrete steps to ensure women's equal participation in public and political life. While it is encouraging to see the proposals for quota for women candidates, these needs to be passed by the Parliament. Parliament should prioritize these reforms. In addition, more concrete measures should be taken to ensure women's representation in National Parliament, Provincial Councils and Local/Municipal Councils.
- e. Abolish child, early and forced marriage by setting the minimum age for marriage for both men and women at 18 years.
- f. Clarify primacy of principle of equality of women and men and prohibition of discrimination, over customary law.
- g. Amend its Citizenship Act to eliminate discrimination between men and women and bring it in conformity with CEDAW.

- ***Gender-based violence (GBV)***

- 24. Vanuatu does not have a standalone action plan or strategy on gender-based violence. The Vanuatu National Gender Equality Policy 2020-2030 prioritises prevention of and response to GBV, outlining multisectoral referral mechanisms and indicators to measure implementation. It should be noted, however, that current policy specifies what resources will be allocated to achieve GBV targets and it is clear that the Department of Women's Affairs (DWA) is under-resourced to implement activities outlined in the gender equality policy.
- 25. The Family Protection Act 2008 provides for the offence of domestic violence, and includes a relatively comprehensive definition of domestic violence (though economic violence is not included in this definition). However, there is a clear legislative gap in relation to sexual violence, with the Penal Code providing a narrow definition of rape and not explicitly including spousal rape.
- 26. Vanuatu currently does not have in place protocols or guidelines to addressing sexual harassment in the workplace in both private and public institutions. There does exist legal reprieve through the Penal Code and the Leadership Code Act.
- 27. No Vanuatu legislation or policy defines gender-based violence or harassment in the world of work.¹⁴ In 2023, Vanuatu's Tripartite Labour Advisory Council (TLAC) endorsed and recommended the Government of Vanuatu to ratify the Violence and Harassment Convention, 2019 (No. 190).¹⁵ The endorsement received from the TLAC members signaled a positive shift towards the prevention and elimination of violence and harassment in the world of work in

¹³ In accordance with the CRPD Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention.

¹⁴ The legal review highlighted that Vanuatu does not provide a single definition of violence and harassment in the world of work, but rather has separate concepts in different pieces of legislation. The main sources of regulation of violence and harassment in the world of work are the Employment Act (for private sector employees) and the Public Service Act (PSA) (for public sector employees), the Health and Safety at Work Act (HSWA), the Penal Code and the National Gender Equality Policy. No Vanuatu laws or policies define sexual harassment.

¹⁵ The recommendation follows a legal review facilitated by ILO between 2019-21 to assess the national laws, regulations, policies, and other measures, and to identify gaps and propose relevant changes to ensure alignment to the Convention.

Vanuatu by adopting an inclusive, integrated and gender-responsive approach.¹⁶

28. Gender based violence remains high in Vanuatu. Among women aged 15-49 who have ever been married, lived with a man, or had an intimate sexual relationship with a partner, 3 in 5 (60%) experienced physical and/or sexual violence in their lifetime.¹⁷ Vanuatu has high and severe rates of violence against women and girls¹⁸. Gender-based violence has had long-term damaging effects on survivors of violence against women and girls. Gender-based violence has had long-term damaging effects on survivors¹⁹.

29. **UNCT recommends** that Vanuatu:

- a. Adopt comprehensive measures to combat domestic violence and a “no drop” policy to ensure that all cases of domestic violence are properly investigated;
- b. Strengthen efforts to work across agencies and with non-governmental women’s organizations to raise awareness that domestic violence is unacceptable, to educate women on their rights and to combat stereotypes and customary practices that perpetuate domestic violence;

¹⁶ This arguably responded to the findings of a 2011 Vanuatu National Survey on Women’s Lives and Family relationships that found evidence of pervasive levels of domestic violence against women.

¹⁷ Vanuatu Women’s Centre and VNSO. May 2011. Vanuatu National Survey on Women’s Lives and Family Relationships.

¹⁸ According to the Vanuatu National Survey on Women’s Lives and Family Relationships (VNS), conducted by the Vanuatu Women’s Centre (VWC) and the Vanuatu National Statistics Office in 2009 and published in 2011, 60% of women aged between 15-49 who have ever been in a relationship have experienced either physical or sexual violence (or both) by a husband or intimate partner, and more than two in three (68%) experienced emotional violence. Women living with physical and/or sexual violence are more likely to have had restrictions placed on their mobility, participation in organisations, and access to education. Though the health sector is one of the first points of contact for most women and girls survivors of sexual and gender based violence, a UNFPA supported Health Facility Readiness and Service Availability Assessment conducted in December 2020 showed that 0% of health facilities in Vanuatu were able to provide minimum services for GBV. In response, the Vanuatu ministry of Health with the support of UNFPA developed in 2021 its first Standard Operating Procedures for the Clinical Management of Rape, Sexual Violence and GBV to ensure a supportive policy enabling environment for GBV service provision. A first national rollout of the SOP was undertaken in 2022, increasing the number of trained nurses on SGBV to at least 2 per health facility. In 2023 UNFPA trained a first cohort of national trainers to cascade training on health sector response to GBV in the country. 1. In comparison with other national studies conducted within the region, Vanuatu has the highest lifetime and current prevalence of emotional violence from intimate partners; in the 2011 national survey, 68% of ever-partnered women reported that they had experienced emotional violence from a partner in their lifetime, with 54% reporting that they had experienced this violence in the 12 months prior to the survey. The VNS found that 69% of ever-partnered women reported that they had experienced controlling behaviours from a partner in their lifetime, with 28% reporting having experienced at least four types of controlling behaviour. The most common types of controlling behaviour were insisting on knowing where she is at all times (experienced by 52% of ever-partnered women), expecting his permission before she does anything (48%), and expecting his permission before she accesses health care (41%). Controlling behaviours were more commonly experienced by urban than by rural women. The survey also found that 60% of survey respondents agreed with at least one situation in which a man was justified in hitting his wife. The most common justifications were if a husband finds out his wife has been unfaithful (38% of women considered it as a justification of physical violence), if she disobeys him (34%), and if a bride price has been paid (32%).

