

Republic of Vanuatu
NGO Submission to the United Nations
Universal Periodic Review

Submission of the NGO Coalition, Vanuatu
Universal Periodic Review Working Group:

Vanuatu Rural Development Training Centre
Association

Transparency International

Vanuatu Red Cross Society

Youth Challenge International, Vanuatu

Vanuatu Young Peoples Project

Live and Learn Environmental Education

Wan Smol Bag Theatre

November 3 2008

1. Executive Summary

A coalition of non-governmental organizations¹ from Vanuatu have prepared and submitted this report for the Universal Periodic Review² of Vanuatu at the United Nations Human Rights Council Working Group on the UPR. This report was voluntarily hosted by Vanuatu Rural Development Training Centre Association, Legal Literacy Project. This report was prepared following a forum and workshop facilitated by the UN OHCHR Regional Office for the Pacific³ and the Secretariat of the Pacific Community Regional Rights Resource Team⁴ for government and NGOs from 22-26 September 2008.

To prepare this report, information was gathered from the participating organizations, UN and government reports and on international and domestic laws. Information relating to specific issues and areas of concerns highlighted in this report were also sourced from national policies and reports. The issues contained in this report are the priority issues for the NGOs involved, and considered national priorities for Vanuatu. Many of the recommendations in this report are already contained in national and regional policy documents that have not yet been implemented in Vanuatu.

While we recognize that the Government of Vanuatu has primary responsibility to implement these recommendations, we urge international, regional and bilateral assistance to support the implementation of these recommendations. We commend the Government of Vanuatu for its leading role in the Pacific in ratification of human rights treaties and submitting treaty reports, and we call on them to take the next step of implementation.

2. Ratification of International Treaties

1. The Constitution of the Republic of Vanuatu⁵ allows the Government of Vanuatu to negotiate treaties and present it to Parliament for ratification.

The NGO Coalition concerned congratulates the Government of Vanuatu for ratifying the, Convention on the Rights of the Child and its optional Protocol⁶, Convention on the Elimination of all forms of Discrimination Against Women⁷. The state is to be acknowledged for being a Signatory to the International Covenant on Civil and Political Rights⁸, Convention on the Rights of People with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation: The NGO Coalition concerned also urges the Government of Vanuatu to implement all its international obligations.

Recommendation: The NGO Coalition concerned urges the Government of Vanuatu to access international organisations and donor for assistance in implementing its international obligations.

3. Constitution – Discriminatory provision to include disability.

¹ Red Cross, Transparency Vanuatu, Live and Learn, Wan Smolbag, Vanuatu Young Peoples Project, Vanuatu Rural Development Training Centre, World Vision, Disability Association.

² Universal Periodic Review – new reporting mechanism by the Human Rights Council. Note also that Vanuatu will be the third Pacific island country to appear before the Human Rights Council.

³ UN OHCHR Regional Office for the Pacific – based in Suva, Fiji Islands.

⁴ The Pacific Regional Rights Resource Team (RRRT) provides training, technical support, policy and advocacy advice in human rights to promote social justice and good governance through the Pacific region.

⁵ Constitution of Vanuatu s26 (a) – (c)

⁶ Convention on the Rights of the Child - 7/7/93.

⁷ CEDAW 8/9/1995.

⁸ International Covenant on Civil and Political Rights 29/11/2007

1. The Constitution of the Republic of Vanuatu does not have “disability” as a non discrimination ground.

Recommendation: The NGO concerned urge the Government of Vanuatu to amend its Constitution to allow for “disability” as a non discriminatory ground.

Women’s Rights

1. The *Constitution of the Republic of Vanuatu* grants women de jure equality and makes **sex discrimination**⁹ specifically illegal. Whilst there are Constitutional provisions guaranteeing women equal status with men, the legal system often fails to enforce these provisions. This is particularly so in cases of intentional assault against women.¹⁰
2. Domestic violence as the general term for assault against women is not specifically included as discrimination against women nor is it viewed as discrimination even though it is gender based violence¹¹. The causes of child abuse and domestic violence are complex and culturally woven in the status of women and men, *kastom* and substance abuse of alcohol and kava amongst others.¹²
3. Violence against women is an ongoing issue in Vanuatu, for which only small amounts of empirical data are available. Data collected for the Initial, First and Second Report on CEDAW for Vanuatu from the Police Department between 1988 and 2002 show that intentional assault was ranked as the No 1 form of physical violence.¹³
4. The Office of the Public Prosecutor showed in 1994 that 62 % of unlawful assaults upon women were committed by men and 38% by other women. Associated with specific gender based sexual violence, rape is ranked No 10 of all crimes reported and is the No 1 sexual crime against women¹⁴.
5. The National Plan of Action for Women 2007 – 2011 is the outcome of the first ever National Women’s Forum organised by government. The purpose of the Forum was to review the progress of the implementation of the Beijing Platform of Action at national level, as encapsulated in the 1996 Working Together for Women and discuss and document a way forward. The recommendations from the National Women’s Forum are included under the 12 critical areas of concern, as described in the Beijing Platform of Action and Working Together for Women, together with Women and Disability and the Gender Equity Policy.
6. The National Plan of Action of Women plans on taking integrated measures to prevent and eliminate violence against women. Study the causes and consequences of violence against women and the effectiveness of preventative measures. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

