



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Second periodic reports of States parties due in 2010

**Vanuatu**<sup>\*,\*\*</sup>

[Date received: 3 August 2016]

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

\*\* The annexes to the present report are on file with the Secretariat and are available for consultation.  
They may also be accessed from the web page of the Committee on the Rights of the Child.

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1. The Republic of Vanuatu ratified the Convention on the Rights of the Child (CRC) without reservations on December 1992 by virtue of Ratification Act No. 26. It came into force under the laws of Vanuatu on May 1993. Vanuatu ratified the two CRC Optional Protocols (OPs): the Optional Protocol on children in armed conflict (OPAC) and the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) on September and May of 2007, respectively.
2. This second, third, and fourth combined periodic report is submitted in line with the treaty-specific guidelines issued by United Nations (UN) under CRC/C/58/Rev. 2 issued on 23 November 2010, regarding the form and content of periodic reports to be submitted by the state parties under article 44, paragraph 1 (b), of the CRC. Vanuatu submitted its initial report on May 1997.
3. This combined report covers the period of May 1998 to September 2012, the period when Vanuatu submitted its initial report and this combined periodic report after approval of the Council of Ministers (CoM). This report is composed of two parts: The Common Core Document and the Convention Specific Document. Vanuatu has not yet submitted its initial report on the two CRC OPs. However, the reports on the two OPs will be separately submitted in line with the reporting guidelines for each OP issued by UN-CRC under CRC/C/OPSC/2 on 3 November 2006, and CRC/C/OPAC/2 issued on 19 October 2007.

## **Part II. Treaty specific document**

### **1. General measures of implementation (arts. 4, 42, and 44, para. 6)**

**The following Concluding Observations ('Comments and Recommendations') are addressed in this cluster:**

- Review of domestic legislation (CO D.1, para. 7)
  - Comprehensive children's code (CO D.1, para. 7)
  - Children's Office and a National Children's Committee and budgetary allocation (CO D.1, para. 8)
  - National Programme of Action for Children (CO D.1, para. 8)
  - Comprehensive system of data collection (CO D.1, para. 10)
  - Implementation of article 4 (CO D.1, para. 11)
  - Dissemination and Promotion of CRC (CO D.1, para. 11)
  - Training of professional groups working with and for children (CO D.1, para. 11)
  - Sensitization of civil society, community chiefs, religious leaders, NGOs and the media (CO D.1, para. 11)
  - CRC integration into the curricula at all levels of the educational system (CO D.1, para. 11)
  - Technical assistance (CO D.1, para. 7, 9 and 12)
4. Vanuatu has been a campaigner of child rights since it participated in the World Summit for Children in 1990. Further, it has adopted the United Nation Declaration and Action Plan for A World Fit for Children (WFFC). In an effort to reaffirm its obligation under the Convention and the two Optional Protocols (OPs), the government has initiated through legislations, policies, strategic plans and programmes the agenda of child rights.

5. The reporting period has witnessed four major development processes of Vanuatu: the conceptualization of the government's Comprehensive Reform Programmes (CRP 1997), the signing of the Millennium Development Goals (MDG) in 2000, the preparation of its Priorities and Action Agenda (PAA 2003), the formulation of its key development strategies (PAA 2006-2015), and the government's Planning Long and Acting Short Action Agenda (PLAS 2006-2012).

### **General measures of implementation**

#### *A. Legislation and implementation*

6. Vanuatu has taken several measures to review and bring its domestic legislations and practice into full conformity with the provisions of the Conventions and the two OPs.

7. The establishment of the Vanuatu Law Commission (VLC)[Cap 115] is a lead step towards the realization for the promotion and protection of children's rights in Vanuatu.

8. During the reporting period, the Commission is in the process of developing issues paper on Family Reform Law which may directly promote and protect children's rights in Vanuatu, which are: family relationships, including laws relating to marriage and other relationship which might give rise to mutual obligations in law; rights and responsibilities of parties within the above mentioned relationships which may have included reference to possible changes to the Citizenship Act; family breakdown, including divorce, child maintenance and the division of assets upon the breakdown of relationship; and child welfare, including maintenance for children where the parents were not in a relationship, guardianship, wardship, and adoption.

9. The VLC is also currently reviewing the Public Health Act of 1994 and provincial consultations are ongoing to gather inputs on how the current laws can be improved to give better health services to the people of Vanuatu.

10. In an effort to further review its domestic legislations, the government with assistance from Australian Agency for International Development (AusAID) and United Nations for Children Fund (UNICEF), conducted the Vanuatu Child Protection Baseline Report in 2008. The methodology for the research was legislative compliance, which identified the articles of the Convention relating to child protection standards, and desk review. Domestic law and policy were evaluated against the 227 indicators developed based on UNICEF tools (Vanuatu Child Protection Baseline Report, 2008).

