



Convention on the Rights of the Child

Distr.: General
2 November 2016

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2009

Vanuatu*

[Date received: 11 March 2016]

* The present document is being issued without formal editing.

GE.16-19098(E)



* 1 6 1 9 0 9 8 *

Please recycle



Treaty specific report to be read in conjunction with Vanuatu's Common Core Document 2012 and Vanuatu's Second, Third and Fourth Report under the Convention on the Rights of the Child

Acknowledgment

This first initial periodic report has been produced by the Republic of Vanuatu in compliance with its reporting obligation as a state party to the Convention on the Rights of the Child (CRC) Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography produced for United Nations (UN — CRC Committee in fulfillment of its mandate to review Vanuatu's progress and to monitor the implementation of measures taken by Vanuatu government to improve the situation of child sexual exploitation as prescribed under the Articles of the Optional Protocol.

This initial periodic report was prepared and reviewed by the National Child Protection Working Group (NCPWG) and key stakeholders which has been spearheaded by the Child Desk Officer under the Department of Women's Affairs (DWA) and the Ministry of Justice and Community Services. The Child Protection Working Group members are representatives of the government, civil society organizations, and non-governmental organizations of Children's groups, and were appointed by the Director General of the Ministry of Justice and Community Services (MoJCS). The preparation of this Initial periodic report was a collaborative effort of the different ministries, departments, and agencies of the government, non-governmental organizations, civil based organizations, and academic institutions.

The preparation of this initial periodic report was funded by the United Nations Children's Fund (UNICEF)

Contents

	<i>Page</i>
List of abbreviations	4
Introduction	5
I. General guidelines.....	5
II. Data	8
III. General measures of implementation	10
IV. Prevention (art. 9, paras. 1 and 2).....	12
V. Prohibition and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)	13
VI. Protection of the rights of victims (arts. 8 and 9, paras. 3 and 4).....	16
VII. International assistance and cooperation (art. 10)	17
VIII. Other legal provisions (art. 11).....	18
Annex	19

List of abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CoM	Council of Ministers
CPWG	Child Protection Working Group
CSM	Condom Social Marketing
DoL	Department of Labour
DWA	Department of Women's Affairs
IZA	Irene & Zara Foundation
KPH	Kam Pusum Hed
MoJCS	Ministry of Justice and Community Services
NCC	National Children's Committee
NGOs	Non Government Organizations
OPAC	Optional Protocol on Armed Conflict
PDIC	Pacific Immigration Directors Conference
SCA	Save the Children
STI/HIV	Sexually Transmitted Infection/ Human immunodeficiency virus
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
TRR	Telecommunication & Radiocommunications Regulator
VCCT	Voluntary Confidential Counseling and Testing
VLC	Vanuatu Law Commission
WSB	Wan Smol Bag

Introduction

The Republic of Vanuatu acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) in 2005 and ratified in 2006 under Ratification Act No 2007. It came into force under the laws of Vanuatu on in 2007. As a state party to the Protocol, this report is Vanuatu's Initial Report to the Protocol, submitted in coordination with the Ministry of Justice and Community Services (MoJCS) and Ministry of Foreign Affairs (MoFA), with the approval of the Council of Ministers (CoM).

This Initial Report covers the period of 2008 to 2012, and is submitted in line with the reporting Guidelines issued by United Nations CRC Committee under CRC/C/OPSC, issued on 3 November 2006.

I. General guidelines

Report preparation process

1. The report preparation process that was undertaken for the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) has been adopted for this Protocol. OPAC Initial Report has been submitted together with this report.

Implementation of the general principles of the Convention vis-a-vis OP

2. Vanuatu is cognizant of its obligations under the Convention on the Rights of the Child (CRC) and has taken the general principles of the Convention into account in its implementation. With regard to the direct implementation of the Protocol, there has yet been no specific design taken to implement it since Vanuatu had ratified the Protocol in 2007. However, prior to ratifying the Protocol, Vanuatu as a state party to the Convention in 1993, has already taken several measures which have indirectly impacted on the implementation of the Protocol.

