



# General Assembly

Distr.: General  
16 February 2024

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-sixth session**  
29 April–10 May 2024

## **National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21\***

**Vanuatu**

---

\* The present document is being issued without formal editing.



## Contents

	<i>Page</i>
I. Introduction .....	3
II. Methodology .....	3
III. Implementation of recommendations from the previous Universal Periodic Review cycle.....	3
A. Human rights frameworks .....	3
B. Cross cutting issues.....	5
C. Civil and political rights .....	7
D. Economic, social and cultural rights .....	9
E. Rights of specific groups .....	13
IV. New and emerging issues .....	15
V. International cooperation.....	16

## I. Introduction

1. The Government of the Republic of Vanuatu is pleased to present its Fourth National Report to the Working Group on the Universal Periodic Review (UPR WG) of the Human Rights Council at its 46th Session on 29th April–10 May 2024.
2. The Vanuatu delegation presenting Vanuatu's third national report was led by the Minister of Justice and Community Services Hon. Don Ken, and accompanied by the Director-General and the Members of the working committee. In 2019, Vanuatu received a total of 135 recommendations during the interactive dialogue with the Working Group. Ninety-Six recommendations were supported by Vanuatu, of which there are different levels of implementation noting the global pandemic and natural disasters hindering progress.
3. This Report provides Vanuatu's progress from January 2019 to present. It highlights the good practices and implementation measures taken to give effect to Vanuatu's international human rights obligations and previous UPR recommendations, while noting the challenges and obstacles Vanuatu endured towards effective implementation.

## II. Methodology

4. The National Human Rights Committee (NHRC) of Vanuatu, established in 2014, continues to serve as the country's National Mechanism for Reporting, Implementation and Follow-Up (NMIRF). The NHRC consists of a board and its secretariat managed by the Human Rights Unit within the Ministry Of Justice and Community Services (MoJCS).
5. For the purpose of UPR reporting, the NHRC collected data on the status of implementation of 3rd UPR recommendations through National Consultations and data collection. Invitations were sent to all government stakeholders, as well as non-government stakeholders such as civil society organizations, women's groups, youth, and traditional leaders to facilitate their participation and engagement with the UPR process at the national and community levels.
6. From 22nd to 26th of January 2024, the NHRC requested technical assistance and support for the write-up from the Office of the High Commissioner of Human Rights (OHCHR) and the Pacific Community (SPC) to assist the preparation of Vanuatu's fourth Universal Periodic Review.

## III. Implementation of recommendations from the previous Universal Periodic Review cycle

### A. Human rights frameworks

#### 1. National framework

7. Vanuatu's Constitution promotes and protects the fundamental rights of its citizens. It provides access to legal recourse whenever these rights are infringed.
8. Furthermore, there have been new legislations enacted within the recent years that provide additional protection of human rights, pertaining to education, health, and justice including:
  - Public Health (Amendment) Act No. 3 of 2021 to establish the Health Emergency advisory Committee with functions to advise the Minister on Policy related matters and make recommendations relating to public health in emergency; and
  - Education Act No. 35 of 2019 provides for elevation of level of education to encourage and allow students to access higher education.
9. Furthermore, Policy measures taken by the Government to strengthen the implementation of Vanuatu's obligations related to the human rights space include but are not limited to:

- The National Gender Equality Policy (NGEP) 2021-2030 provides for the protection and promotion of women and girls in Vanuatu. The Provincial Action Plans were launched to engage the provincial governments directly working with the communities to implement the NGEP;
- The Health Sector Strategy (HSS) 2021-2030 is to ensure all people of Vanuatu who need health services receive them without undue financial hardship, including women, youth, the elderly and vulnerable groups;
- The Disability Inclusive Education and Training Policy of 2024-2030 is under review to be finalized and launched this year 2024;
- The Vanuatu Mental Health Policy and Strategic Plan 2021-2030;
- The Vanuatu Education and Training Sector Strategy 2020-2030;
- The Vanuatu Food safety, Security and Nutrition Policy 2022-2030;
- The Reproductive, Maternal, Neonatal, Child & Adolescent Health (RMNCAH) Policy, Strategy & Implementation Plan 2021-2025;
- Vanuatu Non-Communicable Disease Policy & Strategic Plan 2021-2030.

10. All these policies and strategies are specifically targeted towards ultimately achieving our Sustainable Development Goals, of which human rights forms a fundamental component.

11. With reference to the efforts towards establishing an independent Human Rights Institution, the government through the Ministry of Justice and Community Services, is in the process of establishing a National Human Rights Institution. Provincial Consultations have been undertaken, with two Provinces remaining for consultation in 2024.

12. A consultant has been engaged by the Government to draft the National Human Rights Policy that will provide for the powers and mandate for the establishment of the National Human Rights Institution in Vanuatu. In the Interim the NHRCC remains the reporting mechanism in place, empowered by a Regulation Order 12 of 2022. The Human Rights Division in the Ministry of Justice and Community Services is actively undertaking this reporting responsibility.

13. Vanuatu's Ombudsman's Office is established under Articles 61–65 of the Constitution. The Ombudsman's Office is mandated to administer the Leadership Code Act [CAP 240].<sup>1</sup> Its functions are outlined under Clause 11 of the Ombudsman's Act 27 of 1998. The ombudsman has the power to:

- Enquire into any conduct on the part of any government agency;
- Enquire into any defects in any law or administrative practice appearing from any matter being enquired into;
- Enquire into any case of an alleged or suspected discriminatory practice by a government agency;
- In respect of conduct of a leader occurring on or before the 1st day of July 1998, enquire into any case of alleged or suspected breach of Chapter 10 (Leadership Code) of the Constitution;
- In respect of conduct of a leader occurring after 1st July 1998, to conduct an investigation in accordance with Part 5 of the Leadership Code [Cap. 240];
- Undertake mediation in accordance with section 13 of the Ombudsman's Act;
- As part of its functions, the Ombudsman publishes public reports on its website and on the Paclii website ([www.paclii.org](http://www.paclii.org)) on the results of any enquiries carried out by him or her, including any findings, recommendations and opinions.<sup>2</sup>

14. The mandate of the Office of the Ombudsman has been expanded to include prosecutorial functions under the Leadership Code (Amendment) Act No 46 of 2021. Breaches of the leadership code include cases of corruption, annual returns, and maladministration of leaders in Public Offices.