⁹ Constitution of the Republic of Vanuatu s5 (1)

¹⁰ Republic of Vanuatu: Combined Initial, First and Second Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), September 2004, p16.

¹¹ Ibid.

¹² Situation Analysis of Children, Women and Youth. Vanuatu. Government of Vanuatu. 2005. pg 41

¹³ Republic of Vanuatu: Combined Initial, First and Second Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), September 2004, p15.

¹⁴ Republic of Vanuatu: Combined Initial, First and Second Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), September 2004, p16.

7. The prolonged Family Protection Bill, after its first reading in Parliament in 2006, has been passed. The Family Protection Act which criminalizes domestic violence and addresses issues around violence in the home recognizes that violence is against human rights and human dignity. It aims at improving the family situation from Domestic Violence especially Women and Children, since they are more vulnerable. The Bill is waiting to be signed by the head of State which is now taken to the Supreme Court decision on some supposed and perceived irregularities.

Recommendations:

- Recommendation: The NGO Coalition call on the Government of Vanuatu, as a matter of urgent priority, to amend land laws that discriminate against women.
- Recommendation: The NGO Coalition call the Government of Vanuatu to provide its full support in the implementation of research and the development of multi-sectorial social policies and strategies to address violence against women.
- Recommendation: The NGO Coalition call the Government of Vanuatu to amend its domestic law to include protection legislation in compliance with CRC and CEDAW.
- Recommendation: The NGO Coalition commend the government of Vanuatu for ratifying the Convention on the Elimination of all Forms of Discrimination Against Women and Optional Protocol. We recommend that the government of Vanuatu follow specific recommendations from the Concluding comments of the Committee on the Elimination of Discrimination against Women in particular:
- Concluding comments 11 on the full incorporation of the Convention into the domestic legislation;
 - Concluding comments 13 on legislative reform to ensuring that all discriminatory legislation is amended or repealed to bring it to compliance with CEDAW;
 - Concluding comments 25 on violence against women;
 - Concluding comments 39 on law reform in the area of family law in accordance with articles 15 and 16 of CEDAW.
- Recommendation: The NGO Coalition concerned urge the Government of Vanuatu place special consideration on the Family Protection Act and work towards its implementation.
- Recommendation: The NGO Coalition concerned urge the Government of Vanuatu to seriously consider reforming discriminatory laws such as Family Law Legislation(s).
- Recommendation: The NGO Coalition urge the Government of Vanuatu to enact an Employment Relations Bill that accords maternity and employment security for women.
- Recommendation: The NGO urge the Government to realise the human rights of women by promoting and protecting Women's Human through the full

implementation of all human rights, instruments, especially the Convention on the Elimination of All forms of Discrimination against Women and the Optional Protocol. Ensure equality and non discrimination under the law in practice. Achieve legal Literacy.

4. Education

1. Primary education in Vanuatu is neither compulsory nor free. Parents pay high school contribution fees. Children are frequently denied access to school if the fees are not paid. Parents and communities are required to contribute to the maintenance and construction of schools.
2. Girls are underrepresented in Primary school. This affects their opportunities for higher education. In 2001, females were only 42.1 per cent of the children enrolled in year 13.
3. Education is often not a priority for the male head of the household. In some cases, children are considered to be needed to carry out household duties, including work in the garden more than to go to school, especially at the secondary level. School and skills taught there are frequently seen as irrelevant to daily life.
4. It is estimated that only 13% of disabled school aged children attend school. Commitments by the Government to establish two schools in the main urban centres of Port Vila and Luganville for disabled children by 2005 and to commence special education teacher training by 2006 have not been done. Attitudes towards people with disabilities have improved a lot during the last ten years, but there needs to be more inclusion of persons with disabilities in society.
5. Language of education is in English and French and not in the mother language (local language). Mother tongue education at the primary levels would contribute to improved learning. The quality of education is often poor because up to 25% of teachers are not qualified and classes are over crowded due to insufficient teachers, space and schools. The teaching style is rote learning, and teaching materials are often from other countries and seen as irrelevant to skills needed in Vanuatu.
6. Youth lacks the opportunity to continue schooling. Poor trade skills for young people who have been dropped out or been “pushed out” from the educational system where the most commonly mentioned caused of hardship amongst youth¹⁵. Rural Training Centre are established in some Islands around the Country as a second chance avenue , the ADB report 2003 stated “the very limited number of affordable and effective rural training centre” through out the country is another cause.