¹⁹ The VNS found that more than 21% of women in Vanuatu who had been injured due to intimate partner violence had sustained a permanent disability. A 2020 survey of 192 women attending ante-natal clinics at Northern Provincial Hospital in Sanma Province found that 64% of women had experienced physical, sexual, or psychological intimate partner violence during their lifetime, while 42% reported experiencing intimate partner violence during their current pregnancy. Among the survey respondents, 40% had experienced physical partner violence in their lifetime, 19% had experienced sexual violence, and 58% had experienced psychological violence. According to the 2011 VNS, 30% of women reported that they were sexually abused under the age of 15. Most perpetrators were either male family members (55%) or boyfriends (33%). A third (33%) of women reported that they had been sexually abused since the age of 15 by someone other than an intimate partner, while 28% of women stated that their first sexual experience was forced. Experiences of physical and/or sexual abuse by someone other than an intimate partner were more common among rural women (50%) than urban women (39%).

- c. Develop an overarching national policy/plan/strategy on eliminating GBV and an aligned institutional mechanism to ensure its effective implementation; focus on expanding service delivery for women experiencing violence; develop a national prevention framework; and ensure adequate resourcing and allocation of budget to both prevention and response.²⁰
- d. Ensure that women who are victims of domestic violence have full access to protection orders through authorized justices and local courts, and that legal remedies and barriers to women's access to justice is properly addressed.
- e. Provide assistance to victims of gender-based violence, including medical and psychological support and shelter, counselling and rehabilitation services, throughout its territory.
- f. Engage with United Nations to seek technical assistance in review of its legal frameworks and conduct capacity building to support the implementation and enhance better understanding of the Violence Harassment Convention, 2019 (No. 190), and a view to its ratification and implementation.
- g. Consider mandatory reporting of rape and sexual violence by health professionals.
- h. Consider developing a GBV Information Management System that would serve well the purpose of obtaining up to date data on GBV in Vanuatu.

- ***Sexual orientation and gender identity***

30. Same-sex relations have been decriminalized, although there are no anti-discrimination laws or policies in place to protect people from discrimination based on sexual orientation, gender identity and sex characteristics.²¹
31. Violence against the LGBTIQ+ community remains a widespread issue and transgender people are not allowed to change their gender markers on legal documents. This leads to greater discrimination in employment since their gender identities and expressions do not match their legal documents.²²
32. **UNCT recommends** that Vanuatu:
 - a. Amend its constitution to protect people from discrimination based on sexual orientation, gender identity and sex characteristics.
 - b. Repeal all discriminatory legislation that restricts human rights of LGBTI persons and provide equal protection from violence.

²⁰ UNFPA.2022. Sexual and reproductive health and gender-based violence in Vanuatu: A review of policy and legislation:https://pacific.unfpa.org/sites/default/files/pubpdf/vanuatu_policy_and_legislative_review_31122_1_0.pdf

²¹ Vanuatu society remains a conservative one, in which homophobic and transphobic attitudes are still all too common. During the 1st UPR Cycle, Vanuatu received one recommendation regarding LGBTI rights, and that recommendation was accepted. Vanuatu supported the UN's 2011 Joint Statement on Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity. There are, however, limited protections in Vanuatu's legislation against discrimination on the basis of sexual orientation and no protections against discrimination on the basis of gender identity. Same-sex marriage is not legal. The Vanuatu Constitution offers general human rights protections but does not specifically prohibit discrimination on the basis of sexual orientation, gender identity or sex characteristics. According to Vanuatu's Penal Code, consensual sex between people of the same sex is legal after the age of 18 years. However, marriage for same sex couples remains illegal. According to the National Youth Authority Act, "youth means any person aged between 12 and 30 years of age, including those with disabilities and of diverse sexual orientation and gender identity." (SOGIE Diversity in Vanuatu: A Preliminary Study). Additionally, Section 5 of the 5 Family Protection Act 2008 specifically define a spouse of a person to be an individual of the opposite sex to the person.

²² Office of the United Nations High Commissioner for Human Rights. November 2018. UPR. Compilation on Vanuatu. Report of the OHCHR. Human Rights Council. Working Group on the Universal Periodic Review. Thirtysecond session. 21 January–1 February 2019.

- c. Provide community awareness and education on human rights of LGBTI persons.
- d. Eradicate all violence and discrimination and promote inclusion, in particular with respect to women, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, as well as to protect their rights.
- e. In close consultation with community groups, service providers and police, revise the Family Protection Act 2008 to cover all types of family violence, including that experienced by vulnerable groups, including people with diverse sexual orientation and gender identity and expression, sex workers and people with disabilities.²³
- f. Provide information and sexual and reproductive health services also to people who identify as having diverse sexual orientation and gender identity.

B. Administration of justice, including impunity, and the rule of law

- 33. There has been a backlog of cases by the judiciary. People in the remote areas and outer islands continued to face limited access to justice. Law enforcement officials have limited knowledge of international human rights provisions and lack capacity in dealing with victims, including victims of domestic violence.
- 34. Vanuatu does not have an national human rights institution. Vanuatu has an Ombudsman's Office that was established by Articles 61-65 of the Constitution.²⁴
- 35. It has been reported that the police force has not always upheld legal safeguards against arbitrary arrest and detention. Long periods of pretrial detention are not uncommon, largely due to case backlogs in the courts. The so-called Vanuatu Mobile Force has reportedly engaged in heavy-handed treatment of its citizens and there has also been reported deaths of persons in detention. Civilian authorities have not been effective in punishing and preventing cases of police brutality. Prisons have suffered from overcrowding, violence, poor living conditions, and lax management that contributes to frequent escapes.
- 36. **UNCT recommends** that Vanuatu:
 - a. Establish an Independent Human Rights Institution by providing adequate human, technical and financial resources and sufficient mandate to progressively bring it in compliance with the Paris Principles to promote and protect human rights;
 - b. Strengthen the capacity of the judiciary on human rights and raise awareness of human rights among judges, prosecutors, lawyers and law enforcement officials.
 - c. Exert more effort to ensure compliance of law enforcement conduct with international human rights standards, including by preventing and addressing cases of police brutality and of violence in prisons;
 - d. Ensure that the conditions in places of deprivation of liberty in Vanuatu comply with international standards and the standard minimum rules for the treatment of prisoners.