15. The Vanuatu Police Force has established a Professional Standard Unit (PSU) which reports directly to the Commissioner of Police on matters of discipline and misconduct by the force members. The Unit is also working with the Office of the Public Prosecutor to deal with cases of Police abuse and matters within the Vanuatu Mobile Force. The Police Act is under review to strengthen the legal framework on the prohibition of Police Brutality.

## **2. International frameworks**

16. The Vanuatu Government takes note of the international human rights instruments that the State is not party to, and notes the importance of ratifying these instruments. At present the Government is focusing on implementing the current human rights instruments, including efforts towards fulfilling the reporting obligations under the ratified treaties. In relation to the recommendations towards ratifying the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty, the Government notes that there is no death penalty in the existing law nor in practice in Vanuatu.

## **B. Cross cutting issues**

### **1. Equality and non-discrimination**

17. The Vanuatu Constitution,<sup>3</sup> being the supreme law of Vanuatu, provides fundamental rights to every individual, irrespective of their race, religion and traditional beliefs, origin, language, political opinions or sex. Although there is no explicit legislation covering the rights of other vulnerable and minority groups, the Constitution and Family Protection Act provide the overarching legal framework that recognizes these individuals' fundamental rights. Some of these rights, among others, include liberty, life, security of the person, protection from law, freedom of expression and movement. These provisions prohibit discrimination in both public and private spheres.

18. There are ongoing efforts by the Government to combat gender discrimination, harmful practices and violence against women through laws, policies, sector strategies, programmes and activities carried out in the country. The Family Protection Act<sup>4</sup> provides for the safety, protection and well-being for survivors experiencing domestic violence, hence establishes mechanisms for the issuance of Protection Orders. Additionally, it establishes Authorized Persons who exercise similar judicial powers to issue Temporary Protection Orders in remote areas where access to judicial services is limited. Furthermore, the Family Protection Act protects all persons within the family unit against all forms of violence, while the Penal Code Act [CAP 135]<sup>5</sup> prescribes different criminal offenses, including offenses against a person and sets out penalties for committing such offenses.

19. The National Gender Equality Policy 2020 to 2030<sup>6</sup> is implemented through the 6 Provincial Action Plans<sup>7</sup> incrementally, with the first cycle from 2020 to 2024. There are 5 strategic areas covered by this policy, including; (1) eliminating discrimination and violence against women and girls, (2) enhancing women's economic empowerment and skills development, (3) advancing women's leadership and political participation, (4) strengthening the foundation for gender mainstreaming, and (5) fostering gender responsive and community-driven solutions to climate and disaster resilience.

20. In addition, the Health Sector Strategy 2021-2030<sup>8</sup> provides for inclusive health for all, with emphasis on equal rights to quality health services, resources and opportunities, without discrimination targeted at vulnerable groups.

21. Similarly, the Education Act, [Cap] 272<sup>9</sup> prohibits discrimination in terms of child enrolment on the basis of gender, religion, nationality, race, language or disability. The Ministry of Education is currently reviewing the Gender Equity in Education Policy. Under the policy, there are two programmes which include "Social Citizenship Education" and "Family Life Education", aimed at combating discrimination and promoting values and respect for all children.

22. Additionally, the "Women in Education Leadership Network" is a professional program undertaken in education facilities throughout the country. This program aims to

empower female managers in the Education sector, in eliminating all forms of discrimination in Vanuatu society.

23. The 'Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity (MALFFB) Gender Equality Action Plan of 2023-2026' promotes the engagement and empowerment of women in primary production. This policy commits to gender equity for both men and women in the productive sector and is applicable also to female staff of the Ministry, aligning itself with the National Policy Framework and the National Gender Equality Policy.

## **2. Climate change, natural disasters, and other environmental issues**

24. The Ministry of Climate Change is the lead Government entity with a mandate focused on climate change, natural disasters and environmental issues. The Disaster Risk Management Act No 23 of 2019 provides the mandate for the establishment of the National Disaster Management Office (NDMO) that is responsible for managing all natural disaster situations in Vanuatu.

25. The Vanuatu Climate Change and Disaster Risk Reduction (CCDRR) Policy has a specific focus on promoting climate change response efforts with a focus on vulnerable groups, including women, children and persons with disabilities at all levels of the society. These policies and programmes are continually revised to ensure that the national climate change and disaster policies reflect and implement human right-based approaches, with a fit for purpose approach to solutions-based management.

26. The human rights approach to climate change and disaster risk reduction is maintained, enhanced and elevated through regular policy reviews. The CCDDR policy will lapse in 2030 alongside the National Sustainable Development Plan whereby national actions will be evaluated.

27. The displacement of people as a consequence of climate change and natural disasters that occurs in Vanuatu is managed by members of the National Disaster Committee (NDC). The Committee was established to strengthen the implementation of the Climate Change and Disaster-Induced Displacement Policy, and the Strategic Plan 2016-2020.

28. The disability sub-cluster of NAP has developed the Standard Operating Procedures (SOP's) to provide procedures and directives in all provinces of Vanuatu which respond to needs identified in the communities in times of disasters.

## **3. Statistics and data collection**

29. The Statistics Act No. 07 of 2022<sup>10</sup> establishes the Vanuatu Bureau of Statistics. One core function of the Bureau is to undertake the collection, production, analysis and publication of official and other statistics. With regard to collecting statistical information on birth registrations and ensuring access to citizenship, the Vanuatu Constitution<sup>11</sup> stipulates that any person who had four grandparents who belong to a tribe or community indigenous to Vanuatu, and a person of Ni-Vanuatu ancestry who has no citizenship, nationality or the status of an optant is an automatic citizen.