Further implementation of articles 1, 11, 21, 32, 34, 35 and 36 of the CRC

Definition of a child (article 1)

3. As mentioned in the CRC periodic report, there has been no uniformity of a definition of a child under Vanuatu's laws and regulations. It is a progressive exercise for Vanuatu to harmonize the definition of a child under different acts. However, under Penal Code (Amendment) Act with reference to child prostitution as a criminal offense, a child is define as a person under the age of 18 (see annex).

Illicit transfer and non-return (article 11)

4. As mentioned in the CRC report, there has been no recent development under this area. The lack of measures taken under the Protocol have not fully contributed to implementation of the Convention.

Adoption, national and intercountry (article 21)

5. As mentioned in the CRC combined report, there is no existing legislation in Vanuatu which specifically refers to national adoption or intercountry. Vanuatu is using the British Adoption Act of 1958 and the Guardianship Act of 1971. The lack of measures taken under the Protocol have not fully contributed to implementation of the Convention.

Economic exploitation, including child labour (article 32)

6. There is no available data regarding cases on economic exploitation, including child labour in Vanuatu. The Department of Labor is yet to conduct a study or research regarding child labour including the conduct of child labor inspections. The lack of measures taken under the Protocol have not fully contributed to implementation of the Convention.

Sexual exploitation and sexual abuse (article 34)

7. The government has taken several measures to provide special protection to prevent sexual exploitation and sexual abuse under the Convention as mentioned under the CRC combined periodic report. Vanuatu had already taken several measures prior to ratifying the Protocol, which have indirectly impacted on the implementation of the Protocol under this specific guideline. The following legislations and measures have been taken by the government:

- (a) Legislation of Family Protection Act in 2008;
- (b) Establishment of Family Protection Unit under the Police Department and Family Protection Task Forces in the six provinces;
- (c) Penal Code [Act 135] which provides for criminal offences and its punishments, and provides for the principles of criminal law, criminal responsibility and matters related thereto;
- (d) Penal Code (Amendment) Act No. 17 of 2003 defining child prostitution and possession and publishing of child pornography;
- (e) Extradition Law.

Sale, trafficking and abduction (article 35)

8. With regard to further implement Article 35 under the Convention, the following legislations and measure have been taken by the government:

- (a) Penal Code [Act 135] as mentioned under letter c above, has specific provision on abduction/kidnapping and slavery as a criminal offence (see annex);
- (b) Vanuatu hosted a two day Pacific Immigration Directors Conference and agreed as one of the Pacific country members to address the issue of people smuggling, human trafficking and irregular migration;
- (c) The Malvatumauri or the National Council of Chiefs has resolved to remove the bride price of 80,000 vatu which was a consideration to pay for a bride. Further, the court also frowned on 'child exchange', i.e., a young girl is given as an offer to the family of the victim who has died in a vehicular accident, as a form of reconciliation which is usually done in a custom ceremony (see paragraph 17 and section II).

Other forms of exploitation (article 36)

9. There is no reported case of other forms of exploitation in Vanuatu. The lack of measures taken under the Protocol have not fully contributed to implementation of the Convention.

Legal status of the OP

10. The Protocol has the same legal effect as it is for the OPAC. OPAC Initial report has been submitted together with this report.

Withdrawal of reservations

11. Vanuatu had ratified the Protocol without reservations.

Progress made in eliminating the sale of children, child prostitution and child pornography

12. There is no existing information and no relevant quantifiable data to show the progress made in eliminating the sale of children. In Vanuatu, the 'sale of children' as defined under the Protocol, has been happening as part of the traditional practices in North Tanna (one reported police case), Tafea province (see annex).

13. With regard to the issue of prostitution in general, the same is criminalize under the criminal law of Vanuatu. Under the Penal Code (Amendment) Act, child prostitution is also a criminal offense. There are evidences to show that prostitution, including child prostitution, exists in Vanuatu on a transactional basis (CEDAW report). This information is also based on the report of Wan Smol Bag (WSB), a non-government organization which works in partnership with Ministry of Health (MoH). During the WSB Kam Pusem Head based peer education held in Port Vila, it was reported that 9% of the sex workers are between the age of 14 and 19 years.