11. Further, the baseline study recommended the establishment of a network of services and a functioning social welfare service unit with the aim of promoting the prevention of child abuse and providing coordinated response services to children who have experienced violence, abuse and exploitation. As a result, a proposal was submitted to the Ministry of Justice and Community Services (MoJCS) on possible child protection system. However, it was considered that additional emphasis is needed to be put on informal service provisions, through existing resources, structures and practices in Vanuatu context (Child Mapping and Child Protection Policy Report, 2012). In an effort to establish a social welfare service unit, the MoJCS has initiated a three phase project to develop Child and Family Social Welfare Policy, with funding and technical assistance from UNICEF. The first two phases of the project have been completed, these are: mapping of community practices and existing resources, and development and review of initiatives. The third phase is the final drafting, revision and passing of policy. During the reporting period, the Department of Women's Affairs (DWA) work plan includes the recruitment of two project officers to pilot test the recommendation of the second phase of the project, which is the establishment of a network of services and/or a functioning social welfare service unit.

12. As an additional measure to review further its domestic legislations, the Vanuatu government participated in the Pacific Regional Workshop on Cybercrime Legislation co-hosted by the Australian Government Attorney-General's Department (AGD), the Council of Europe (CoE) and the Secretariat of the Pacific Community (SPC), held in Tonga in 2011. During the workshop the Information and Communication Technology (ICT) ministers have given directives to develop appropriate policy, legislative and regulatory frameworks and strategies to combat cybercrime and promote internet safety and security, including child online protection. The proposed legislation should seek to criminalize, among others, misuse of devices used to commit further cybercrime offenses and activity relating to the production, distribution and possession of child pornography.

13. As a result of Vanuatu's commitment and in an effort by the government to address cybercrime offenses, the Telecommunications and Radio-communications Regulator of Vanuatu has proposed for a cybercrime policy. During the reporting period, the cybercrime policy was drafted and is under review. A working committee has also been established to look into the enactment of a Cyber Crime Legislation. Furthermore, Vanuatu through the Pacific Island Chiefs of Police has signed the Declaration of Partnership for cyber safety in the Pacific.

14. The Ministry of Foreign Affairs (MoFA) has developed a consultation process to be adopted prior to the signing of any international conventions to ensure reservations are made and funds are appropriately secured for the implementation.

15. The Penal Code Reform Group assisted by Regional Rights Resource Team (RRRT) has reviewed provisions of the Penal Code relating to sexual offenses. As a result, a position paper has been drafted with the aim of identifying, collating and summarizing all documentation relating to sexual offenses against women and children. The working group has finalized its work plan on legislative lobbying for Penal Code review to ensure that sexual offenses reform in the Penal Code are in compliance with gender equality and human rights vis-a-vis the articles of the Convention which was used as one of the basis for the review.

16. In an effort to bring its domestic legislations and practice into full conformity with the Convention, legislations which directly promote and protect children's rights were enacted and amended. **These legislation and amendments have been provided for under the common core document, section 2, letter D, under legal framework for the protection of human rights at the national level.**

17. There are several judicial decisions wherein the provisions of the Convention have been invoked by the courts to ground decisions on the 'best interest of the child', hence, acknowledging the sets of legal provisions in Convention (discussed under common core document, section II, letter D, framework for the protection of human rights at the national level).

18. In the following criminal cases, the court has commented on certain customary practices and invoked the Convention to ground its decision, to wit: In *Criminal Case No. 131 of 2009, Public Prosecutor v. Andrew Kuao and Therese Sasia*, a young girl was offered as part of the presentation of gifts in a custom ceremony of reconciliation as a form of reparation and replacement for the loss of the two lives in an accident. The Chief Justice invoked the CRC, stating that:

*'The time will come when the Courts will say something on the customary societal rational of such a practice of swapping female child and in particular in the light of the fundamental rights contained in Article 5 of the Constitution and the Convention on Rights of the Child (CRC) to which [sic] Vanuatu has ratified'.*

19. In another *Criminal Case No. 39 of 2010, Public Prosecutor v. Nalin Nawia*, a case of vehicular accident due to reckless driving and driving under the influence of alcohol which has caused the deaths of several persons, a customary reconciliation ceremony was performed which included the offer of a young girl to replace a lost female family member during the accident.

20. The Court nullified the gift of the 11 year-old girl and ordered that she be immediately returned to her parents and family. The court reasoned that “gifting a child is akin to child trafficking, and violates both women’s and children’s human rights”. The outmoded practice “objectifies and devalues the women of Tanna and denies them their fundamental rights to humane and equal treatment to life, liberty and security of the person”. In particular, “young girls must not be treated as mere objects or commodities that can be swapped or exchanged under any circumstances and for whatever reason, and a customary practice that treats them in that abject manner is inhuman”. It cannot be sanctioned by the law, and must never be allowed to happen again’. (<http://www.paclii.org/vu/cases/VUSC/2010/87.html>).

21. With regard to the recommendation for the enactment of a comprehensive children’s code, the DWA has started to develop a draft on Children and Young People Volunteer Code of Conduct.