30. The 2022 National Census captured the Washington Group of Questions which accommodate for the first time the statistics of Persons living with disabilities. On the other hand, The Vanuatu Agricultural Census of 2022<sup>12</sup> was conducted to strengthen the agriculture sector to promote effective planning and policy-making in Vanuatu. The census also contains important information on thematic areas such as gender equality and social inclusion in productive sectors, socio-cultural aspects, environmental resource management & sustainability, and food security elements of the agriculture sector.

31. In addition, the Vanuatu National Civil Registration and Vital Statistics Policy of 2017 to 2030<sup>13</sup> states that all individuals in Vanuatu must have their births registered. The Ministry of Internal Affairs manages the Civil Registration and Identity Management (CRIM)<sup>14</sup> System, which has been issuing standard National ID Cards since 2017 for all citizens.

## C. Civil and political rights

### 1. Right to liberty and security of the person

32. The Correctional Services (Amendment) Act No. 8 of 2019 regulates the issue of permissible and reasonable use of force within the Correctional Centres. The amendment replaces the terms that have a negative connotation and brings them in line with human rights in both language and practice.

33. In 2023, the Ministry of Justice and Community Services issued directions for total closure of the high-risk center also known as the container city in Port Vila due to inhumane living conditions. After closure, a provisional period was set in place to allow for the relocation of high-risk detainees to other facilities.

34. Similarly, the Ministry of Justice and Community Services is taking measures to address the overcrowding within the low and medium risk centers, including consultations planned for 2024 and setting up of a committee to look into pardoning certain groups of detainees.

35. The Government of Vanuatu through the Correctional Department has built over the years, 2020–2022 a new Female Correctional facility, a Juvenile Centre for Juvenile Offenders, and a new Correctional Facility in the Southern Province Island of Tanna. The Government is awaiting the enactment of the Juvenile Justice Bill to be tabled in Parliament to be able to operationalize the Juvenile Centre.

36. The Education Act No. 9 of 2014 prohibits all forms of corporal punishment in schools throughout Vanuatu. Further to this, the Child Protection Policy 2016-2026 under the Ministry of Justice and Community Services also prohibits corporal punishment and all forms of abuse towards children.

### 2. Administration of justice, rule of law and accountability

37. The Constitution protects the right to a fair trial under Chapter 2 Article 5(2). In relation to access to legal aid, the Public Solicitors Office represents citizens who cannot afford lawyers in courts, defined by the Public Solicitors Act as ‘needy people’. The Office represents citizens in all criminal matters but in civil matters, they cannot represent citizens in legal matters related to defamation, election petition, customary land issues, and chiefly titles.

38. In the Judiciary, the Annual Court Circuit Plan allows Judges and Magistrates to visit different provinces where there are a high number of cases registered. This helps in case management and addressing the backlog of cases.

39. Currently, the age of criminal responsibility is ten (10) years under the Penal Code. Vanuatu has developed the Juvenile Justice Bill, along with its Juvenile Procedure Code. The draft Bill recommends the age of criminal responsibility to be increased from 10 to 12 years. According to the draft Juvenile Justice Bill, juvenile offenders are those between 12 and 18 years of age.

40. The Vanuatu Police Force in addressing Police brutality has established a Professional Standard Unit (PSU) to deal with police misconduct and brutality. For example, in a recent Police brutality case which resulted in the death of a citizen at the end of 2023, all implicated officers have been suspended, awaiting criminal trial before the Supreme Court. Further, the Police Act is currently under review to reflect human rights and good governance as described above.

41. The Family Protection Act provides the legal framework for the establishment of the Family Protection Unit, which is responsible for dealing with cases of violence against women and girls. The Penal Code (Amendment) Act No. 25 of 2006 criminalizes all sexual offenses as serious crimes punishable on conviction, and sentencing can range from 10 years to life-time imprisonment.

42. Similarly, the Government in its effort to combat sexual offenses through the Vanuatu Police Force has established a Serious Crime Unit, which efficiently manages investigations

and case files. The Unit has recently successfully completed the case of *Public Prosecutor vs. Johnny 2021, criminal case 1821 of 2021* on sexual intercourse without consent with a student.

43. The Office of the Public Prosecutor established a Victim Support Unit on 26 July 2022 and has recruited a full time victim support officer. In November 2023, the Unit launched the Survivor-Victims Charter that is a landmark publication that provides survivors/victims of gender-based violence with thorough guidelines on how to access the criminal justice system and other support services across the country.

### **3. Participation in public and political life**

44. The Constitution provides the legal framework for parliamentary elections, alongside the *Representation of the Peoples Act [Cap 146]*<sup>15</sup> which requires candidates to be citizens and at least 25 years of age and above. Additionally, the law prescribes that a candidate must not be disqualified from voting, serving a prison sentence, be an undischarged bankrupt or have any debts due to the government or a government agency. Thus the voting system in Vanuatu is open and inclusive to all citizens.

45. There are two Municipal Councils, and members of the councils are elected by First Past The Post system. The *Municipalities (Amendment) Act No. 11 of 2013* provides for reserved seats for female Councillors in each Municipal Council.

46. A snap general election was held after the Parliament dissolution on 13 October 2022 to elect the 52 members of Parliament. As a result, Vanuatu has voted a woman MP into Parliament representing the Efate Rural Constituency and two MPs who are persons with disabilities representing Malo and Malekula Constituencies.

47. In November 2023, both Municipal elections saw five women elected to the Port Vila council through its reserved seats.<sup>16</sup> Additionally, the Luganville Municipal election saw a total of 45 candidates competing for 13 seats, four (4) of which were reserved seats for women. Despite the low voter turn-out, six women were successfully elected as Councillors in Luganville Municipal Election.<sup>17</sup>

48. In relation to participation in public life, in the Judiciary sector, Vanuatu recently appointed its first female Chief Magistrate in 2022, and has four female Magistrates throughout the country. The Master and Deputy Masters of the Supreme Court are both women. The National Judicial Development and Training Coordinator is also a woman.

49. The government of Vanuatu in an effort to promote accountability and transparency has developed a draft Political Integrity Bill. The Government continues to promote good governance and strives for improving political stability.