14. Further, a non-random study was also conducted in 2010 by International HIV Research Group from the University of Wales, Australia, on the context of sex work in Vanuatu. The respondents of the study were between 16 and 36 years old and most of the respondents began sex work long before they were 18 years of age. However, there is no existing information and no relevant quantifiable data to show the progress made in eliminating child prostitution.

15. During the reporting period, the TRR has proposed for a Cyber Crime policy in an effort to address downloading of pornographic materials from the website. The TRR has also proposed for a filtering device which is under consideration by the government. As a result a cyber-crime policy has already drafted and is under review. Further, Vanuatu is also a member of the Cyber Safety Pacifika when it signed the declaration of partnership between and among the the Pacific Island Chiefs of Police. However, there is no existing information and no relevant quantifiable data to show the progress made in eliminating child pornography.

16. In Vanuatu, there are several factors and difficulties, affecting the degree of fulfillment of the obligations under the Protocol. In the case of sale of children as defined under the Protocol, 'kastom' or custom may be considered a factor which affects the implementation of Vanuatu's obligation under the Protocol. For instance, in cases of 'child exchange' wherein a young girl is swapped to settle land disputes (see incidence of sale of

children under section II), there has been one reported case, however it was not directly related to the 'customary practice' itself but in relation to the performance of the Vanuatu Police Force to settle the tension between two families in the community. Further, under the existing legislations, there are no provisions under the Penal Code that punish all the acts enumerated and defined as "sale of children" under the Protocol.

17. Furthermore, it is also part of the customary practices to betroth young girls, and girls marrying below 18 years of age. The arrangement is usually done through the use of traditional wealth items such as kava, mats, pigs, and yams as part of the bride price. During the reporting period, the Vanuatu Law Commission (VLC) is developing issues paper which includes among others, the review of the Marriage Control Act relative to the marital age of girls which is 16 as allowed under Vanuatu's law.

18. As regards to child prostitution, the lack of reporting or under reporting of cases affects the degree of Vanuatu's fulfillment under the Protocol. Although there are evidences to show its existence (as mentioned under section I on the progress made in eliminating the sale of children, child prostitution and child pornography), and notably, the Penal Code provides for the criminalization of child prostitution, the absence of complaints filed and the under reported cases makes it difficult to deal with existing situation. The same factors maybe considered for offenses under child pornography. Further, since the ratification of the Protocol in 2007, there has been no specific awareness done to promote the principles of the Protocol.

19. Information from all autonomous regions or territories in the State party in a summarized version (full texts of the information concerning such entities may be annexed to the report).

Jurisdictional implementation of the Protocol

20. Upon ratification and gazetting of the Protocol, its implementation covers throughout the islands of Vanuatu and to all persons who are residing and are considered to be within its jurisdiction. The jurisdictional implementation of the Protocol includes the six regional government/provinces of Vanuatu.

Separate attachments

21. Upon submission of this initial report, copies of the principal legislative, administrative and other relevant texts, judicial decisions and relevant studies or reports are also submitted separately (see annex).

II. Data

Data collection

22. The government has been strengthening its data collection. As a result, the different ministries of Vanuatu have adopted several mechanisms to secure data. However, with regard to data collection on information required under this Protocol, the government has not yet adopted the appropriate mechanism and procedures.

Incidence of sale of children

23. There are no existing data regarding the sale or transfer of children for purposes of sexual exploitation.
24. There are no existing data on the transfer of the organs of children for profit.
25. The Department of Labor (DoL) has not yet conducted any investigation on possible existence of engagement of children in forced labour.
26. As reported under the OPAC Initial Report, there is no existing adoption law in Vanuatu. There are also no existing data available on the number of children adopted through the efforts of intermediaries using methods incompatible with article 21 of the Convention or other applicable international standards.
27. In Vanuatu, ‘child swapping’ or ‘child exchange’ whereby one tribe gives away a child, female or male, to the other tribe and the other tribe has to do the same for the purpose of keeping peace in the community is considered as a highly respected custom. The case of child swapping has been happening in North Tanna, Tafea province (see section I)) which has been part of its long time traditional practices and normally transpired in cases involving land disputes. However, there are no available data to show the number of children affected by such practices. In two decided cases, the courts frowned upon child exchange which happened in two criminal cases wherein a custom ceremony have been done as part of reconciliation for the lost of lives during the accidents (see III on Jurisprudence).
28. There are no existing data available on the number of child victims of trafficking — whether within the territory of Vanuatu, from the territory of Vanuatu to other States or from other States to the territory of Vanuatu or information as to the type of exploitation for which such children are trafficked.
29. There is no existing data to show the increase or decrease of the practices as mentioned above due to the absence of data and reporting of cases.