²³ UNFPA.2022. Sexual and reproductive health and gender-based violence in Vanuatu: A review of policy and legislation:https://pacific.unfpa.org/sites/default/files/pubpdf/vanuatu_policy_and_legislative_review_31122_1_0.pdf

²⁴ The Committee on the Elimination of Discrimination against Women recommended that Vanuatu establish an independent national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee on the Rights of the Child also recommended that Vanuatu take measures to expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that was able to receive, investigate and address complaints by children in a child-sensitive manner.

- e. Increase capacity of the law enforcement agencies through human rights training and gender sensitization.

C. Rights to freedoms of assembly, association, opinion and expression

- 37. Although the authorities have generally respected Constitutional provisions protecting freedoms of assembly, association and expression, including for the press, there were reported cases of elected officials being accused of threatening journalists for critical reporting. There remains challenges faced by persons with disabilities in exercising their right to freedom of expression and access to information due to the lack of information in accessible formats and communication barriers.
- 38. There has been reported enforcement of criminal libel laws to limit freedom of expression recently.²⁵ The penal code allows for prosecution on criminal charges for making false statements on the internet, including Facebook and other social media sites.
- 39. Reference is made to challenges faced by Vanuatu in the implementation of relevant ILO Convention protecting freedom of association and the rights to organize and collective

²⁵ Libel and slander are criminal offenses; cyber slander and cyber libel are separate criminal offenses. The authorities have arrested several individuals in this context, including the moderator of a social media news site, for posting or failing to delete from platforms allegations that government officials caused a COVID-19 outbreak by breaching quarantine regulations.

bargaining.²⁶

40. **UNCT recommends** that Vanuatu:

- a. Accelerate the introduction of a law on freedom of information in line with international standards and review media legislation to decriminalize defamation in accordance with international standards.
- b. Ratify the 2005 UNESCO Convention on the Protection & Promotion of the Diversity of Cultural Expressions and the implementation of the 1980 Recommendation concerning the Status of the promoting both artistic freedom and the social and economic rights of artists.
- c. Continue efforts to remove accessibility barriers and enable persons with disabilities to enjoy their rights to to freedoms of assembly, association, opinion and expression, including by adopting legislative and other measures to improve the availability of all public information in accessible formats, such as Braille and Easy Read, developing a national sign language, providing training for sign language interpreters and introducing a certification system.

D. Prohibition of slavery, trafficking

²⁶ The ILO's CEACR has noted that questions remain regarding the implementation of Article 2 of the Convention. The CEACR had noted that prison service is excluded from the application of the Trade Unions Act (TUA) by virtue of section 55. The Committee notes the Government's indication that since August 2016 staff of the correctional centre are no longer under the Police Service Commission but under the Public Service Commission and thus are covered by the Public Service Act.

The CEACR also previously noted that the Registrar can refuse registration on the grounds that the union is "formed or likely to be used for unlawful purposes" and considered that this type of issue should be addressed by judicial review instead. In 2022, the CEACR requested the Government to inform it of the measures taken to amend the legislation so as to ensure that trade union pluralism remains possible in all cases.

The CEACR previously noted the lack of legal recognition of the right of employers to join and establish organizations of their own choosing, and the legislative requirement that made membership of employers compulsory in the chamber of commerce of their region under the Vanuatu Chamber of Commerce and Industry (VCCI). The Committee notes the Government's indication that: (i) the Vanuatu Chamber of Agriculture Act provides for membership of farmers in the Vanuatu Chamber of Agriculture without indicating whether membership is compulsory; and (ii) the Chamber of Commerce and Industry Act provides for compulsory membership in the VCCI when acquiring a business licence. In 2022, the CEACR reiterated a request to amend the legislation to ensure that employers have the right to join and establish organizations of their own choosing.

The CEACR also requests the Government to provide information in relation to the following issues:

- Excessively detailed legal regulations, in particular on the consequences of arrears in union contributions or on quorums for meetings (paragraphs 18–21 of the Schedule of the TUA).
- Undue restrictions to participation (sections 24 and 26 of the TUA).
- Undue restrictions to union office (sections 26 and 27 of the TUA).
- Excessively broad rights given to any person having an interest in the funds of the trade union to inspect the books and to access the list of names of trade union members (paragraph 11 of the Schedule of the TUA).
- Undue limitations on the purposes for which union funds can be used, inappropriately subjecting some of these uses to the prior approval by the Minister (section 32 of the TUA); excessively broad prohibition on the use of funds for political purposes (section 33); use of funds to pay fines only when imposed on the union (not when imposed on trade union leaders in the performance of their duties); and broad inspection and intervention powers of the Registrar, in particular as to financial supervision of accounts and access to the books and other documents of an organization (sections 32, 33 and 37 of the TUA).
- Excessively broad powers of public authorities to intervene in strikes, in particular when they consider that these may be "gravely injurious to the national economy" (sections 26–29 and 34 of the Trade Disputes Act), a comprehensive notion that is not defined further.
- Under section 50 of the TUA, organizations are denied the right to join or associate with outside organizations, or the ability to receive funds from them, as they are subject to the written consent of the Minister.

The CEACR notes that the Government indicates that it has been agreed to revise the Employment Act by incorporating the necessary provisions in order to give effect to the Convention. It is recommended that revisions address the issues raised above.

41. Although Vanuatu does not fully meet the minimum standards for the elimination of trafficking, in 2022, their Supreme Court sentenced four Bangladesh nationals to adequate prison terms, highlighting Vanuatu's position on trafficking and slavery and its international obligation to combat these types of offences.²⁷
42. The government did not report any efforts to identify or assist victims of trafficking. When available, protection services were time-limited, and authorities conditioned some services on victim's participation in court proceedings.²⁸
43. Reference is made to concerns raised by other mechanisms, including ILO's CEACR.²⁹
44. **UNCT recommends** that Vanuatu:
 - a. Develop and implement comprehensive SOPs for victim identification and referral, including by screening for trafficking indicators among vulnerable populations, such as individuals in commercial sex, LGBTQI+ persons, migrant workers, and persons displaced by natural disasters, while adopting all-of-government approach and in close collaboration with civil society.
 - b. Provide systematic training for all relevant officials on the trafficking law, victim identification, and referral mechanisms.
 - c. Allocate resources for and implement victim protection benefits, including permission to stay for foreign victims who wish to participate in prosecutions against alleged traffickers.