### **4. Prohibition of forced labour, trafficking, and all forms of slavery**

50. The Vanuatu Penal Code Act CAP 135 under section 5 considers the act of trafficking in persons as a criminal offense. Section 102 (b) prohibits anyone from engaging in trafficking in persons as a crime punishable by 20 years imprisonment.

51. In 2021, the Supreme Court of Vanuatu in the criminal matter of *Public Prosecutor v Somon [2021] VUSC 299*; delivered a judgment on trafficking in persons, slavery, and other criminal charges, finding the defendants guilty of the offences. The court invoked Article 3(a) of the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Person applying the definition and elements thereof. This is one of the biggest trafficking in person and slavery cases in the Pacific region, involving 101 Bangladeshi nationals brought into Vanuatu. The judgment itself has set a jurisprudence for trafficking cases in Vanuatu. Subsequently after the judgment, the Government of Vanuatu along with its international partners facilitated the repatriation of victims back to their respective country.

52. The government has implemented Standard Operating Procedures (SOP) through the Immigration Department, in partnership with its development partners, to implement this SOP that includes guidance on identification of victims of trafficking.



## **D. Economic, social and cultural rights**

### **1. Rights to work and to just and favorable conditions of work**

53. There are over seven laws and regulations that govern the right to work in Vanuatu. These include the Employment Act, Labour (Work) Permit Act, Health and Safety Act, Workmen's Compensation Act, Trade Unions Act, Trade Disputes Act, Minimum Wage Act and the Seasonal Employment Act. In fact, the Minimum Wage Act has given effect to the revision of minimum wage in 2023, increasing minimum wage from VT220 to VT300 per hour.

54. The Vanuatu census of 2020 provides an estimate of the employment and unemployment rate for women, youth and persons with disabilities. The unemployment rate of women in urban areas stands at 10.3%, as compared to 4.8% in rural areas. Majority of these are women in the southern provinces of Vanuatu.

55. Furthermore, persons with disabilities have the right to work. At least 14.7% of the population in Vanuatu live with some form of disability. The Vanuatu Skills Partnership is an Australia – Vanuatu collaborative partnership project that coordinates and delivers specialized training and life-skills to women, youth and persons with disabilities through Post-Secondary Education and Training (PSET) institutions, Technical and Vocational Education (TVET) and rural training centers. These workshops and specialized training empower vulnerable groups to become economically independent and self-reliant.

56. The Department of Labour & Employment Services aims to promote decent work domestically and regionally to ensure social justice through fair working conditions under ILO standards are reflected in Vanuatu domestic laws. The Labour Mobility programs in Australia and New Zealand have allowed more than 5000 Ni-Vanuatu citizens to engage in decent and fair employment opportunities to raise their standard of living and welfare for their families.

57. The Department is also reviewing the Employment Act with a focus on maternity leave provisions with a view to increasing the current 66% attainment of salary to 100% of salary for women whilst on maternity leave.

58. Vanuatu has also taken some steps to modernize several sectors, including the fishing sector, with reference to the 3rd cycle of UPR recommendations from 2019. The Vanuatu National Fisheries Sector Policy of 2016 to 2030, amongst other action areas, facilitates the development and investment in the fisheries sector.

### **2. Right to an adequate standard of living**

59. The Vanuatu Government in its various sector policies and legislation ensures that its citizens have the right to an adequate standard of living. This means that all individuals have the right to food, housing, water and sanitation, and can access land.

60. Article 73 and 74 of the Constitution stipulates that all land in the Republic of Vanuatu belongs to indigenous custom land owners and their descendants, and that the rule of custom shall form the basis of ownership and use of land. In addition, Article 80 provides that despite Articles 73 and 74, the government can acquire land for public interest. The Land Leases Act<sup>18</sup> enables an individual to lease a plot of land for a period of 75 years, while the National Land Subdivision Policy of 2019 strives to improve related rights of Ni-Vanuatu Custom Owners.

61. The Vanuatu Agriculture Sector Policy of 2015 to 2030<sup>19</sup> complements the fact that 80% of Vanuatu's population depends on subsistence agriculture for their daily sustenance and well-being. Nutrition and physical activity are crucial factors in the prevention and control of non-communicable diseases (NCDs) and all activities related to food security should also ensure nutrition security as stipulated in the policy.

62. Vanuatu does not have a current national housing policy, but preparatory work is underway. The Disaster Recovery Needs Report of the recent twin cyclones of 2023 strongly recommends Vanuatu to develop one. Nonetheless, the labor mobility programme has contributed significantly to elevate the standard of housing, as well as wellbeing in the rural

areas. On the other hand, the Vanuatu National Energy Road Map of 2016 to 2030,<sup>20</sup> supported by the National Green Energy Fund Act of 2018,<sup>21</sup> aims to ensure that energy is accessed by all households and businesses in both the rural and urban areas for improved livelihoods and job creation opportunities for its citizens. This is evident in the provinces where hydro and solar energy increasingly contributed to sustainable rural electrification.

63. The Vanuatu Water Policy of 2017 to 2030 complements the Vanuatu National Sustainable Development (NSDP) Plan's specific policy objectives relating to water and sanitation. These include ensuring safe water services for all, protection of community water sources, building community natural resources management capacity, reducing communicable diseases, strengthening local authorities to enable decentralized service delivery and strengthening physical planning to meet the needs of a growing population. The Department of Water also established the National Implementation Plan for Safe and Secure Community Drinking Water Programme throughout the 6 provinces of Vanuatu. The 2020 comparison against world average noted that 54.6% of Vanuatu's population has access to clean drinking water.

### 3. Right to health

64. The Government, through the Ministry of Health, is intensifying its efforts through policy framework in an effort to further strengthen and promote access to basic healthcare and services, including wider access in rural areas. For example, village healthcare workers, including nurses, received training and support from the Ministry of Health (MOH), through targeted health sector areas.