*B. National Strategy and Plan*

22. The government has adopted a national strategy and action plan for children which forms part of its overall development strategy and plan. The policies, strategy and action plans are discussed below:

23. The DWA has developed the following policies and strategic plans which promote and protect the right of every child in Vanuatu in fulfilment of its commitment under the Convention, to wit:

24. The *National Children’s Policy (NCP) (2007-2011)*. The NCP has adopted the following framework: ‘developing or strengthening national and regional action plans for children, including a set of specific time-bound and measurable goals and targets by the end of 2011 with wide involvement of civil society, including non-governmental organizations (NGOs) and children; strengthening national planning, coordination, implementation and resource allocation for children and integrating the international goals into national government plans, policies, strategies and programmes; establishing or strengthening national bodies for the promotion and protection of children’s rights; and regular monitoring of the situation of children at the national level, and periodic review of progress towards the fulfilment of the global agenda’.

25. The NCP forms part of the overall development strategy of the government. To note, Vanuatu started CRP in 1997 as its long term framework to raise the welfare of the people of Vanuatu. In 2002, an economic policy forum was conducted by the government and as a result, the first PAA in 2003 was adopted to complement the CRP, the Business Forum Outcomes, and the Rural Economic Development Initiatives (REDI) plan. In 2006, with the objective to link the government’s policy and its limited resources, the PAA (2006-2015) was updated to integrate the 2003 PAA and to build on the MDGs which Vanuatu signed in 2000. Under PAA 2006, the government set out its national vision: “A just, educated, healthy and wealthy Vanuatu”. The vision reflects the need for employment, more economic opportunities, better health and education, basic infrastructure provisions for the people of Vanuatu and their children, and social stability.

26. The NCP review recommended that the policy has to recognize Vanuatu’s international commitment in planning its overall strategy for the development of children,

taking into consideration the ratification of new conventions, international human rights instruments such as the ICPR, the MDGs, EFAs, among others.

27. Further, the review also recommended that consideration should also be made on domestic legislations, relative to its proposal or amendments of the following: (a) Family Law, clear definition of a child, marriage control act relative to increasing the legal age of girls (16) to marry, raise the alimony for child support, adoption law, inheritance property for women; (b) establish family courts; (c) Juvenile Justice system, criminal procedures, rules of evidence; (d) Penal Code; (e) Labour Law; (f) Social welfare system; and (g) establish a human rights committee/ombudspersons for children.

28. The PAA has a 10 year time frame and the implementation of these strategies is within the responsibility of each ministry of the government. The NCP provides plan of actions for the implementation of the activities including identified performance indicators to measure the objectives of each activity and to monitor the progress made to improve the situation of children in Vanuatu. **The NCP review outcomes and recommendation are provided under Annex I (see doc. Ref. No. 5).**

29. Further, the PAA has also been reviewed in 2010, to report progress it has made against the PLAS goals, strategies, priorities and policies, and to recommend changes taking into account new issues, among others, the MDGs.

30. The draft *National Programme of Action on Children (NPAC)*. This has been revised based on the 2004 NPAC and updated in 2008. The NPAC provides goals and strategies to address the issue of child rights and protections. However, the draft NPAC has not yet been finalized.

31. The *National Children's Day Financial Assistance Policy*. This was developed by DWA to provide for funding assistance to support young people to engage and disseminate information on the Convention through national children's day activities in both provincial and municipal areas.

32. The *National Plan of Action for Women (NPAW) (2007-2011)*. This was developed as a result of the National Women's Forum in 2006. One of the 13 areas of concern is the 'girl child'. During the reporting period, the NPAW is under review.

33. The *National Disability Policy (2008-2015)*. This policy was developed in recognition of the rights of people with disabilities, and one of the policy directives is focused on education, training and employment to ensure that all boys and girls with disabilities are given the fullest possible opportunity; and early detection and early intervention to prevent causes of disability.

34. The Ministry of Education (MoE) has developed the following policies and strategic plans, to wit:

35. The *Universal Primary Education Fee Free Policy*. The objective of the policy is to phase out school fees over two years and granting funding was to increase to 6,800 per child (has recently increased to 8,900), allowing two options: removing all parent contributions in 2010 and phasing out all parents' contributions in 2012. The 'Fee Free' policy started in 2009 and achieved full coverage in 2010.

36. The *Education for All (EFA) National Plan of Action (2001-2015)*. This was developed by integrating the international, regional and national initiatives that impact on education. The EFA goals are directly linked to MDGs which have been integrated in the EFA national plan of action.

37. The *MoE Corporate Plan (2004-2006)*. This sets the framework for strengthening the education system in Vanuatu. This plan has also taken into account the EFA national plan of action.