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

45. In 2023, the Government signed a new minimum wage order to increase the national minimum hourly wage rate from VT220 to VT300.³⁰ Additionally, the ILO has offered technical assistance to support the Government in the establishment a national mechanism to formulate sectoral minimum wage rates based on an evidence-based approach.

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

46. In the 2020 Census, the national labour force participation rate was 42.1% for women and 51.5% for men aged 15 and over. For women, the labour force participation rate was 47.2% in urban areas and 40.4% in rural areas. Among the regions of Vanuatu, women's labour force

²⁷ RNZ Pacific News, *Vanuatu court sentences four Bangladeshis for trafficking and slavery*, June 2022

²⁸ In 2006, Vanuatu has ratified both fundamental conventions related to forced labour namely, the Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105). But Vanuatu have yet to ratify Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).

²⁹ The Employment Act of 1983 prohibits forced and compulsory labour under section 7(2). However, reservations remain pertaining to the application of specific sections of the Penal Code in practice and section 23 of the Correctional Services Act, 2006 surrounding the imprisonment of prisoners which may be subject to compulsory labour if they are convicted under seditious publications (section 66); assembly and riot (sections 68–70); and defamation (section 120), which is a direct contravention of Article 1(a) of the Abolition of Forced Labour Convention No. 105. The CEACR has highlighted deep concerns and requested the Government to provide information on the application of the Counter Terrorism and Transnational Organised Crime Act, in practice, including statistics on the number and nature of offences reported, investigations, prosecutions, convictions and penal sanctions imposed in cases relating to the trafficking of children under 18 years of age, with respect to conforming to the Article 3 of the Worst Forms of Child Labour Convention, 1999 (No. 182), Clause (a) on combating all forms of slavery or practices similar to slavery including the trafficking of children.

³⁰ However, the Vanuatu Chamber of Commerce and Industry expressed concern that proper consultation and process of the minimum wage fixing was not conducted. Some Tripartite Labour Advisory Council members argued the new minimum wage rate was too high. The ILO has facilitated tripartite consultations and provided capacity building to social partners in October 2023.

participation rate is lowest in the southerly province of Tafea and the northerly province of Torba, at 27.0% and 36.4%, respectively. Men's labour force participation rates are similarly lowest in these regions at 27.0% and 44.1%, respectively. For those who did not work and were not looking for work in the week prior to the Census, 69.9% of women and 66.0% of men stated that their reason was doing domestic work only for self and others.

47. The Vanuatu CIP report defines hardship as those individuals living below the "National Poverty Line" (NPL), is estimated to be 15.9%, with 96.7% of people in hardship living in rural areas.³¹ Women are more likely to be informally employed than men, with 68.7% of employed women in informal employment compared to 65.5% of men.³² Informal employment is highest in the agriculture, forestry, and fishery sectors, followed by the industry and service sectors. Market vending is an important driver of local economic development, with women making up the majority of vendors.³³
48. The typical requirement at financial institutions for land or vehicles as collateral or a 100% cash deposit restricts women's access to capital in Vanuatu.³⁴ There are efforts, supported by ILO, to formulate a National Employment Policy 2023-2027.³⁵ Labour mobility remains an important source of trade and employment for Vanuatu, particularly as part of the economic recovery following the COVID-19 pandemic.³⁶
49. **UNCT recommends** that Vanuatu:
 - a. Review and revise national policies and legislations to enable all workers, but particularly women to access services and access to capital.
 - b. Reduce the burden on women by recognizing and addressing issues such as unpaid care and domestic work, adverse effects of labour mobility plans and reducing restrictions on women's accessibility to economic opportunities.
 - c. Adopt programmes aimed at reducing women's unemployment and promoting their access to employment in the formal sector with adequate social security coverage, and monitor the working conditions of self-employed women and women in the informal economy and ensure that they have access to social protection, including maternity protection.
 - d. Urgently adopt comprehensive legislation to combat discrimination in the workplace and promote equal opportunities for and the equal treatment in employment in both the public and private sectors;

³¹ This translates to approximately 47,000 individuals living in hardship nationwide with the greatest in Tafea (14,066), Malampa (9,069), rural Sanma (8,706) and Penama (5,204). Informal employment is a significant issue in Vanuatu, with 66.9% of employed persons being informally employed.

³² Republic of Vanuatu. 2021. Food Security in Vanuatu: 2019-2020 NSDP Baseline Survey. VNSO. Ministry of Finance and Economic Management

³³ Despite easy entry and flexibility, market vending has downsides, including long hours, difficult working conditions, lack of social and legal protections, and lack of professional development opportunities.

³⁴ In 2020, 80% of the members of savings and loans cooperatives in Vanuatu were women. Savings and loans cooperatives disbursed approximately US\$475,000 of loans to members in 2020

³⁵ The NEP shall follow the principles stipulated in the Employment Policy Convention, 1964 (No. 122) and address selected country-specific employment challenges. In February 2023, the ILO facilitated capacity building and social dialogue among the tripartite constituents and relevant stakeholders in preparation of the NEP development phase.

³⁶ According to a published ILO report on the Seasonal worker schemes in the Pacific over 48,000 Vanuatu nationals worked as seasonal workers in Australia and New Zealand over an eight-year period between 2012 – 2020. The Government of Vanuatu is currently developing a new National Labour Mobility Policy and Action Plan as the labour mobility landscape has changed since the 2019 National Labour Mobility Policy was finalized. ILO is supporting Vanuatu to review Vanuatu's national legal and policy framework and programmes in relation to labour mobility to further enhance the protection of Vanuatu's migrant workers abroad.

G. Right to health

50. Vanuatu increased its efforts at improving sexual and reproductive rights and providing an enabling environment for sexual and reproductive health service provision by developing an innovative and landmark RMNCAH policy in 2021 which allows the provision of contraceptive services to adolescents and young people aged 13 years and above, without parental consent. The policy also allowed for an integrated service approach so contraception can be accessed at any time, particularly by vulnerable and excluded groups; service fee waivers to end financial barriers to contraception; and guarantees that women have the ultimate right in decision-making on contraception.³⁷
51. **UNCT recommends** that Vanuatu:
- a. Accelerate training of health workers to provide integrated adolescent friendly and disability inclusive family planning services across the 6 provinces in the country to increase access of services to young people and persons with disabilities.
 - b. Commence roll-out of FLE/CSE in secondary schools across the country and intensify efforts in rolling out of school CSE to young people including young people with disabilities.
 - c. Increase domestic funding allocation for SRH services including family planning supplies, informing a sustainable financing transition from externally financed programs.