65. Nevertheless, more concerted efforts are anticipated to address gaps in the Health service sector. More emphasis in recent years is based on the government's decentralization policy with priority development in rural areas. It is anticipated that more will be done in collaboration with the local authorities in order to promote universal coverage and access. Community participation and empowerment has also been important in providing healthcare services across the country, together with developing inter-sectoral and inter-departmental approaches at the community level.

66. There are 159 government and non-government health facilities that are under the mandate of the Ministry of Health, including dispensaries (primary level), health centers (secondary level), and tertiary level.

67. With regard to access to sexual and reproductive health services, the Ministry of Health has reviewed and updated its Reproductive, Maternal, Neonatal, Child, Adolescent (RMNCAH) Policy & Strategic Plan 2021-2025, providing wider access to reproductive and sexual Health.

68. It is hoped that investment in this program will contribute to poverty alleviation and promote economic and social development through upholding the rights of couples and individuals including vulnerable groups to make informed decisions about the number, spacing and timing of planned pregnancy. The policy is a step towards the transformative "Three Zeros", referring to the targets for zero preventable maternal mortality, zero unmet need for family planning, and zero gender-based violence.

69. Reproductive health is a broad subject and the policy covered eight major key policy areas of which family planning is one of them. Family planning in-service training has been planned for the six provinces, and so far two provinces have had their nurses, midwives and doctors trained. The Government works towards completing the training efforts in other provinces in 2024. Guidelines for Adolescents Youth Friendly Health Services (YFHS) and Behavior Change Communications (BCC) have been developed and endorsed by the Ministry of Health in 2023. The Roll-out training will be conducted in collaboration with the Ministry of Youth and Sports and the community leaders.

70. The Family Life Education curriculum has been developed for in-school education in 2022, and the training of teachers is in progress. The Out of School Family Life Education (OOSFLE) is in the consultation phase, targeting young people on sexual and reproductive health education. The family life education in schools currently is targeting grades 11–13, as

a stand-alone subject, while the Ministry of Education is also seeking to include this topic in the science subject for grades 7–10.

71. The Ministry of Health has also prioritized Human Papillomavirus (HPV) vaccination rollout in all six provinces for young girls aged 9 to 13 years, due to the increase in cervical cancer resulting in maternal deaths.

72. The Ministry of Health provides cervical screening services to promote reproductive health of women and girls, to enable the early detection and treatment of cervical cancer. Accordingly, HPV screening is rolled out for women of 30–54 years of age, and PAP Smear test is rolled out for women from 30 years of age and below and 54 years of age and above. The screening efforts are complemented by other measures such as the training and certification of nurses and midwives throughout the provinces.

73. Vanuatu has one of the highest gender-based violence rates in the Pacific. A Standard Operating Procedure (SOP) for the Clinical Management of Sexual and Gender-based Violence has been developed in 2021 and training for health workers is ongoing. Training will be extended to community leaders as part of this initiative.

74. Child survival is one of the key priority areas, with specific focus on nutrition, immunization, prevention and management of childhood illness. New immunizations have been approved, and health workers continue to receive training on how to administer vaccinations. Efforts to train healthcare workers, including nurse aids, on Early Essential Newborn Care (EENC) focusing on care during and after births (examples include skin to skin mother-child bonding, breastfeeding, etc.) and Kangaroo Mother Care (KMC) focusing on care for premature and low-birth weight babies<sup>22</sup>, are ongoing to ensure that quality healthcare is available at all levels.

75. The Ministry of Health is planning to revive the Maternal Child Death Surveillance Response (MCDSR) National Committee. In an effort to reduce maternal and child death rates in Vanuatu, this Committee is tasked with identifying gaps and making recommendations to address death rates and strengthen monitoring of relevant care services.

76. The Mental Health Policy and Strategic Plan 2021-2030 reassures provision of mental wellbeing as an essential component of health care and services. Keeping in mind the importance of mental health prevention and management, the Ministry of Health seeks to support enabling environments where people realize their potentials to cope with normal stresses of life, work productively and contribute to their society and communities. It also protects people from mental health abuse and discrimination, including persons with mental disorders and psychosocial disabilities.

77. Mental healthcare providers are deployed within response teams after natural disasters, namely within Emergency Medical Teams (EMT) after the tropical cyclones. There are also mental health focal points in all provinces. Every province undertakes community outreach activities on mental health awareness raising. Mental health focal points are also involved in the case-management after incidents of gender-based violence.

#### **4. Right to education**

78. Efforts are underway to make primary and secondary education compulsory, and ensure access to quality education for all. The Universal Primary Education Policy (UPEP) seeks to ensure that all children have access to education and reduce school dropouts. The Government established the School Based Management Unit which is a compliance unit to ensure that the Education Act, Education Policies, and curriculum implementation are executed effectively and efficiently.

79. In 2021, the Government provided grants for government and government – assisted schools, including in rural areas, to subsidize the cost of education, aiming at providing free primary education for all children. The grant was expanded to cover tuition for both junior and senior secondary schools. The government subsidizes primary school fees for VT9,000 per child and secondary tuition and boarding fees at VT50,000 per child annually. The 60 percent of the grant covers the academic needs and learning resources for each child, while 40 percent goes towards any physical development needs of the school. Exam fees have been waived since 2021. In most rural settings, schools accept parents to pay school contribution

fees with kava, pigs, mats or other traditional items or crops to ensure students' continued attendance to classes.

80. During natural disasters, additional funding from both the Government and donor partner contributions have been provided to schools to ensure the continuity of education and uninterrupted learning for children.

81. Bachelor's degree in special and inclusive education for pre-service and in-service teachers program is currently being developed. The School of Education within the National University of Vanuatu will commence recruitment of in-service and pre-service teachers in 2024. There are at least 113 teachers trained on inclusive education, currently assigned to schools where children with special needs are identified. These teachers are supported by the qualified Provincial Inclusive Education Coordinators from the Provincial Education Offices.

82. The Government also provides awareness programmes, facilitated by provincial coordinators stationed at the provincial educational facilities, focusing on inclusive education. The Ministry of Education is responsible for the continuous professional training provided to teachers on managing different types of disabilities, such as autism, Down syndrome, behavioral issues, or other disabilities. A first ever Inclusive Education Resource Center is established at the School of Education, and this center will act as a model to learning institutions across the country practicing inclusion.