Child prostitution

30. As discussed under section 1 of this report, there is no available official data on the total number of child prostitutes in Vanuatu. The data which was provided by the University of South Wales was a result of a non-random study through interview involving 18 women and 2 men. The data which was provided by WSB through sampling interview involved 134 sex workers, all males and one female. There is no existing data to show the increase or decrease of child prostitution or any specific forms of child prostitution as defined under the Protocol.
31. There has been no study conducted regarding the linked of child prostitution to sex tourism. There has been no reported incidence or cases investigated within Vanuatu regarding the promotion sex tourism involving child prostitution in other countries.

Child pornography

32. During the reporting period, there are reported police cases involving distribution of child pornography through use of mobile phones. However, there is no data to show the increase or decrease in its distribution.
33. There is no available data concerning the number of prosecutions and convictions for offences, on sale of children, child prostitution or child pornography.

III. General measures of implementation

Laws, decrees and regulations

34. The following legislations and regulations have been adopted by the government to give effect to the Protocol, to wit:

(a) The Penal Code [Cap 135] which provides for criminal offences and the punishments therefore, principles of criminal law, criminal responsibility and matters connected therewith;

(b) The Penal Code (Amendment) Act No. 17 of 2003 defining child prostitution and possession and publishing of child pornography;

(c) Extradition Law [Cap 287] which provides for extradition and matters relating to the Act;

(d) The Policy for handling Young People in Conflict with the Law;

(e) The Policy for Young Victims and witnesses;

(f) The Standard Operating Procedures and Modules for investigations involving children and youth.

Jurisprudence

35. During the reporting period, there is no available information with regard to significant jurisprudence adopted by the courts of Vanuatu with regard to child prostitution and child pornography. However, with regard to sale of children, the courts have invoked the Convention to ground its decision in two criminal cases: Public Prosecutor v. Andrew Kuao and Therese Sasia, Criminal Case No. 131 of 2009 and Public Prosecutor v. Nalin Nawia, Criminal Case No. 39 of 2010 (see annex).

Governmental departments or bodies

36. The Ministry of Justice and Community Services (MoJCS) has the primary responsibility for the implementation of this Protocol. In this regard, a Child Desk Officer has been appointed to work with the Department of Women's Affairs (DWA) whose work coordination includes among others an advocacy on child protection. The Child Desk Officer also coordinates with the Police Department, and Ministry of Foreign Affairs on reporting issue. Further, the CoM has established in 2000 the National Children's Committee (NCC) which serves as a regulatory body to directly coordinate the implementation of the Convention, and also the Protocol. The members are representative of the various ministries and line departments of the government, the NGOs, and civil based organizations who were appointed by the Director General of the MoJCS. During the reporting period, the mechanism(s) and its design for the implementation of the Protocol are yet to be established.

Dissemination of the Protocol and the appropriate training

37. During the reporting period, there has been no dissemination of the Protocol and there has been no appropriate training yet offered to all relevant professional and para-

professional groups, including immigration and law enforcement officers, judges, social workers, teachers and legislators.

Mechanisms and procedures

38. There is no specific mechanisms and procedures yet in place to be used to collect and evaluate data and other information concerning the implementation of this Protocol on a periodic or continuing basis.

Budget allocation

39. The government has not yet allocated specific budget for the various activities related to implementation of the present Protocol.

Overall strategy

40. The overall strategy of the State party for the elimination of the sale of children, child prostitution and child pornography and the protection of victims has yet to be defined.