H. Right to education

52. While the access to early childhood care and education (ECCE) has been expanding, there are challenges with providing quality ECCE. A range of issues including teacher inadequate availability of continuous professional development, unavailability of data on learning outcomes, dated national ECCE policy and curriculum and lack of monitoring and quality assurance of ECCE quality.³⁸
53. There is a high dropout rate amongst girls at the secondary level of education.³⁹ No law protects the right of pregnant women and girls to re-enroll in school following birth.
54. Access to tertiary education remains a challenge. Outbound mobility of students going out of country for study is also high. Tertiary enrolment favour females in Vanuatu, as in many of the Pacific SIDS.
55. In the Ministry of Education 2015 Annual Statistics Digest, approximately 2.9% of students in primary schools identified as having a disability. The report noted that some students with disabilities were “not able to adapt themselves with the ‘normal’ teaching and learning

³⁷ To address the high adolescent birth rates in the country, the Ministry of Education agreed to the full integration of Family Life Education (FLE) which includes Comprehensive Sexuality Education (CSE) in Secondary schools with finalized curricula for years 7 to 13. Rollout of the FLE curriculum is ongoing. FLE modules for Out-of-School youths, has been completed and trainers and facilitators of the modules have been trained.

³⁸ ECCE in Vanuatu is for 4- and 5-year-olds. ECCE access has expanded significantly in recent years. Between 2016 and 2017, the GER for ECCE jumped from 59.8 per cent to 101.3 per cent. It has continued to increase since then and was 111.8 per cent in 2019. NER similarly doubled between 2016 and 2017, and in 2019 was 86.6 per cent.

³⁹ Around 50% of girls enrolled drop out between Grades 7 and 11. A comparable dropout rate for boys was not available.

development in the classrooms”, leading to them dropping out.⁴⁰

56. There are incidents of violence within schools, and corporal punishment by teachers is reported to be relatively common in Vanuatu. Incidents of school sexual violence involving both male teachers and pupils have also been reported.
57. There is a clear link in Vanuatu between the prevention of the engagement of children in the worst forms of child labour and access to free basic education.⁴¹
58. **UNCT recommends** that Vanuatu:
 - a. Build on the progress in expanding access to ECCE and establish this as a formal part of the education system.
 - b. Review, revise and implement national curriculum, including for ECCE, and provide for in-service professional development mechanisms for teachers.
 - c. Reduce the high dropout rates of girls from secondary education, and take effective measures to retain children in school and increase their attendance through financial assistance in the form of scholarships, the free provision of textbooks, the provision of affordable school transport, especially in remote areas, and an increase in the number of dormitories for girls;
 - d. Ensure that girls are not expelled from school on grounds of pregnancy, that young mothers may return to school after giving birth and that appropriate sanctions are imposed if their right to education is denied;
 - e. Implement relevant CEACR recommendations.⁴²
 - f. Expand multiple learning pathways beyond secondary in support of TVET and higher education opportunities.
 - g. Promote understanding towards and consider ratification of the Asia Pacific Regional and Global Conventions of Higher Education to help provide quality higher education, fair recognition and relevance of education, networks and exchanges.

Right to food

⁴⁰ The Vanuatu National Statistics Office reported in 2011 that women with disabilities experience educational disadvantages.

⁴¹ The CEACR has noted that, according to section 7 of the Education Act No. 21 of 2001, it is the duty of the parents of children of 6 to 14 years of age to ensure their attendance at school. Section 35(4) of the Education Act further states that the parents of a child are jointly responsible for all fees due in respect of the child. The CEACR, therefore, observed that education in Vanuatu is neither free nor compulsory.

The CEACR further noted with interest the Government’s information that it has introduced tuition-free education since the third term of 2017, and further welcomes the Government’s indication that, as of 2018, education will be free, from pre-primary education to the third year of secondary education.

The CEACR notes that the Education Act No. 21 of 2001 was replaced by the Education Act No. 9 of 2014. Sections 7 and 35(4) of the Education Act No. 21 have been upheld, respectively in sections 7 and 41(6) of the Education Act No. 9 of 2014. It notes that, according to the statistics of the Ministry of Education and Training, the net enrolment rate in 2017 was 90 per cent at the primary level and 43 per cent at the secondary level. The statistics also indicate that the gross enrolment rate was 119 per cent at the primary level and 47 per cent at the secondary level. The CEACR takes note of the Inclusive Education Policy and Strategic Plan (IEPSP) 2010–20, targeting children with special needs.

⁴² CEACR has requested the Government to take the necessary measures to ensure access to free basic education and to strengthen the functioning of the education system. The CEACR encourages the Government to pursue its efforts to ensure access to free basic education, including by taking measures to increase the school enrolment, attendance and completion rates, particularly at the secondary level, and by aligning the Education Act No. 9 of 2014 with the indicated practice

59. Country economy is highly vulnerable to exogenous economic shocks and the impact of climate change and natural hazards.⁴³ Around 19% of Ni-Vanuatu live below the national poverty line, primarily in rural areas. The second-largest sector after tourism is agriculture, fisheries, and forestry, contributing 27% of the GDP.⁴⁴ Poverty is largely a rural phenomenon: 97 percent of the people living in poverty in Vanuatu are found in the rural areas. Around 80 percent of the rural population are rainfed subsistence farming with occasional sales of surplus.⁴⁵
60. Vanuatu has witnessed a nutrition transition characterised by an erosion of traditional lifestyles and food systems and diets, reduced dietary diversity, and increased dependence on imported foods, often of poor nutritional value.⁴⁶ Updated estimates, drawing on regional data, suggest a current prevalence of obesity and overweight in adults respectively 23.5% and 62% as well as an increasing prevalence amongst children.⁴⁷
61. To address these interconnected challenges, Vanuatu has developed critical policies aligned with the right to adequate food. Notably, the Gudfala Kakae Policy aims to improve access to safe, affordable, and nutritious local foods.⁴⁸ A rights-based approach incorporating policy recommendations can help Vanuatu achieve food and nutrition security. However, increased political will and investment are vital to implement these policies.
62. **UNCT recommends that Vanuatu:**
- a. Improve resilience of agricultural production systems through the adoption of sustainable and climate smart agricultural practices and innovative techniques across the food supply

⁴³ COVID-19, the indirect impact of Russia's war against Ukraine led to economic contraction in 2020-2022.