Recommendation: The NGO coalition recommends that the Government of Vanuatu implement the concluding comments provided by the Committee on the Rights of the Child to make education compulsory and free of charge in Vanuatu. The NGO coalition considers primary education should be of priority.

Recommendation: The NGO coalition recommends that the Government of Vanuatu implement the recommendation of the CRC to increase access and enrolment of girls into the education system.

¹⁵ ADB Report – Priorities of the people –Hardship in Vanuatu 2003.pg 7

- Recommendation: The NGO coalition recommends that the Government of Vanuatu conduct a campaign to promote the importance of education and work to promote cultural attitudes towards education positively, in accordance with the recommendation of the CRC.
- Recommendation: The NGO coalition recommends that the Vanuatu Government implement the recommendation of the CRC to establish special education programs for children with disabilities and promote their inclusion in society.
- Recommendation: The NGO coalition also recommends domestication and implementation of Convention on the rights of People with Disabilities.
- Recommendation: The NGO coalition recommends that the Government implement the National Disability Policy, in particular inclusion in the national budget.
- Recommendation: The NGO coalition recommends introducing local languages as an additional tool of instruction and improves the overall quality of education.
- Recommendation: The Coalition recommends that the Government supports the work of Rural Training Centre by providing an annual budget to the Vanuatu Rural Development Training Centre Association who over see the establishment of Rural Training Centre in Vanuatu.

5. Right to information

1. The *Constitution of the Republic of Vanuatu* does not grant the citizens of Vanuatu the right to information. There is no specific legislation governing the right to information in Vanuatu.
2. We commend the Government of Vanuatu for 'enabling greater stakeholders participation in policy formulation by institutionalising the role of chiefs, non governmental organisations and civil society in decision making at all levels of government'.¹⁶
3. Access to information: Policies, practices, laws and procedures that help guarantee openness in the conduct of public affairs. Accountability: the process by which individuals or organizations are answerable for their actions and the consequences that follows from them.
4. Currently, it is difficult for the citizens of Vanuatu to access international accords, negotiating briefs and policy statements, minutes of discussions with donors, investors, debtors, cabinet deliberations and decisions, budget estimates and accounts; evaluation of expenditure, statistical data, surveys and analysis of health, education and food availability.
5. There is a need for greater awareness on the importance of right to information and call upon the Government of Vanuatu to consider UDHR 19, ICCPR Art 19, CEDAW Art 3, 7, CRC Art 12 (1), 13 (2) (a) (b) and Art 17 in implementing laws, policies and regulation relating to the right to information.

¹⁶ Situation Analysis of Children, Women and Youth. Vanuatu. Government of Vanuatu. 2005. pg 23

6. Incentives: basis for democracy, participation, development, building trust between citizens and government, basis for democracy, participation, development, supporting development – achievement of Millennium Development Goals, Promoting equitable economic growth, Fighting Corruption, Fostering media capacity to distribute information.
7. The NGO Coalition also note the challenges in implementing a right to information legislation - lack of political will , culture of secrecy – Official Secrets Act, low administrative compliance, low public awareness, low literacy, custom and respect, poor transport and communication, no radio transmission on the outer islands, no Civic Education at schools
8. The NGO Coalition note that government offices and officers do not have authority and power to provide information to citizens on a regular basis.
9. It is also important to note that the information requested and sought should be delivered and provided in such a manner that the people of Vanuatu can understand. The government process of gathering and requesting information should be accessible and facilitated in a manner that does not hinder the enjoyment of the right to information.
10. We request that information be free of any payments unless specified by law.
11. We note the importance of access to information as a tool of accessing justice for the poor and marginalised in Vanuatu. We note that the marginalised and poor in the Vanuatu society do not easily have access to justice due to the lack of available information on accessing justice. We note also that no legal knowledge accessible to the grassroots.