Contributions made by civil society

41. There are existing NGOs such as the Save the Children (SCA) and WSB that are working in partnership with the government and have contributed in the implementation of the Protocol, hence, indirectly contributed to the elimination of the offenses under the Protocol. In the case of sale of children, and child pornography, there has been no effort done yet (see section I), however, in case of child prostitution, SCA has been implementing its sexual reproductive health program which has the following five components: 1) Condom Social Marketing (CSM); 2) youth sexual reproductive health project working in partnership with government health centers through a provision of space clinic providing youth friendly services; 3) youth outreach project; 4) child peer to peer which provides training on peer education and CSM and access to youth friendly centre and health services of WSB in Port Vila in support of the Ministry of Education Family Life Education Syllabus for years 9 to 13; and 5) IZA Foundation. These components except component number four provides awareness aimed at reducing vulnerability to STI/HIV and to reduce risk behaviour.

42. The WSB has been conducting health and education programs targeting the younger sex workers such as the Kam Pusum Hed (KPH) clinic and the peer education program. The KPH involves reproductive health services such as provisions on contraceptives, STI testing and treatment, Voluntary Confidential Counselling and Testing (VCCT), counselling on HIV, STI and general RH counselling. The peer education programs target young people and WSB have also worked with sex workers and men who have sex with men.

Statutory ombudspersons for children

43. During the reporting period, there is no existing statutory ombudspersons for children. However, there is an existing Ombudsman office which deals with cases involving breach of the Leadership Code by public officials but not with children.

IV. Prevention (art. 9, paras. 1 and 2)

Protection of vulnerable children, social programmes, and impact

44. The same methods described under OPAC Initial Report have been used to identify vulnerable children. However, the methods used in the study has not indicated whether it was used to identify children or in relation to children who are vulnerable to practices contrary to the Protocol (OPAC, Initial Report).

45. During the reporting period, there are no existing social programmes and policies that have been adopted or strengthened to protect children, in particular, especially vulnerable children, from such practices such as in the areas of health and education, as well as any administrative or legal measures (other than those described in response to the guidelines contained in section V) that have been taken to protect children from these practices. Hence, there is no available data as to the impact of social programme and policies taken. With regard to civil registry practices aimed at preventing abuse, the Office of the Civil Registry has upgraded its system of child registration by adopting a unified approach of registration using the child reference number, provincial registration number, island registration number and area council number for the same child. During the reporting period, the Passport Office has been adopting this system and the same system will be soon be installed in other offices such as in Department of Education, Correctional Centers, to name a few. Further, there is a plan by the Civil Registry Office to enter into a Memorandum of Understanding between the Courts through the State Law Office relative to the manner of using birth certificate as evidence to determine the age of the offender or the victim in a court case.

Public awareness and information campaign

46. During the reporting period, there has been no campaigns or other measures that have been taken to promote public awareness of the harmful consequences of the sale of children and child prostitution and pornography, as required by article 9, paragraph 2, of the Protocol. There has been no information campaign on the following:

(a) Measures specifically aimed at making children aware of the harmful consequences of such practices, and of resources and sources of assistance intended to prevent children from falling victim to them;

(b) Programmes targeting any specific groups other than children and the general public such as tourists, transportation and hotel workers, members of the armed forces, and correctional personnel.

47. With regard to the role played by NGOs, the media, the private sector and the community, in particular children, in the design and implementation of the awareness measures, see section III on the contributions of civil society. In this regard, the government has not yet taken steps to measure and evaluate the effectiveness of the measures described above, hence, no results were obtained.

V. Prohibition and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)

Criminal laws

48. The Penal Code [Cap 135] is a criminal legislation which has been amended under Amendment Act No. 17 of 2003 and which covered and defined the acts and activities enumerated in article 3, paragraph 1 of the Protocol. These are covered under sections 101 to 101 A-D, 147, 147 A-B and 148 (see annex).