38. The *Vanuatu Education Sector Strategy (VESS) (2007-2016)*. This is a 10 year plan which integrates the MoE's corporate plan and the Medium Term Expenditure Framework (MTEF) and seeks to achieve self-reliance through education. This long term plan has seven goals, which are: 'universal primary education; bi-lingual secondary, technical and higher education; more relevant and accessible curriculum, materials and assessment systems; professionally qualified, productive, well-supported teachers for every school; all schools' education, management and facilities meet a sustainable minimum standard; a more effective, productive, accountable, transparent, better-governed and decentralized education system guided by results-based management; and stronger national, provincial and local partnerships, and empowered school communities'.
39. The *Vanuatu Education Sector Plan (VESP)*. This has focused on three main components, *Technical and Vocational Education and Training (TVET) Strengthening Program, Vanuatu Secondary School Extension Project 2 (VSSEP), and scholarships and training programs*. The VESP seeks to assist existing institutions to extend skills and training, create institutions and secondary schools including playgrounds, libraries and staff accommodation, and provide scholarships to students wanting to study in Australia.
40. The *Vanuatu Education Road Map (VERM)*. This sets out the agenda for the development of Vanuatu's education sector. The provided planned activities are the following: 'school grants; school facilities; basic education; curriculum development; teacher education; human resource development; policy development; and planning, management and coordination'.
41. The *Early Childhood Care and Education Policy (ECCE) (2010)*. This was developed to promote and ensure equitable access to quality preschool centres in Vanuatu has considered its international commitment to international human rights declaration and the articles of the Convention in its policy.
42. The *Inclusive Education Policy and Strategic Plan (IEPSP) (2010-2020)*. The was developed to enhance the development of education. The IEPSP framework considers the government existing strategies, and international commitments, such as, the CRC.
43. The *Education in Emergency Policy and Plan*. This was developed to manage education during emergencies and to address disaster from an educational perspective before, during and after the event at all school levels. This policy adopted three key strategic goals and to ensure Disaster Risk Reduction (DRR) is integrated, which are: improved access, better quality, and strengthened management.
44. The *Gender Equity in Education Policy (GEEP) (2005-2015)*. This was developed to provide equal opportunities for everyone in education regardless of gender. The policy covers the formal sector which includes the pre-school, primary, secondary and tertiary levels.
45. The Vanuatu Police Force (VPF) under the portfolio of the Ministry of Internal Affairs (MoIA) has developed two policies in 2011 taking into account relevant legislation in Vanuatu and the CRC.
46. The *Policy for handling Young People in Conflict with the Law*. The key component parts of the first policy are defining the age of criminal responsibility, considerations of the offender's rights, use of force, involvement of parents/guardians, and confidentiality during initial contact with young person, and investigative considerations such as contacting parents, medical treatment, dealing with female offenders, confirming age, access to legal representation, interview protocols.
47. *The Policy for Young Victims and Witnesses*. This second policy considers a child sensitive environment, the necessary steps for interviewing victims and witnesses, identifying appropriate referral to follow-up services, protecting child's safety and privacy.

48. Further, as a result of the two organizational policies of VPF, the Standard Operating Procedure (SOP) and Module for investigations involving children and youth have been developed taking into account the CRC. Furthermore, a pocket-sized investigation checklist was also developed which provides a handy reference for police officers during the conduct of its investigation. Furthermore, two training activities have also been conducted (see Annex 11, table 1.2).

49. With regard to the issue of improving the health situation of children, the Ministry of Health (MoH) has developed the following policies, strategic plans and guidelines:

50. The *National Breastfeeding Policy (1997)*. The MoH developed this policy in 1997 and was reviewed in 2005. The purpose of the policy is to encourage all mothers to exclusively breastfeed their babies for the first six months while providing nutritious food and to continuously breastfeed until two years or more (see cluster six, letter C, improved breastfeeding).

51. The *Revised National Food and Nutrition Policy (2000)*. This was developed and approved in 1986 and revised in 2000. One of the specific objectives of the policy is to promote healthy and nutritious diet for the community with emphasis on improving the nutritional status of infants and young children, pregnant and lactating mothers.

52. The *Master Health Services Plan (2004-2009)*. This was developed to operationalize the MoH commitment to reproductive health for all women, men, and youth. One of the recommendations is to promote child spacing and reduce teenage pregnancy.

53. The *Women's Health Policy Guidelines and Activities (2006-2009)*. These policy guidelines provide for indicators on reproductive health (RH).

54. *The Reproductive Health Policy (RHP) (2008) and Reproductive Health Strategy (RHS) (2008-2010)*. This RH policy and strategy outlined the framework for improving the RH programmes at the national and provincial level. It serves as a guidance to programme managers and service providers in implementing programmes for RH.

55. *The National Strategic Plan (NSP) (2008-2012)*. This sets the programme implementation of HIV and Sexually Transmitted Infections (STIs) in Vanuatu. The strategic plan has four identified priority areas that address sexual behaviours in Vanuatu and the evolving epidemics of HIV and STI. The second priority area of the NSP has proposed for a comprehensive strategic intervention on prevention of parent to child transmission of HIV. As a result, the MoH has developed the Policy Guidelines for the prevention of mother to child transmission (PMTCT) of HIV (see cluster six).