Vanuatu has consistently been ranked amongst the most vulnerable countries in the world to the effects of climate change.

⁴⁴ Vanuatu is a lower middle-income country with GDP per capita averaging USD 3,010 in 2022. According to World Bank, Vanuatu Gross Domestic Product is significantly increased from US\$ 272 million in 2000 to US\$ 983,5 million in 2022, with an increase of around 360% in the last 22 years. In 2022, Vanuatu's GDP per capita stood at USD 3,010. Despite a 360% increase since 2000, the economy remains susceptible to external shocks. However, agriculture only accounts for 20% of GDP despite engaging 80% of the rural population in subsistence farming. Vanuatu is a lower middle-income country with GDP per capita averaging USD 3,010 in 2022. According to World Bank, Vanuatu Gross Domestic Product is significantly increased from US\$ 272 million in 2000 to US\$ 983,5 million in 2022, with an increase of around 360% in the last 22 years. Agriculture, fisheries, and forestry are the second most important sector of the economy after tourism, contributing 27% of GDP. 75% of the Primary Sector contribution to GDP comes from Agriculture, fishery and forestry. Vanuatu's main export commodities include coconut products, kava, beef and cocoa. Poverty is largely a rural phenomenon: 97 percent of the people living in poverty in Vanuatu are found in the rural areas.

80% of the population depends entirely on subsistence agriculture for their daily sustenance and well-being. The subsistence sector is predominantly centered on root crops such as taro, yam, cassava, and sweet potato.

⁴⁵ Traditional farming systems are characterized by resilient and diverse productions that reduce risks in risk-prone environments. Fishing and wild forests, bush fallow and swamps offer additional food products. However, these systems are under increasing pressure because of the fast-growing population, reduced fallow period, lack of skills to address declining soil fertility, exposure to climate change, and lack of quality seeds and planting materials. As land use intensifies, the typical male clearing and cultivation roles tend to shift more to women, increasing their workload.

⁴⁶ The result is the triple burden of malnutrition with the coexistence of both under and over-nutrition and micronutrient deficiencies.

⁴⁷ National mortality data indicates that NCDs contribute to between 52-60% of premature mortality. Forms of undernutrition associated with the insufficient intake of dietary energy and protein remain a challenge in Vanuatu. Stunting and wasting in children under the age of five in Vanuatu currently stand at 28.5% and 4.4% (FAOSTAT). 9.9% of Ni Vanuatu live on less than USD 9.9 a day. 20.9% of population experience moderate levels of food insecurity and an additional 2.4% experience severe levels of food insecurity (FAOSTAT).

The vision of the Gudfala Kakae Policy (GKP) is that the people of Vanuatu have improved access to safe, affordable and nutritious foods in order to enjoy a healthy, wealthy, food secure.

⁴⁸ The Vanuatu Food Safety, Security and Nutrition Policy 2022-2030 provides a roadmap for strengthening sustainable food systems.

- chain.
- b. Increase knowledge and positive attitudes that are limiting the production and consumption of local nutritious/healthy food.
- c. Adopt inclusive, sustainable, climate smart investments in agriculture, infrastructure, and technology/innovations. Mobilise financing and facilitate access to finance and support agri-enterprises through dedicated credit lines.
- d. Strengthen institutions' capacity and develop well-defined investment plans for food and nutrition.
- e. Modernize and commercialize the agricultural sector and support production/exports of value-added products.

Rights of the child

- 63. The most widespread child protection concern in Vanuatu is violence against children (VAC), with 84% of Ni-Vanuatu children experiencing violent discipline at home, and children facing exploitation in the form of forced labor and commercial sexual exploitation.⁴⁹
- 64. Under Vanuatu Electoral Environment Project, Vanuatu has established a comprehensive citizen database (RV5)⁵⁰ linked to the rights to legal identity, which is supported by comprehensive birth registration features.
- 65. Vanuatu has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Child labour is prohibited under sections 38 – 42 of the Employment Act 1983. The Convention on the Rights of the Child (Ratification) Act protects against economic exploitation of children and against child labour (section 32), however efforts must continue to enact legal provisions prohibiting the engagement of children under the age of 18 years in hazardous work.⁵¹
- 66. The Penal Code 1981 prohibits child prostitution (sect. 101B–C). However, concerns remain that the Government of Vanuatu has not taken effective measures to combat child prostitution.⁵²
- 67. **UNCT recommends** that Vanuatu:

⁴⁹ UNICEF. 2014. Hidden in Plain Sight: A statistical analysis of violence against children, pp.96-99.

⁵⁰ This system has the capacity to capture the data different demographic groups including children. Data on persons with disabilities including children can be captured through this.

⁵¹ The CEACR remains concerned about the prevention of hazardous work and determination of hazardous work. The CEACR has noted Government's information that the Employment Relations Bill, which established a minimum age of 18 years for hazardous work, was dropped by the Tripartite Labour Advisory Council (TLAC), due to disagreements with the social partners. It notes however the Government's statement that its employment legislation, in particular the Employment Act, is under review, and that it is envisaged to include provisions prohibiting the engagement of children under the age of 18 years in hazardous work

⁵² Concerns remain that the Government has not implemented the recommendations to address the direct request identified by the CEACR related to Worst Forms of Child Labour Convention No. 182; to take necessary measures to combat child prostitution by ensuring that sections 101B and 101C of the Penal Code 1981 are effectively applied. This includes providing further information to demonstrate actions taken by the Vanuatu authorities on any investigation, prosecutions, convictions and penalties imposed on persons who are engaged in commercial sexual exploitation of children under 18 years of age.

- a. Implement child protection related recommendations of international human rights mechanisms, including CRC recommendations and CEACR recommendations⁵³
- b. Devote greater human and financial resources to addressing VAC, including developing a qualified and professionalized social service workforce to provide child protection services to children and families in need, encompassing both social workers but also other relevant service providers such as health workers, teachers, and police, including a greater investment in more community-based children protection mechanisms to ensure services are reaching children in remote rural locations.
- c. Break the intergenerational cycle of violence against women and children by focusing on prevention of VAC, including through social and behavior change efforts at the community level and promotion of positive parenting.