Laws that impedes implementation of the OP

49. The Marriage of Control Act which allows the marital age for young girls (16) has not yet been amended. Further, the provisions of the Penal Code relative to the minimum age of sexual consent is not fixed under the law and provides for a lower penalty for its criminal liability. Furthermore, the Constitution of Vanuatu is continuously influence by customs (Preamble, Vanuatu Constitution) and allows for adjudication of customary laws by island courts (section 10, Vanuatu Constitution). During the reporting period, there are certain harmful traditional practices viewed within the context of the Protocol and maybe considered as an obstacle in the implementation of the Protocol, such as child swapping or child exchange, and the marriage or betrothal of young girls, that are largely happening in the outer islands of Vanuatu (see paragraph 17).

50. However, the VLC is in the process of developing issues paper on Family Reform Law and considers the review of the Marriage of Control Act to raise the marital age of 16 for girls. With regard to the provisions of the Penal Code, the Child Protection Working Group (CPWG) has been working on the review of discriminatory provisions affecting children. As regards to child swapping, the courts frowned upon custom ceremony offering girls as a means of gift for reconciliation. However, these decisions were invoked by the courts to ground its decisions only involving criminal cases (see section 1 on the analysis and factors that impedes the degree of fulfillment of the obligations under the Protocol).

Criminal liability of legal persons

51. The Penal Code under section 147B provides for the criminal liability of corporations involve in the publishing of child pornography (see annex). However, there is no criminal liability for legal person under sale of children and child prostitution. With regard to the effectiveness section 147B as a deterrent to child pornography, there has been no study conducted to determine its effectivity, however, there has been no cases yet filed involving corporations charge of the act. The CPWG has been reviewing the provisions of the Penal Code as mentioned in paragraph 49.

Applicable international legal instruments

52. During the reporting period, there is no information regarding bilateral and multilateral agreements relevant to adoption.

1993 Hague Convention

53. During the reporting period, there is no indication yet to consider becoming parties to 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The MoJCS has not yet initiated any efforts to request for the adoption of the treaty with the MoFA. However, the Vanuatu Law Commission is in the process of developing issues paper which include among others, adoption. The VLC is also in the process of reviewing the Adoption Act of 1958 as part of the preparation process for adopting a comprehensive Family Law Reform.

Prohibition of the production and dissemination of material

54. The Penal Code has a provision for offenses against public interest which provides for the criminal offense of obscene publications which includes the manufacture, hold for sale, distribution, lease or display, import, export or transport, display or expose to public view, sell or hire, offer to any person for reward or otherwise, and distribute or deliver for distribution any printed matter, writing, drawing, sign, engraving, printing, photograph, film, sound recording, emblem or other object or representation whatsoever of obscene nature and provides for an imprisonment of two years (see annex).

55. Further, the Penal Code also provides as a criminal offense the publication of child pornography. The law defines publication to include the following: (a) distribute, disseminate, circulate, deliver, exhibit (including on an internet website), lend for gain, exchange, barter, sell, offer for sale, let on hire or offer to let on hire, or (b) have in possession or custody, or under control, for the purpose of doing an act referred to in paragraph (a), or (c) print, photograph or make in any other manner (whether of the same or of a different kind or nature) for the purpose of doing such an act. The term "record" means a gramophone record or a wire or tape, or a film, and any other thing of the same or of a different kind or nature, on which is recorded a sound or picture and from which, with the aid of a suitable apparatus, the sound or picture can be produced (whether or not it is in a distorted or altered form). The law provides for a penalty of imprisonment for 5 years in the case of an individual or, in the case of a corporation 20,000,000. vatu.

56. There is no available data or information concerning the number of prosecutions and convictions for such offences, disaggregated by nature of the offence (sale of children, child prostitution or child pornography).

57. During the reporting period, there has been no measures yet taken to determine whether Penal laws are effective in preventing advertising for the sale of children, child prostitution and child pornography.

Jurisdiction over offences

58. There are no existing legal provisions that establish jurisdiction over the specific acts and offences enumerated under the Protocol for sale of children, refer to paragraph below.

Extraterritorial jurisdiction

59. The Penal Code of Vanuatu provides for an extraterritorial jurisdiction. The criminal laws of Vanuatu applies to offenses which elements partly taken place within Vanuatu or wholly taken place abroad. It also applies to complicity or attempt in relation to an offence

against the criminal law of the Vanuatu beyond its territory or for any such act or omission beyond its territory in relation to an offence or intended offence within its territory.