83. The Curriculum Development Unit continually develops new and adapted learning resources tailored to specific students' learning needs. Examples include enlarging prints for visually impaired students, providing audio tapes for children who have low vision and are blind, and adapting braille slates and so forth. The development of Vanuatu Sign language is completed and will be launched later this year along with the training of teachers on sign language. In 2023, the Ministry of Education recruited a Sign Language coordinator who is overseeing the implementation of the national sign language curriculum in schools.

84. In order to facilitate the commencement of school at the right age, the Ministry of Education has an ongoing campaign called the "6 yia class 1 campaign". This is part of nation-wide awareness campaign, communicated through different mediums that children are expected to be enrolled for afternoon kindergarten by the age of 4 years, and morning kindergarten by the age of 5 years.

85. To promote equal opportunity in education, various policies of the Education sector are currently under review. These include current reviews of the "Gender Equity in Education Policy", "Inclusive Education Policy", "Education in Emergency Policy" and WASH in school policy. Furthermore, improving access to quality Education is one of the pillars outlined in the Education Sector Strategy. These pillars include access to education, quality education, and better management of schools. The Vanuatu Qualification Authority<sup>23</sup> (VQA), provides for accreditations of qualifications in the education sector.

86. All qualified teachers are posted to schools within all the provinces of Vanuatu covering early childhood care and education, right through secondary schools. The curriculum has been reviewed for primary and senior secondary, and currently under review for junior secondary. Vanuatu has moved from an objective-based curriculum to an outcome-based curriculum. Therefore, to ensure all children have access to education, the Government provides subsidies to promote school attendance and enrolment for all children in Vanuatu.

87. To ensure effective learning for girls in schools, the WASH programme supports the various needs (menstrual) of girls whilst in school. The programme has contributed to decreasing the school dropout rates of girls, as shown in the national data.<sup>24</sup> The examination results also show higher passing rates for girls compared to boys. The "Girls in STEM" programme is being run in secondary schools to empower girls to engage in non-traditional subjects such as science, technology, engineering and mathematics.

88. Adult literacy rate in Vanuatu has significantly increased in the last 5 decades. In 2021, the adult literacy rate was 89.1% and growing at an average rate of 9.17% annually.<sup>25</sup> The government, through an Asian Development Bank (ADB) project, will address the remaining gap. The programme additionally aims to deliver skills-development to expand and increase the quality of post-school training. It allows for targeted interventions to enhance

learning and employment outcomes for vulnerable groups, including women, persons with disabilities, women in rural areas, and unemployed youths.

89. Another ongoing challenge of the education sector is the teacher to student ratio. After 2019, the Ministry of Education has developed the Vanuatu Primary School Infrastructure Guidelines and the Vanuatu National Primary School Asset Master Plan<sup>26</sup> to address this challenge.

## **E. Rights of specific groups**

### **1. Women**

90. The Constitution of Vanuatu under Article 5(k) provides for the protection and enhancement of women. This allows for specific legislations, regulations and policies establishing mechanisms for the protection and promotion of women and girls' rights.

91. The legislative, policy and institutional framework for the protection and promotion of women and girls includes, but are not limited to:

- The Convention on the Elimination of all Forms of Discrimination Against Women (Ratification) Act No 3 of 1995;
- The Family Protection Act No 28 of 2008, which criminalizes acts of domestic violence and establishes the Authorized Persons (APs) who are empowered to issue Temporary Protection Orders. This has been piloted in Santo and is now extended to Malekula, having the President making appointments of additional AP officers in 2023. The Department of Women's Affairs is absorbing the position of AP Liaison Office into its structure;
- The Matrimonial Causes Act [CAP 192] provides for equal shares of matrimonial properties during separation of marriage;
- The National Gender Equality Policy 2021-2030, including Provincial Action Plans for the implementation of the policy for the protection and promotion of women and girls, working in partnership with the communities within all six provinces;
- The establishment of the Family Protection Unit (FPU) under the Vanuatu Police Force, deals specifically with Domestic Violence cases. The Family Protection Unit works closely with the Office of the Public Prosecutor to work towards the implementation of the 'no drop policy'. The Unit also provides assistance to victims for launching urgent applications for protection orders during weekends and public holidays. The Family Protection Act empowers Police officers to detain suspects of domestic violence for 48 hours which is more than the normal 24 hours of detention on other criminal offences;
- The establishment of the Mental Health Unit by the Ministry of Health, dealing with victims of domestic violence. Efforts in this space also include the training and capacity-building as facilitated by UNFPA for the medical doctors and nurses for identification of domestic violence during examinations;
- The launch of the SOP on Clinical Management of Rape, Sexual Violence and Gender-based Violence in 2021, to eliminate the practices that deprive victims of GBV from receiving comprehensive care;
- The Family Protection Action Plan, enhancing the capacity of the Magistrates in dealing with domestic violence cases including with an emphasis on the seriousness of the offence and providing for on-call Magistrates during weekends and public holidays to deal with urgent application for Protection Orders. Importantly, the justice system allows applications for Protection Orders to be made through telephone and to be made ex-parte.

## 2. Children

92. Over the years, Vanuatu has made some good progress in advancing children's rights in several areas, including on child protection issues through reforms in the formal justice system in relation to children experiencing domestic violence, sexual abuse and exploitation.

93. Some such measures since 2019 include:

- Continued implementation of the Family Protection Act 2008 and other relevant legislation such as Penal Code, Criminal Procedure Code, Education Act, Maintenance of Children Act, Maintenance of Family Act, the Matrimonial Causes Act, and the Cybercrime Act provisions relevant to children;
- Continued implementation of the Education Act no. 9 of 2014 Section 47 (2) prohibiting corporal punishment at schools;
- Establishment of a 24 hour help-line by Child Protection Desk in 2022 for children needing assistance especially with regards to sexual abuse and other offences, and the development of a 'referral pathway' to guide children step-by-step on accessing protection;
- Recruitment of twelve Provincial Child Desks Officers in all provinces to advise on and assist the protection of children's rights.