56. The *Health Sector Strategy (HSS) (2010-2016)*. This defines the MoH commitment to promote and protect the health of all people in Vanuatu. This was developed in line with the PAA, the MDGs and other international health obligations and commitments.

57. The *Vanuatu National Population Policy (VNPP) (2011-2020)*. This was developed by the Department of Strategic Policy, Planning and Aid Coordination (DSPPAC) under the portfolio of the Office of the Prime Minister (OPM) with the primary goal of improving Vanuatu's quality of life through effective development efforts. Relevant goals include: reduce fertility and unintended pregnancy; reduce infant, child and maternal mortality and morbidity; reduce unemployment and underemployment rates among youth and legislate working age (18-35 years); and to reduce poverty and hardship among vulnerable groups.

58. The *draft National Language Policy*. The was developed to ensure that people are informed Vanuatu's cultural and linguistic diversity and that the use of Vanuatu's important language resources are continued to be maintained and promoted.



59. The Ministry of Youth Development, Sport and Training (MYDST) has developed the following policies and strategic plans:

60. The *National Youth Policy (2007-2011)*. This incorporates the PAA and the PLAS and cover four key areas which are: ‘mapping of youth activities and establishing a national youth database; strengthening institutional capacity; strengthening partnership for youth training and development; and youth development and employment’. The *Vanuatu National Youth Policy (2012-2022) and Strategic Plan* has been developed which focuses on the following key policy areas: ‘creating pathways (alternative educational opportunities and vocation training decent employment opportunities and entrepreneurial development); personal development (healthcare sports and recreation arts and culture environment and climate change); and public participation issues (civics and citizenship training participation in self-help groups and community development)’.

61. The *Vanuatu Youth Empowerment (Vanuatu YES) Strategy (2010-2019)*. This was developed as a youth focus, government led initiative with the purpose of combating youth issues in Vanuatu. It has eight thematic areas which are: ‘training and capacity building; economic productivity and access to finance; social and professional integration; health promotion and access to information and treatment; governance and civic education; information/networking and relationship building; environment protection and climate change/historical preservation and youth identities; and sustainability’.

#### **Data Collection System**

62. The government has been strengthening its system of data collection. The system of data collection considers disaggregated data by age/age group, sex, and location. The Vanuatu National Census Office (VNSO) which has been doing census every 10 years, provides statistical data and analysis on survey conducted on National Population and Housing Census and Household Income and Expenditure Survey (HIES) including analytical reports of the surveys done. The census covers all ages under 18 years, children with disabilities, children living in rural and urban area and children belonging to a minority or indigenous group. It has also published the Gender Monograph (2011), with funding and technical assistance from United Nation Population Fund (UNFPA), based on the results of the national population and housing census conducted in 2009.

63. Further, in an effort to further strengthen its system of data collection, the OPM has established a Monitoring and Evaluation (M&E) Unit which is working closely with the ministries and various departments of the government to improve the M&E framework. The M&E was designed to monitor the implementation progress of the government’s development goals and objectives both at the regional and international levels including the MDGs which most indicators are common with the Convention.

64. The MoH has established the Health Information System (HIS) to provide data on health progress in Vanuatu. The MoH with funding support from the Secretariat of Pacific Community (SPC) conducted in 2008 the Second Generation Surveillance (SGS) of Antenatal Women, STI Clinic Clients and Youth in Vanuatu. ‘The SGS involves strengthening existing HIV surveillance systems to improve the quality and breadth of information’.

65. In an effort to further improve MoH’s data collection; it conducted a Multiple Indicator Cluster Survey (MICS) in 2007 with funding and technical assistance from UNICEF. One of the primary objectives of the Survey is to provide up to date information for assessing the situation of children and women both at the national and sub national (provincial and urban/rural) levels.

66. With regard to data collection system to monitor the education progress in Vanuatu, the MoE has established the Vanuatu Education Management Information System (VEMIS).

67. The VPF has established the Crime Reporting and Information Management System (CRIMS) which is a crime database designed under the Vanuatu Australia Police Project (VAPP).

68. As an additional measure to improve its data collection system, the MoIA hosted 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. The participants had agreed to encourage active participation in the PIDC Annual Collection Plan process and to raise their standards of national data collection. The conference workshop also reaffirmed the need to strengthen the collection and sharing of information and intelligence at the regional and national level to better understand irregular migration trends throughout the region and to successfully combat people smuggling and trafficking networks.

69. One of the seven goals and strategies of VNPP is to improve the availability of data and the integration of population into sector plans and national development strategies.

70. Further, the government through the MoJCS with funding and technical assistance from AusAID and UNICEF developed the national report of the 2008 Baseline Research on Child Protection in Vanuatu. The research provides in-depth analysis of its findings and recommendations for programmes and directions on child protection framework.