60. Further, for offences abroad, any citizen may be prosecuted within Vanuatu for an offence against the criminal law of Vanuatu in respect of any act or omission committed by him beyond Vanuatu which had it been committed within Vanuatu would have constituted an offence against such law, if such act or omission constituted a corresponding offence under the law of the place where it was committed. Furthermore, with regard to international offense, the criminal law of Vanuatu applies to piracy, hijacking of aircraft, traffick in persons, slave trading and traffic in narcotics committed within or beyond the territory of the Republic (see annex).

Extradition Proceedings

61. The Extradition and proceedings were reported under OPAC Initial Report. The OPAC report has been submitted together with the OPSC Initial Report. During the reporting period, Vanuatu has not entered into any extradition treaties since becoming a party to this Protocol or is negotiating any extradition treaties.

62. During the reporting period, there has been no request for the extradition of a person subject to its jurisdiction who was accused by another State of any of the offences referred to in the present Protocol since the entry into force of the Protocol.

63. During the reporting period, there has been no requests for extradition for any of the offences referred to the Protocol that have been granted by Vanuatu since the entry into force of the Protocol. Further, there has been no request from Vanuatu to extradite any person accused of any of the offences referred to in this Protocol.

64. During the reporting period, there has been no new legislation, regulations or judicial rules concerning extradition that have been proposed, drafted or adopted.

Legal basis for cooperation

65. During the reporting period, there has been no international agreements, for cooperation with other States parties with regard to investigations and criminal and extradition proceedings brought with regard to the offences referred to by the Protocol. Further, there has been no existing policy yet, hence, there is no information as to any significant difficulty that Vanuatu has experienced in obtaining the cooperation of other States parties.

Law, policy and practice

66. The Penal Code provides for the confiscation of the materials and the computer used for child pornography (see annex).

67. There is no existing data concerning the response of other parties to its requests for the seizure and confiscation of goods and proceeds as there has been no case filed. Further, there has been no legislation concerning these matters that has been proposed, drafted or enacted since the entry into force of the Protocol neither any judicial decisions relative thereto.

VI. Protection of the rights of victims (arts. 8 and 9, paras. 3 and 4)

Implementation of Article 8

68. The Criminal Procedure Code [Cap 136] provides for the code of procedures for criminal case. However, the Act is silent with regard to procedures concerning criminal proceedings for children.

Investigation of offences

69. The Penal Code provides under section 17 for age of criminal responsibility for child offenders, wherein the age of a person shall be determined, in the absence of official civil status records, by the court upon the balance of probabilities, after hearing the evidence of a medical expert (see annex). However, the law is silent regarding the investigation of offense in cases of determining child age of the victims.

Best interest of a child under the criminal justice system

70. The criminal justice system or Juvenile Justice System is not defined in Vanuatu.

Best interest of a child in criminal investigations and proceedings

71. The VPF two organizational policies: the Policy for handling Young People in Conflict with the Law and the Policy for Young Victims and witnesses have provided for a Standard Operating Procedures and Modules relating to investigations involving children and youth and has been guided by the principles of the best interest of child during criminal investigations and proceedings.

Legal, psychological or training

72. During the reporting period, there has been no measures yet taken to ensure legal, psychological or other training for those who work with victims of the offences prohibited in this Protocol.

Public or private agencies, organizations and networks

73. During the reporting period, there has been no existing measures yet in place that provide the agencies, organizations, networks and individuals with the conditions necessary to carry out their work without fear of interference or reprisals.

Special safeguards or compensatory measures

74. During the reporting period, there are has been no special safeguards or compensatory measures that have been introduced or strengthened in order to ensure that measures designed to protect the rights of child victims of the offences referred to by this Protocol do not have any undue impact on the rights of accused persons to a fair and impartial trial.

Existing public and private programmes

75. There are no existing public programmes that provide child victims of sale, prostitution and pornography with assistance in social reintegration, paying special attention to family reunification, and physical and psychological recovery. However, there is an existing private programmes that is implemented by WSB as non governmental organizations called the the KPH (see section I).

