



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Vanuatu and welcome the constructive engagement of your Government during the 32nd session of the UPR Working Group in January 2019.

As the final outcome report on the review of Vanuatu has been recently adopted by the Human Rights Council at its 41st session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Vanuatu – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 55 delegations and the presentation made and responses provided by the delegation of Vanuatu. I have also considered the actions taken by the Government to implement the 95 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome that the National Universal Periodic Review Committee and the National Human Rights Committee had developed a national implementation matrix for the period 2014–2018, a simplified guide for government line agencies on implementing the respective recommendations, which is considered to be one of the best practices in the Pacific region.

I also welcome the various legislative and policy measures taken by your Government, which aimed at better protecting the human rights of the Vanuatu people in line with Vanuatu's international obligations under international human rights treaties. These include laws on education, health, and access to information; the Vanuatu National Gender Equality Policy; the National Disability Inclusive Development Policy; the Vanuatu Child Online Protection National Strategy Framework; and the Vanuatu National Child Protection Policy, among others. I also commend your Government for the adoption of the National Policy on Climate Change and Disaster Risk Reduction as part of its ongoing efforts to streamline the country's responses to the effects of climate change.

I encourage the Government of Vanuatu to effectively address the high levels of violence against women, their access to justice and their equality before the law. I would further encourage the Government to introduce sexual harassment legislation that is in full compliance with the Convention on the Elimination of all Forms of Discrimination against Women so as to also assist strengthening women's economic empowerment.

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H.E. Mr. Ralph Regenvanu
Minister of Foreign Affairs, International Cooperation and External Trade
Republic of Vanuatu



Vanuatu may wish to consider adopting a new implementation matrix for the recommendations received during the 3rd cycle of the UPR and effectively implementing it in order to achieve concrete results in the areas highlighted in the annex to this letter. This would greatly facilitate the preparations for Vanuatu's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular civil society organizations and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Vanuatu to make further efforts to strengthen the existing National Human Rights Committee into a functioning national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Vanuatu to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Vanuatu in relation to the areas identified in this letter and its annex, and welcome the request already made for technical assistance through a Note Verbale on 29 January 2019.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Don Ken
Minister of Justice and Community Services
Republic of Vanuatu

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the core international human rights instruments to which Vanuatu is not yet a party, including the International Covenant on Economic, Social and Cultural Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the International Convention on the Elimination of All Forms of Racial Discrimination; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention relating to the Status of Refugees (1951) and its Protocol (1967); the International Labour Organization (ILO) Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29); and the ILO Convention on Indigenous and Tribal Peoples (No. 169).

National human rights framework

- Establishing an independent national human rights institution in full compliance with the Paris Principles.
- Promoting an integrated approach to human rights and the Sustainable Development Goals, through the establishment of a national mechanism for reporting and follow-up and a national coordination body for the Sustainable Development Goals and human rights reporting.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Amending relevant legislation so as to incorporate fully the principles of gender equality and the prohibition of discrimination based on gender, covering direct and indirect discrimination in both the public and private spheres.
- Implementing specific measures to combat all forms of discrimination, including discrimination based on sexual orientation and gender identity, in order to guarantee the enjoyment of rights by lesbian, gay, bisexual, transgender and intersex persons.

Development, the environment, and business and human rights

- Implementing measures on climate change and disaster risk reduction, by focusing on human rights, in particular through the incorporation of a gender perspective and the prioritization of vulnerable groups.

- Including women in the National Advisory Board on Climate Change and Disaster Risk Reduction and the disaster and climate change committees, ensuring their effective participation in the planning, decision-making and implementation processes of the National Policy on Climate Change and Disaster Risk Reduction.

B. Civil and political rights

Right to life, liberty and security of person

- Continuing to review relevant domestic legislation relating to detainees, and investing further in prison infrastructure to ensure humane treatment and adequate living conditions for all its detainees.
- Addressing the lack of accountability for police abuse and corruption by the Vanuatu Mobile Force and the Vanuatu Police Force through investigations and prosecutions.

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

- Enhancing the capacity of the judiciary, especially with regard to the backlog of court cases and the staffing of the Public Prosecutor's Office and the Public Solicitor's Office.

Right to family life

- Ensuring as soon as possible the effective implementation of the Family Protection Act, in particular by allocating adequate resources to the units responsible for the protection of families.

C. Economic, social and cultural rights

Right to health

- Promoting further access to basic health services, especially in rural areas, with the aim of achieving universal health coverage.
- Continuing to ensure the improvement of medical health services, including through further investments in the training of health-care professionals.
- Adopting a comprehensive health policy and increasing support to reproductive health and family planning services.

Right to education

- Putting in place legislative and administrative measures to make primary education free and compulsory for children in urban and rural areas.
- Ensuring that educators at all levels, from preschool to post-school education, are adequately trained to facilitate learning by children with disabilities and support the Government's inclusive education policies.
- Continuing to promote measures for the full education and literacy of all citizens.

D. Rights of specific persons or groups

Women

- Considering to incorporate the functions of the Gender and Protection Cluster of the National Disaster Management Office of the Government into domestic legislation.
- Pursuing efforts to achieve gender equality, especially in employment and decision-making positions.
- Continuing efforts to eliminate gender-based violence, including domestic and sexual violence, by allocating adequate resources for the training of law enforcement and medical personnel, for investigations and the prosecution of perpetrators of these crimes, and for access to services for victims.
- Ensuring that perpetrators of violence against women are duly prosecuted and punished with sentences that are commensurate with the seriousness of their crimes.
- Taking concrete steps to support and increase women's participation in the political sphere, by setting targets to improve the representation of women in Parliament, as well as taking steps to encourage female candidates' participation in the 2020 national elections.

Children

- Further strengthening the Government capacity with a view to the effective implementation of the National Child Protection Policy (2016–2026).
- Continuing ongoing work to ensure the universal registration of births.
- Combatting violence against children, including by putting in place a mechanism to protect victims and fight impunity of the perpetrators of these violations.
- Taking legislative action to adopt laws prohibiting corporal punishment of children in all settings.
- Adopting a national action plan aimed at addressing all the issues covered in the Convention on the Rights of the Child, in particular with regard to trafficking in children, child prostitution and child pornography, and providing adequate resources for its effective implementation.
- Abolishing child, early and forced marriage, by setting the minimum age for marriage for both men and women at 18 years.
- Adopting a juvenile justice legislation that establishes specialized procedures and courts and raises the minimum age of criminal responsibility in accordance with international standards.

Persons with disabilities

- Stepping up measures aimed at improving the protection of persons with disabilities, particularly through public policies that guarantee their integration and combat all forms of discrimination against them.



- Ending all forms of discrimination against children with disabilities and taking the necessary measures to enable access for children with disabilities to education.
- Making greater efforts to ensure access to social services for persons with disabilities, in particular health care, education, access to legal services and participation in the workforce.