94. Furthermore, the Ministry of Justice and Community Services recently developed new draft legislations addressing child protection issues, including the Child Protection Bill, the Adoption Bill, the Juvenile Justice Bill, and the Juvenile Justice Procedure Bill in between 2022 and 2023.

95. The Control of Marriage Act, Cap 45 provides the legal age of marriage to be at least 16 years for women and 18 years for men. No person under the age of 21 years may lawfully marry without the consent of their parents or guardians. Consultations for the development of a Child Protection Bill revealed the importance of amending the Control of Marriage Act. It was highlighted that girls and boys need to reach a certain age to be able to understand the commitments of marriage before entering into this matrimonial agreement. Concerns were raised as there are many children born out of wedlock, and many children are abused and neglected.

96. In relation to birth registration, the Parliament has passed the Civil Registration and Identity Management Act No. 28 of 2021. For the purpose of registration of children born to one or two Vanuatu citizens outside of Vanuatu, the law requires that one or two parents, or any other person, shall notify the Registrar-General.<sup>27</sup> The Civil Status office is mandated to register all births nationally. Vanuatu has experienced an improvement in birth registration rates in the last few years, including as a result of children being registered through schools as part of their initial enrolment processes, registration of new births at the hospital prior to discharge, registration at government offices, and the roll-out of 'catch-up days' in remote areas that do not have regular access to bureaucratic processes.<sup>28</sup>

## 3. Persons with disabilities

97. The Vanuatu Government has taken steps to improve the protection of persons with disabilities as per its commitment to the Convention on the Rights of Persons with Disabilities (CRPD) that it ratified in 2008. The National Disability Inclusive Development Policy of 2018-2025<sup>29</sup> encompasses areas of respect, shared responsibility, autonomy, equality of opportunity, non-discrimination, and embracing of Melanesian and religious values. In addition, there are plans to develop the Vanuatu Disability and Inclusion Act, with first rounds of consultations in 2024.

98. In efforts to implement the National Disability Inclusive Development Policy and the Disability Inclusive Education and Training Policy, the Government has taken the following initiatives which includes:

- the recruitment of Six Provincial Disability Coordinators to assist the 6 Provincial Inclusive Education Coordinators;

- the deployment of inclusive teachers in classrooms to support children with disabilities, in public and private schools;
- the recruitment of six (6) health inclusive officers within the Ministry of Health, under the Vanuatu Health Promotion (VHP) program;
- the development of the Inclusive Education Teacher Placement Policy by the Teaching Service Commission to guide the teacher recruitment process;
- the revision of curriculum of the Vanuatu Nursing College to incorporate disability studies.

99. Through compliance networking, school authorities are encouraged to introduce reasonable accommodations to children with disabilities to ease their access to learning in schools. These areas are covered in the National Disability Inclusive Development Policy under strategic areas 1 and 7. Therefore in 2023, the Ministry of Education designed accessible school facilities, and the new Inclusive Resource Centre is currently being built as a model.

100. A consultant has been engaged with the Ministry of Internal Affairs to revise the Building Code and develop a Housing Policy that will also address the accommodation of persons with disabilities. As part of the decentralization policy of the government, the Ministry has completed the design phase of multipurpose evacuation centres for the public in times of natural disasters. These evacuation centres will be disability-accessible. Furthermore, the revision of the Building Code will include provisions on disability accessibility of public buildings and universal design features.

101. Similarly, priority 8 of the said Policy seeks to empower and strengthen women and girls with disabilities. There are cross-sectoral efforts to ensure barriers to WASH facilities are removed, and community and school toilets, showers, hand-washing facilities, water collection points and menstrual hygiene management facilities are available and accessible.

102. The National Disability Inclusive Development Policy's priority areas 1 and 6 are complementary to the Health Sector Strategy. The Ministry of Justice and Community Services in collaboration with the Ministry of Health has established the Medical Disability Registry Database System. The database is used by relevant government agencies, including the Ministry of Health, Education, Internal Affairs, Youth & Sports Development, and the Office of the Government Chief Information Officer (OGCIO), to register persons with disabilities and their medical conditions, in order for the right and correct medical interventions to be delivered.

#### **IV. New and emerging issues**

103. The Covid-19 Pandemic has had direct and indirect effects on Vanuatu's efforts to realize its human rights obligations, by exacerbating the existing challenges in relation to human, financial and technical resources and capacity.

104. The virus reached Vanuatu on the 11th of November 2020. The Prime Minister of the Republic of Vanuatu declared a State of Emergency, followed by the establishment of Covid-19 protocols and SOP measures. Such measures included closing down of offices, transitions towards working from home for all government departments except those providing essential services, and other measures seen necessary by the Government and the Ministry of Health.

105. As part of prevention measures, citizens arriving in Vanuatu from overseas were monitored in quarantine and isolation to reduce Covid-19 virus transmissions. The Ministry of Health amended on 5 March 2022 the declaration of Public Health Emergency (Amendments) order No.6 of 2022. In years 2023–2024, the Surveillance Unit under the Ministry of Health monitored the entry points (sentinel sites) in health facilities, and provided for rapid tests for any new Covid-19 outbreaks.

106. Furthermore, Vanuatu has been severely impacted by a series of natural disasters, such as Tropic Cyclone Harold in 2020, twin Tropical Cyclones Kevin and Judy, and Tropical Cyclone Lola in 2023. These natural disasters led to loss of life, displacements, and damages

to and destruction of property, housing and national infrastructure. They negatively affected the provision of public services and hindered communities' access to education, health, nutrition, housing, electricity, water and sanitation.

107. Despite all the serious challenges posed by natural disasters, thanks to the resilience of Ni-Vanuatu, efforts to restore access to essential services were soon in effect to support all the affected population. The Government continues to take response and recovery measures to address the loss and damage, especially in relation to education and health facilities.