Recovery of child identity

76. There has been no measures yet taken by Vanuatu to help the child recover his or her identity, when the exploitation to which the child has been exposed has adversely affected any elements of his or her identity, such as name, nationality and family ties.

Assistance to national, non-nationals, and unknown nationality

77. There are no measures yet taken to provide assistance (social reintegration, physical and psychological recovery and the recovery of identity) to children who are nationals or presumed to be nationals of the State party and those who are not nationals, or whose nationality is unknown.

Existing remedies and procedures

78. The law provides for existing remedies and procedures in cases of domestic violence under the Family Protection Act and under the Penal Code. However, there are no existing remedies and procedures that may be used by child victims of sale, prostitution or pornography to seek compensation for damages from those legally responsible.

VII. International assistance and cooperation (art. 10)

Multilateral, regional and bilateral arrangements

79. During the reporting period, there are no existing multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences referred to by this Protocol that Vanuatu has helped draft, or has negotiated, signed or become a party to it. Further, there has been no steps that have been taken to put in place procedures and mechanisms to coordinate the implementation of such arrangements, hence, no results were obtained through such arrangements, or information on any significant difficulties encountered in implementing them and any efforts made or considered necessary to improve the implementation of such arrangements.

Promote international cooperation and coordination

80. During the reporting period, there has been no steps taken by Vanuatu to promote international cooperation and coordination concerning the prevention, detection, investigation, prosecution and punishment of the offences referred to by the Protocol between authorities and relevant regional or international organizations, as well as between the authorities and national and international non-governmental organizations.

Support to international cooperations

81. During the reporting period, there has been no steps yet taken by the State party to support international cooperation to assist the physical and psychological recovery, social reintegration and repatriation of the victims of the offences referred to by this Protocol, including bilateral aid and technical assistance. However, Vanuatu through the Ministry of Internal Affairs has hosted a two day a two day Pacific Immigration Directors Conference (PDIC) participated by 45 participants from Pacific countries to address the issue of people smuggling, trafficking and regular migration. Further, Vanuatu through the Public Health division had also coordinated with the International Research group in conducting their study involving sex workers, entitled, Risky Business in Vanuatu: selling sex in Port Vila.

Contributions to international cooperation

82. During the reporting period, there has been no contributions extended by Vanuatu to international cooperation regarding designs to address root causes that contribute to children's vulnerability to sale, prostitution, pornography and sex tourism.

VIII. Other legal provisions (art. 11)

Domestic legislations

83. During the reporting period, there are no domestic legislations in force by Vanuatu that maybe considered more conducive to the realization of the rights of the child than the provisions of this Protocol.

International law

84. During the reporting period, there are no existing provisions of international law binding on the State party that it considers more conducive to the realization of the rights of the child than the provisions of this Protocol, or that it takes into account in applying the present Protocol.

Ratification of main international instruments

85. During the reporting period, there are no information regarding the status of ratification by Vanuatu of the main international instruments concerning the sale of children, child prostitution, child pornography, trafficking of children and sex tourism, as well as any other international or regional commitments undertaken Vanuatu concerning these issues, and any influence their implementation has had on implementation of the Protocol.

Annex 1

Legislative, Judicial, Administrative, and other texts (separate copies attached in compliance with Guideline I: General Guidelines under paragraph 21, this report)

<i>Page/Paragraph Reference</i>	<i>Text Reference</i>
p.5/para 3	Section 17, Penal Code [Cap 135]
p.6/para 8	Section 102, Penal Code [Cap 135]
p.7/para 12	Police Report (North Tanna Case)
p.10/para 35	Criminal Case No, 131 of 2009, and Criminal Case No. 39 of 2010
p.13/para 48	Section 101 to 101 A-D, 147, 147 A-B and 148, Penal Code (Amendment) Act of 2003
p.14/para 54	Section 147, Penal Code [Cap 135]
p.14/para. 59, p. 15/para. 60	Section 5, Penal Code [Cap 135]
p.15/para 66	Section 147-B, Penal Code (Amendment) Act of 2003
p.16/para 69	Section 17, Penal Code [Cap 135]