Persons with disabilities

68. Although the Vanuatu Government has committed to advancing SRHR for persons with disabilities, fully accessible and disability-inclusive sexual and reproductive Health (SRH) services are still extremely scarce in Vanuatu.⁵⁴
69. There is lack of procedural accommodation by the justice system for women and girls with disabilities, such as through accessible information, the provision of sign language interpreters and alternative forms of communication.
70. According to data on children with disabilities collected by Vanuatu's Ministry of Education and Training in 2020-2021⁵⁵, the proportion of types of functional difficulties amongst the 3,116

⁵³ (1) Take the necessary measures without delay to ensure that legislation is amended in order to prohibit the engagement of children under the age of 18 years in hazardous types of work and also requests the Government to take the necessary measures to ensure the adoption of a list of types of hazardous activities prohibited to children under 18 years of age, after consultation with the organizations of employers and workers concerned. (2) Pursue its efforts to strengthen the capacities of the labour inspectorate and police units, in order to improve their ability to identify and withdraw children engaged in the worst forms of child labour and to provide information on any measures taken in this regard, as well as extracts of the inspection reports referring to cases of worst forms of child labour. (3) Ensure that sufficient data on the situation of children involved in the worst forms of child labour is made available, including statistics and information on the nature, extent and trends of the worst forms of child labour and on the number of children protected by the measures giving effect to the Worst Forms of Child Labour Convention, 1999 (No. 182).

⁵⁴ In particular, many women and young people with disabilities experience derogatory treatment from healthcare workers who are not adequately trained on how to provide these services. These attitudinal barriers—coupled with other physical and communication barriers—result in many persons with disabilities refraining from requesting SRH services. This situation is compounded for young persons with disabilities, many of whom lack access to alternative sources of information and services due to their exclusion from the education system, the delays in the implementation of the family life education curriculum, and the fact that SRHR is highly taboo in many families and communities.

⁵⁵ Ministry of Education and Training (2022), Vanuatu school disability data - Analysis of data from Vanuatu's Education Management Information System November 2021

students with disabilities shows broad trends⁵⁶, with some provincial variations.⁵⁷ Contrasting with data on children with disabilities, budget investment in inclusive education did not match the scope of the issues faced. Vanuatu's Country Profile of Inclusive Education⁵⁸ showed National School Programmes Budget covers inclusive education, education in emergencies, open distance, child safeguarding and gender equity, yet only .05% of teachers have participated in in-service training on inclusive education, and frequency of teacher in-service training in inclusive education is less than once a year.

71. **UNCT recommends** that Vanuatu:

- a. Enact comprehensive disability legislation to advance domestic implementation of the Convention of the Rights of Persons with Disabilities (CRPD).
- b. Develop a National Sign Language to address communication barriers that exist.
- c. Mainstream the interests of women and young people with disabilities across National Action Plans, Strategies and Policies
- d. Ensure that women and girls with disabilities and disabled people's organizations (DPOs) are meaningfully consulted in decision-making processes that affect their rights.
- e. Improve the availability of GBV and SRH services that are fully accessible and disability inclusive.
- f. Eliminate the use of all derogatory terminology regarding persons with disabilities in law and in practice, including in the media;
- g. Accelerate efforts including investments towards inclusive education.

Climate change, natural hazards and human rights

72. Vanuatu plays a key role in intergovernmental efforts on combatting global climate change. The Government initiated a motion to adopt a UN General Assembly resolution on climate change,

⁵⁶ The total sample included 33,117 students from Early Childhood Education (ECE) to secondary school, from the provinces of Malampa (5,822), Penama (83), Sanma (11,919), Shefa (14,401), Tafea (422) and Torba (470). Of these, 3,116 (9.4%) had functional difficulties, of which 1,911 (61.3%) were boys. Of the boys in the whole sample, 11.3% had functional difficulties, compared to only 7.5% of the girls in the study. The majority of students with functional difficulties are in primary school, and there is a large drop at the point of transition to secondary school. There are few children with functional difficulties in ECE, indicating a lost opportunity for children with disabilities to benefit from the developmental advantages of participating in kindergarten. This compounds challenges they face as they enter primary school. Of the primary school students, 13.5% of male students have functional difficulties, compared to 8.8% of female students.

⁵⁷ Approximately 50% have general learning difficulties (intellectual); approximately 30% have difficulties with behaviour, attention and/or socialization; approximately 20% have specific learning difficulties (dyslexia); approximately 19% have speaking difficulties, approximately 5% have hearing difficulties, with Sanma being much higher at 15%; approximately 20% have emotional difficulties (anxiety or depression), with Tafea being much higher at 79%.

⁵⁸ PacREF and UNICEF (2022), Pacific Regional Inclusive Education

leading to a request for advisory opinion from International Court of Justice.⁵⁹

73. Vanuatu significantly suffers from the negative impacts of climate change and related natural disasters. Respectively on 1 and 3 March 2023, cyclones “Judy” and “Kevin” made landfall in Vanuatu, causing extensive devastation in the provinces of Mera Lava, Penama, Ambrym, Paama, Shefa and Tafea, and affecting approximately 197,388 people. Government response seeks to incorporate a human rights-based approach.⁶⁰
74. Climate Change poses significant risks for human rights in the Pacific including Vanuatu. Vanuatu’s location on the Ring of Fire and in the cyclone belt, increases its vulnerability to the impacts of natural hazards such as volcanic eruptions, earthquakes, tsunamis, cyclones, climate variability, storm surge, landslides, droughts, and flooding. Vanuatu has the highest disaster risk rating of any country in the world, ranking number one in the World Risk Index in 2021. More than half the population live in coastal zones and have limited coping and adaptive capacities.
75. Assessments conducted by Humanitarian actors have found women in Vanuatu to be disproportionately affected by climate related disasters through its impact on shelter, food

⁵⁹ As result of this motion, on 29 March 2023, the UN General Assembly adopted a resolution [A/77/L.58] requesting the International Court of Justice (ICJ) to render an opinion on: - the obligations of States under international law to ensure the protection of the climate system and other parts of the environment; - the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to (a) States which are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change; (b) Peoples and individuals of the present and future generations affected by the adverse effects of climate change. Vanuatu has also been a leader in promoting the legal empowerment of children with relation to climate change, including by leading the process at the UN General Assembly to request an Advisory Opinion from the International Court of Justice (ICJ) on the Obligations of States in respect of Climate Change. The question posed to the ICJ asks for guidance on the obligations of states and the consequences if states breach those obligations, particularly in light of the intergenerational impacts of climate change and its disproportionate impact on small island developing states. During the ICJ submission and argument process, Vanuatu should continue to emphasize the impacts climate change has on children’s ability to enjoy the rights they are entitled to under the CRC and that in light of this, the consequences for breach of state obligations should be heightened.