71. Furthermore, the government in partnership with UNICEF has developed the 'Children in Vanuatu 2011: An Atlas of Social Indicators', which provides a snapshot of the situation of children and the progress made towards achieving the MDGs specifically the indicators which have relevance to children.

72. The government has also contributed in the development of the research conducted by the team of the Social Policy Research Centre at the University of South Wales, Australia with funding assistance from UNICEF on the Global Study on Child Poverty and Disparities which serves as a national report for Vanuatu.

73. The NCP review recommendations provided that an information system must be established and implemented in coordination with development partners and relevant government agencies linking M& E framework under the PMO reflecting and capturing all the indicators. Further, it recommended a centralized repository for documents storage and regularly updated reflecting the status of the reporting on set the indicators.

74. Furthermore, there is a need to strengthen the linkages at the provincial level on monitoring. The NCP review also observed there are several obstacles in monitoring and evaluating the situation of children: the lack of human resources, constraints on the budget, and the provincial level structure which does not capture matters related to child rights and welfare.

### C. *National Coordination*

75. In addition to the various institutions or national machinery with responsibility for overseeing the implementation of human rights, including children's rights (discussed under common core document, section 2, letter D, under legal framework for the protection of human rights at the national level), the MoJCS has the overall responsibility to coordinate the implementation of the Convention. In this regard, the following coordinating bodies have been established, to wit:

76. The *National Children's Committee (NCC)*. The NCC was established in 2000 by the Council of Ministers (CoM) as a regulatory body to directly coordinate the implementation of the Convention. The members of NCC are composed of representatives from various ministries and line departments of the government, the NGOs, and civil based organizations who were appointed by the Director General (DG) of the MoJCS. The main responsibilities of the NCC are: 'to liaise with government's ministries, agencies, and development partners responsible for the implementation of the rights of children in Vanuatu, serve as a focal points and oversee the implementation and reporting progress under specific articles of the Convention; submit bi-annual report; initiate the development of policies and enactment of legislation in support for the welfare of children; promote continuing liaison and cooperation among their institutions and ministries to raise awareness; and to collaborate with government ministries and NGOs in developing and implementing programs and activities in relation to participation and welfare of children in Vanuatu'.

77. With regard to the recommendation to establish the Children's Office, Vanuatu has not yet initiated its establishment. However, a Child Desk Officer has been appointed by MoJCS working in DWA with the following responsibilities: 'developing or strengthening of national and regional action plans for children, including a set of specific time-bound and measurable goals and targets with wide involvement of civil society, including NGOs and children; strengthening national planning, coordination, implementation and resource allocation for children and integrating the international goals into national government plans, policies, strategies and programmes; establishing or strengthening national bodies for the promotion and protection of children's rights; and regular monitoring of the situation of children at the national level; and conducting periodic reviews of progress toward the fulfilment of the global agenda'. Further, advocacy on child protection has also been the responsibility of the Child Desk Officer.

78. The *National Children's Day Sub Committee*. The MoJCS endorsed a NCD Sub Committee composed of 11 members from the government and NGOs representatives with the aim of facilitating the annual Children's Day program events.

79. *The Law and Justice Agency Communication Performance Coordination Group*. An interagency coordination group which mission is to establish a network for the direction of the sector of law and justice and the Chief Justice is the focal point. As noted in the baseline report, 'this is an opportunity to provide clear structure and roles and information management for child offenders and victims/survivors' (Baseline Report, 2008).

80. The *Penal Code Reform Working Group*. A working group composed of representatives from the police, DWA Child Desk Officer, DWA Communication Officer, and Live and Learn organization, with the objective of reviewing provisions in the law with regard to child protection and lobbying for its reform.

81. The *Child Protection Working Group*. A government coordinating group composed of government, non-government organizations and civil based associations working directly and directly on child protection issues and concerns.

82. The Child Desk Officer has been representing the DWA in *National Project Advisory Committee* for EU Global Climate Change Alliance (GCCA) coordinated by the University of the South Pacific (USP). Further, the Child Desk Officer also represents DWA in the *Vanuatu Humanitarian Team* (VHT) and has participated in the International Disaster Day (IDD) coordinated by the Vanuatu National Disaster Management Office (NDMO).

*D. Budgetary Allocations*

83. The government started to develop a MTEF and has taken a Government Investment Program (GIP) as a resourcing approach. The Government budget process allows the ministries to submit recurrent budget and New Policy Proposals (NPP) which are reviewed by the Ministerial Budget Committee (MBC) and confirms which of the proposal may be funded, either through government resources or with aid donors support.

84. The MoJCS annual funding for Child Desk coordination including implementation of children's activities is two million vatu. During the reporting period, the budgetary resources for children for social services in relation to total expenditures is provided for under Annex II, table 1.1.