Recommendations

- Recommendation: The NGO Coalition urges the Government of Vanuatu to pass a law on the right to information;
- Recommendation: The NGO Coalition urges the Government of Vanuatu to establish a place for complaints in case of lack of information
- Recommendation: The NGO Coalition urges the Government of Vanuatu to train and equip government information personnel in providing efficient and accessible services to the public with regards to access to information;
- Recommendation: The NGO Coalition urges the Government of Vanuatu to ratify the UN Anticorruption Convention;
- Recommendation: The NGO Coalition urges the Government of Vanuatu to enforce the leadership code and prosecution (Ombudsman act); and
- Recommendation: The NGO Coalition urges the Government of Vanuatu to establish libraries in the Provinces for access to information. The NGO Coalition further urges the government of Vanuatu to make accessing information via libraries user friendly.

6. Right to decent employment opportunities for young people

1. The NGO coalition is concerned that not enough job opportunities are created for young people in Vanuatu. The NGO Coalition also notes the high numbers of unemployment in both urban and rural areas in Vanuatu.
2. The NGO coalition is concerned note also that young people are not properly qualified to undertake employment due to the low level of education.
3. Young people do not have access to loans to start new business. The loan system within the lending institution requires securities etc all that young people do not have. Young people do not meet the requirements needed for securing loans even for a small amount to start their business.

Recommendation: The NGO Coalition urge the Government of Vanuatu to take responsibility to provide equal job opportunities in all sectors for young men and young women.

Recommendation: The NGO Coalition concerned recommends the Government of Vanuatu to create an enabling working environment for people with special needs to decent working conditions and employment;

Recommendation: The NGO Coalition concerned urges the Government of Vanuatu to review current programs of employment opportunities for young people;

Recommendation: The NGO Coalition concerned encourages the Government of Vanuatu to include young people fairly to its existing employment initiatives and create special measures for employment opportunities for young people;

Recommendation: The NGO Coalition concerned urges the Government of Vanuatu to ratify the International Covenant on Economic Social and Cultural Right.

Recommendation: The NGO Coalition concerned recommends that youth employment initiatives be prioritized, and that the Vanuatu government priorities initiatives to ensure decent working conditions for youth.

Health – Poor Nutrition

Recommendation: The NGO coalition urge the Government of Vanuatu to facilitate research to be made on nutritional deficiency particularly for women as articulated in the Millennium Development Goals Report 2005.

Recommendation: The NGO coalition urges the Government of Vanuatu to develop programmes for implementation on the recommendation from the Millennium Development Goals.

7. Clean and Safe Drinking Water

1. Live and learn an environmental education's mission is to reduce poverty and foster greater understanding and action towards a sustainable future through education, community mobilisation and supportive partnerships.
2. We note that the River care water project works in improving water source in Vanuatu. There is a need for more government commitment and support in the area of improving water supply in Port Vila and in the outer islands.
3. Stakeholders concerned that water source have become polluted and that it affects the right to clean water. We note also that without having clean water Vanuatu citizens are denied the right to life.
4. Vanuatu citizens are entitled to clean safe water. This is in line with Article 25 of the Universal Declaration of Human Right¹⁷ ; Article 11¹⁸ of the International Covenant on Economic Social and Cultural Rights¹⁹, Article 12²⁰ of the International Covenant on Economic Social and Cultural Rights.
5. We note that the availability of clean water, environmental sanitation and hygienic practices are of the utmost importance for good health. Malarial mosquitoes breed in water pools and in uncleared ground; and diarrhoeal diseases are associated with contaminated water and food, unhygienic practices and insanitary conditions.²¹

Recommendation: The NGO Coalition concerned urges the government to undertake additional measures to increase access to safe clean drinking water and to improve sanitation.

Recommendation: The NGO Coalition concerned urge the Government of Vanuatu to implement Concluding observation 18 from the Vanuatu CRC Report – “the committee also recommends that the State party undertake additional measures to increase access to safe drinking water and to improve sanitation”.

Recommendation: The NGO Coalition concerned urge the Government of Vanuatu to continue its technical cooperation programmes with UNICEF, WHO and other to improve primary health care.

¹⁷ Universal Declaration of Human Rights adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December, 1948.

¹⁸ Articles 11 “.....recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions improvement of living conditions.....”

¹⁹ International Covenant on Economic Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December, 1966. Entered into force 3rd January, 1976.

²⁰ Article 12 “.....right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

²¹ Situation Analysis of Children, Women and Youth. Vanuatu. Government of Vanuatu. 2005. pg 23.