⁶⁰ Initially, the Government faced challenges to assess the impact of the cyclones on Persons With Disabilities (PWDs). In April, the Government initiated the elaboration of a Post Disaster Need Assessment (PDNA), with contributions by the United Nations Multi-Country Office Fiji. On 22 June, the Government published the PDNA, which guides the Government’s planning process and humanitarian interventions during the post disaster recovery phase, and integrates, for the first time, specific aspects of a Human Rights Based Approach (HRBA).

security, nutrition, health, and protection.⁶¹

76. There has been progress made to ensure climate change and disaster risk reduction policies, projects and governance mechanisms such as the National Advisory Board on Climate Change and Disaster are gender responsive.
77. Cultural heritage is the cornerstone of community identity in Vanuatu and has a critical role to play in maintaining social cohesion and reducing disaster risk. The people of Vanuatu have faced a changing environment for centuries, and monitoring and adapting to these changes is a fundamental part of their heritage. Such cultural traditions and knowledge are referred to as *kastom* (or custom).
78. **UNCT recommends** that Vanuatu:
 - a. Integrate a Human Rights Based Approach in all the Government’s humanitarian and recovery interventions to respond to natural disasters, taking into account age, gender, disability;
 - b. Take measures to increase the participation and leadership of women, persons with disabilities, children and youth in decision-making processes related to climate and disaster risk resilience;
 - c. Monitor the gender and social inclusion identified actions in the Vanuatu Climate Change and Disaster Risk Policy.
 - d. Invest in human resources, trainings, digital literacy and capacity building for production of science-based data and knowledge.
 - e. Support science communication with a view to the dissemination of scientific knowledge to other research fields, decision-makers and the public at large.
 - f. Ensure that *kastom* knowledge and, by extension, Intangible Cultural Heritage (ICH) is considered and included at every step of the disaster management cycle, from preparedness through response to recovery.

⁶¹ 1. Disasters are not gender neutral. They have different impacts on women, girls, boys and men . Women and girls are often affected disproportionately to men and boys due to gender inequalities caused by socioeconomic conditions, cultural beliefs, and traditional practices . Women and girls also face different risks and have different capacities and resources on which to draw to respond and cope . For instance, men are generally more economically active than women In Vanuatu (51.5% men, 42.1% women) . Yet in the agriculture sector, women outnumber men (43.8% women, 41.2% men) increasing their vulnerability during disasters. Disaster risks and impacts are further compounded for women, men, girls and boys with disabilities. Gender relations in Vanuatu tend to be culturally-specific and characterized by unequal distribution and/or access to power and resources, differences in mobility and in the ability to make life decisions and to voice priorities and needs, as well as to explore and use individual potential and capacities .

Disaster recovery, however, also has the potential to transform unequal power relations that contribute to gender-differentiated vulnerabilities as it provides a “window of opportunity” to promote gender equality . Disasters can present opportunities for new and more progressive gender roles and relationships to emerge. It is therefore critical that gender is mainstreamed in every step of recovery to ensure that recovery interventions are relevant, effective and sustainable for women and men of the affected population. Due to existing social and cultural norms, women are the primary caregivers for children, the elderly, and persons with disabilities. They are also responsible for ensuring the household’s food security. Women’s workload is likely to increase during disasters. Furthermore, while health services are under pressure during disasters, maternal, sexual, and reproductive health services are often overlooked and deprioritized. These responsibilities limit women’s ability to meaningfully participate in decision making and take up leadership roles in the community.

Annex:

Organization	Focal Point	Address
United Nations Resident Coordinator's Office [RCO]	Dirk Wagener, Resident Coordinator, United Nations	Level 8, Kadavu House, 414 Victoria Parade, Suva
United Nations Office of the High Commissioner for Human Rights [UNOHCHR]	Heike Alefsen , Regional Representative, Office of the UN High Commissioner for Human Rights (UNOHCHR)	Level 5, Kadavu House, 414 Victoria Parade, Suva
United Nations Development Programme [UNDP]	Munkhtuya (Tuya) Altangerel, UNDP Resident Representative ai. UNDP Pacific Office in Fiji	Level 2, Kadavu House, 414 Victoria Parade, Suva
United Nations Children's Fund [UNICEF]	Jonathan Veitch , Pacific Representative for the Pacific Island Countries, UN Children's Fund (UNICEF)	Level 3, FDB Building, 360 Victoria Parade, Suva
United Nations Entity for Gender Equality and the Empowerment of Women [UN Women]	Delphine Serumaga Representative, UN Women Fiji Multi-Country Office	Level 3, Kadavu House, 414 Victoria Parade, Suva
International Labour Organization [ILO]	Christian Viegelahn , Officer in Charge, International Labour Organization (ILO)	Level 8, FNPF Place (Dolphin), Victoria Parade, Suva
United Nations Educational, Scientific and Cultural Organization [UNESCO]	Nisha , Director of the Office and UNESCO Representative to the Pacific States, UNESCO Office for the Pacific States	Level 3, Ra Marama House, 91 Gordon Street, Suva
United Nations Population Fund [UNFPA]	Iori Kato , Director and Representative, United Nations Population Fund (UNFPA) Pacific, Pacific Sub-Regional Office	Level 6, Kadavu House, 414 Victoria Parade, Suva
International Fund for Agricultural Development [IFAD]	Candra Samekto , Country Director (Pacific), IFAD	Level 1, Kadavu House, 414 Victoria Parade, Suva
Food and Agriculture Organization for the United Nation [FAO]	Xiangjun Yao , Subregional Coordinator for the Pacific Island	SIDS Street, Tuana'imato, Apia, SAMOA.