## V. International cooperation

108. As a Small Island Developing State that is also one of the most vulnerable nations in the world against the impacts of climate change and natural disasters including droughts, floods, extreme temperatures, volcanic ash-falls and eruptions, landslides, earthquakes, tsunamis, and cyclones, Vanuatu requires increased efforts for cooperation and assistance from the international community.

109. International cooperation and technical and financial assistance would benefit all stakeholders in Vanuatu and help the State towards the effective implementation of Vanuatu's human rights obligations. It would also be key in advancing sustainable development leaving no one behind, while upholding human rights in the attainment of the Sustainable Development Goals (SDG) targets across all sectors and at all levels.

### Notes

- 1 <https://ombudsman.gov.vu/>
- 2 <https://ombudsman.gov.vu/index.php/ombudsman/functions>
- 3 <https://parliament.gov.vu/images/pdf/constitution.pdf>
- 4 <https://dwa.gov.vu/images/policies/FamilyProtectionAct2008.pdf>
- 5 [https://fiu.gov.vu/docs/ Penal%20Code%20\[Cap%20135\].pdf](https://fiu.gov.vu/docs/ Penal%20Code%20[Cap%20135].pdf)
- 6 <https://www.stanapstrong.com/national-gender-equality-policy2020-2030/>
- 7 [https://www.sistalibrary.com.vu/wp-content/uploads/2021/11/SHEFA\\_GAP\\_Final\\_13102020.pdf](https://www.sistalibrary.com.vu/wp-content/uploads/2021/11/SHEFA_GAP_Final_13102020.pdf)
- 8 [https://moh.gov.vu/images/Strategic\\_Plan/Health\\_Sector\\_Strategy\\_HSS\\_2021-2030\\_.pdf](https://moh.gov.vu/images/Strategic_Plan/Health_Sector_Strategy_HSS_2021-2030_.pdf)
- 9 [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)
- 10 Refer to document in annex.
- 11 <https://www.gov.vu/images/legislation/constitution-en.pdf>
- 12 [https://vnso.gov.vu/images/Public\\_Documents/Census\\_Surveys/Census/Agriculture\\_Census\\_2022/VNAC\\_PRELIMINARY\\_REPORT\\_2022.pdf](https://vnso.gov.vu/images/Public_Documents/Census_Surveys/Census/Agriculture_Census_2022/VNAC_PRELIMINARY_REPORT_2022.pdf)
- 13 <https://crvsd.gov.vu/images/legislation-policies/Vanuatu%20National%20CRVS%20Policy.pdf>
- 14 <https://crvsd.gov.vu/services/national-id-cards-and-e-id>
- 15 [https://electoral.gov.vu/images/PDFs/2019\\_CAP\\_146\\_CONSOLIDATED\\_EDITION.pdf](https://electoral.gov.vu/images/PDFs/2019_CAP_146_CONSOLIDATED_EDITION.pdf)
- 16 [https://www.dailypost.vu/news/election-results-out/article\\_3102178c-f074-5495-9145-2e300aff6724.html](https://www.dailypost.vu/news/election-results-out/article_3102178c-f074-5495-9145-2e300aff6724.html)
- 17 [https://www.dailypost.vu/news/lpv-and-iauko-group-dominates-election/article\\_14af61b4-364f-5136-9ae8-c8b170f83331.html](https://www.dailypost.vu/news/lpv-and-iauko-group-dominates-election/article_14af61b4-364f-5136-9ae8-c8b170f83331.html)
- 18 <https://tradeportal.gov.vu/media/Land%20Leases%20Act%2024%20of%202003.pdf>
- 19 <https://www.nab.vu/sites/default/files/documents/Vanuatu%20Agriculture%20Sector%20Policy%202015-2030.pdf>
- 20 <https://www.nab.vu/vanuatu-national-energy-road-map>
- 21 <https://policy.asiapacificenergy.org/sites/default/files/National%20Green%20Energy%20Fund%20Act%20No.10%20of%202018.pdf>
- 22 World Health Organization Guidelines.
- 23 [https://education.gov.vu/docs/acts/Vanuatu%20Qualifications%20Authority%20Act\\_No.%201%20of%202014.pdf](https://education.gov.vu/docs/acts/Vanuatu%20Qualifications%20Authority%20Act_No.%201%20of%202014.pdf)
- 24 [https://education.gov.vu/docs/statistics/2021%20MoET%20STATISTICAL%20REPORT\\_2021.pdf](https://education.gov.vu/docs/statistics/2021%20MoET%20STATISTICAL%20REPORT_2021.pdf)
- 25 [https://www.google.com/search?q=adult+literacy+rate+in+vanuatu&rlz=1C1GCEU\\_enVU1041VU1041&oeq=adult+literacy+rate+in+vanuatu&gs\\_lcrp=EgZjaHJvbWUyBggAEEUYOTIICAEQABgWGB4yDQgCEAAyHgMYgAQYigUyDQgDEAAyHgMYgAQYigXSAQoxMDUwNmowajEIQAIAsAIA&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=adult+literacy+rate+in+vanuatu&rlz=1C1GCEU_enVU1041VU1041&oeq=adult+literacy+rate+in+vanuatu&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIICAEQABgWGB4yDQgCEAAyHgMYgAQYigUyDQgDEAAyHgMYgAQYigXSAQoxMDUwNmowajEIQAIAsAIA&sourceid=chrome&ie=UTF-8)
- 26 [https://www.dailypost.vu/asset-master-plan-to-be-developed-for-schools/image\\_3e92f5ea-db18-555c-](https://www.dailypost.vu/asset-master-plan-to-be-developed-for-schools/image_3e92f5ea-db18-555c-)



a3fc-df3e4895b3b9.html

<sup>27</sup> [http://www.paclii.org/vu/legis/num\\_act/craima2021411/](http://www.paclii.org/vu/legis/num_act/craima2021411/)

<sup>28</sup> <https://crvsd.gov.vu/services/registration-of-births#forms>

<sup>29</sup> [https://mjcs.gov.vu/images/policy/DID\\_Policy\\_2018-2025.pdf](https://mjcs.gov.vu/images/policy/DID_Policy_2018-2025.pdf)

---