**Implementation of Article 4**

85. In 2000, the Government established the MYDST which has developed a National Youth Policy and a National Sports Policy. The Vanuatu Youth Policy and Strategic Plan and the Vanuatu YES were developed as discussed under cluster one. These made reference to alternative educational opportunities and vocation training decent employment and opportunities and entrepreneurial development and economic productivity and access to finance.

86. The Rural Economic Development Initiative (REDI) started in 1999 with NZAID assistance to promote and support rural economic initiatives in Vanuatu with the objective of creating self-reliant provinces. REDI model was pilot tested in Tafea province over a two-year period and was replicated in other provinces while planning was done at the national level to source out funding. However, in 2007, the Ministry of Finance had closed its small grant programme.

87. The Pacific Plan 2020 document was endorsed by Pacific Leaders at the Pacific Islands Forum in October 2005 which includes 13 strategic objectives under four pillars. The Pacific Plan makes special reference to find decent income and employment opportunities for the growing number of unemployed youths, school leavers and people living below the poverty line.

88. Australia has been funding a comprehensive TVET Sector Strengthening Program between the years of 2005 and 2011. As a result, Vanuatu has developed the "TVET Master Plan (2003-2010): Skills for a Self-Reliant, Productive and Proud Vanuatu". The Master Plan has seven goals aimed at improving the overall environment for the delivery of TVET services.

89. The Country Strategy and National Initiatives Programme for Vanuatu under the 10th European Development Fund (EDF) Program of the European Commission (2008-2009) has been developed with focus on one focal sector: support to economic growth and the creation of employment including human resources development (vocational training and capacity building).

90. The United Nations Development Assistance Framework (UNDAF) (2008-2012) provides for the following four priority areas: 'equitable economic growth and poverty reduction; good governance and human rights; equitable social and protection services; and sustainable environmental management'. Vanuatu is one of the 14 Pacific Island Countries (PICs) which has been consulted in the development of UNDAF, thus UNDAF reflects the priorities of the government of the Pacific. Further, the Child Protection Programme which is supported by UNICEF is directly linked to priority areas of UNDAF outcomes.

91. The Decent Work Country Program (DWCP) (2009-2012) provides for the following: 'labour legislation reform and application of International Labour Standards; promotion of decent employment opportunities, particularly for young women and men;

capacity building of tripartite partners and improvement of social dialogue; increasing social protection completion specifies the improvement of youth employment conditions. It establishes the number and quality of labour inspections report filed as a measurement towards achieving its goal' (discussed under cluster eight of this report).

92. During the reporting period, the DWA is a member of the Project Advisory Committee of Children in Development Project of Live and Learn funded by European Union which aims to strengthen the participation of children in national development with emphasis on building peaceful and inclusive societies.

*E. International assistance and development aid*

93. The overall financial resources of Vanuatu and development assistance report are discussed under common core document (section II, letter A, economic structure and letter E, development cooperation and assistance). In Vanuatu, development aid is focused on funding operational expenses for basic social services such as health and education. The education sector received the bulk of the donor funds. The education share of total public expenditure by the Government of Vanuatu is very high compared with other developing countries, the Organization for Economic Co-operation and Development (OECD) and even with other Pacific nations (21.1% of total national budget or 6% of GDP) (MoE, VERM Report). A total of over 1 billion vatu was received from donors in 2010 with actual expenses approximately 783 million vatu and the remaining balance was set for 2011 ongoing projects (ADR, 2010).

94. Vanuatu has sought funding and technical assistance from other international organizations. The United Nations Development Program (UNDP) has provided funding assistance in the development of the MDG report which goals cut across the implementation of the Convention. The United Nations Population Fund (UNFPA) and the Secretariat of the Pacific Community (SPC) funded a workshop in 2003 to assist the government in identifying its MDGs key indicators, and providing strategies to address the gaps in the data. The UNICEF Pacific has been funding the Pacific Child Protection Programme which is an on-going joint four year programme (2008-2012) of the government and UNICEF, aiming to provide strategic direction for child protection interventions.

*F. National Human Rights Institutions (NHRI)*

95. The establishment of a NHRI is under consideration. The Office of the High Commissioner of Human Rights (OHCHR) in Suva has been discussing with the MoJCS and the Department of Foreign Affairs (DoFA) the possibility of its creation.

*G. Education, training and awareness*

96. With regard to training activities conducted by the MoE involving adults and children vis-a-vis the curriculum relevant to human rights, see attached training activities (Annex II, table 1.2).

**Training and awareness**

97. The DWA with assistance from RRRT has undertaken several training workshop activities on human rights, the CRC and the Family Protection Act which were participated by both adults and children. Further, it has also conducted awareness and dissemination campaign on the principles and provisions of the Convention through distribution of IEC materials (see Annex II, table 1.2).

H. *Public awareness through mass media, civil society, etc.*

98. As an effort taken by the government to make the reports and the concluding observations (COs) widely available to the public at large, to civil society, business organizations, religious organizations, the media and other associations, the government through annual celebration of children's day approves a theme messages and which highlights the Convention and discusses the summary reports and COs. The following activities are undertaken prior to its celebration: radio spots participated by the government and its stakeholders, radio programs, talk back shows, TV panel discussions, child protection radio drama, distribution of IEC materials, and media press releases.

I. *Information campaign at the national level*

99. In an effort to make the treaty report available to the public at large at the national level, the treaty report is submitted to the Council of Ministers (CoM) for deliberation and approval prior to its submission to UN-CRC. Once approved, the report is circulated to different ministries. It is envisaged that this periodic treaty report will be circulated to government ministries through e-government email, and to furnish copies to NGOs and CBOs. The same process will be adopted for the summary reports and the next COs.

J. *Role of civil society, including NGOs*

100. The government has forged partnerships and has entered into memorandum of understanding with various NGOs, several civil based organizations (CBOs), the chiefs, and the church, to promote child rights and address child protection issues and concerns. CBOs and NGOs play a vital role in the implementation of the Convention; and have been consulted by the government in the planning and monitoring for the promotion of its implementation (see Annex, table 1.2).

101. The NCP review recommended that the public dissemination strategy at the national level should include submission of report of the Concluding Observations on the Convention or on the Optional Protocol to parliament, and to the ministries through the DCO. Further, linkages with development partners must be established through a Memorandum of Understanding or Agreement. Children should be given the opportunity to participate through representation in the NCC and direct participation in programmes such as training workshops and activities, meetings, events, planning. A communication strategy must also be developed to increase the involvement of adults, media, NGOs, CBOs, academia, and professionals working for and with children.

## 2. Definition of the child (arts. 2, 3, 6 and 12)

**The following Concluding Observations ('Comments and Recommendations') are addressed in this cluster:**

- Minimum age for criminal responsibility (10 years) (CO D.2. para 13)
- Legal age for the marriage of boys (18 years) and girls (16 years) (CO D.2. Para 13)

A. *Age of childhood*

102. In accordance with the Convention, the Family Protection Act under section 2, defines a child as an individual under 18 years of age who is a 'biological, adopted, step or foster child of the person; or in the care or custody of the person; whether or not the child is a child of another person'. The Penal Code [Cap 135] (Amendment) Act No.17 of 2003, section 101A (b), for offenses against morality, defines a child as a person who is under 18 years of age. Under section 110 of the Penal Code, for offenses against a person, defines

when a child deemed to be a person, that is, if “a child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother whether it has breathed or not, and whether it has an independent circulation or not, and whether the umbilical cord is severed or not”. The Employment Act [Cap 160], provides for registration of young persons which are under the age of 18 years. The Correctional Services Act under section 21 (3), defines a minor as a person under 16 years of age. The Passports Act [Cap 108] provides for the endorsement of young persons defined as under the age of 16. The VNSO has bracketed a child for survey purpose as between the age of 0 to 14 years.

103. The total number and proportion of children under 18 living in Vanuatu is provided for under Annex II, Statistics.

104. There has been no uniformity for a definition of a child under Vanuatu laws and regulations. The MoE’s IESP under its legislative and policy framework is set to review and amend Education Act of 2001, Teaching Service Act of 1983, VITE Act of 2001 and VAT Act of 2001 with the strategy of defining children according to the definition contained in the Convention. However, it is a progressive exercise for Vanuatu to harmonise the definition of a child under different Acts.

*B. Age of criminal responsibility*

105. The age of criminal responsibility as provided for under Section 17 of the Penal Code [Cap 135] (Amendment) Act No. 17 of 2003, states that nothing is a criminal offense which is done by a child under the age of 10. Furthermore, it provides that nothing is a criminal offense which is done by a child of 10 years of age but under 14 years who is incapable of distinguishing between right and wrong unless proven otherwise.

*C. Minimum age of sexual consent*

106. The age of sexual consent is not fixed under the law. The Penal Code with no reference to sex (male or female), prohibits sexual intercourse with the child under the age of 18 years who is under the person’s care or protection (Section 96 (1)). Further, it prohibits sexual intercourse with any child under the age of 13 years (penalty: imprisonment for 14 years) (section 97 (1)); and prohibits sexual intercourse with any child under the age of 15 years but of or over 13 years of age (penalty: imprisonment for 5 years) (section 96 (2)).

*D. Legal age for marriage*

107. The minimum legal age for marriage for boys (18) and for girls (16) under section 2 of the Control of Marriage Act has not been amended. However, in Tanna under their custom law, the legal age for marriage for both boys and girls is 21 years and above (see Annex on the number of married children in Vanuatu).

### **3. General principles (arts. 2, 3, 6 and 12)**

**The following Concluding Observations (‘Comments and Recommendations’) are addressed in this cluster:**

- Policy discussions and decision making using the principles of the Convention (CO D.3 para 14)
- Integration of the Convention in all legal revisions, judicial and administrative decisions (CO D.3 para 14)

- Projects, programmes and services which have an impact on children (CO D.3 para 14)
- Public awareness of the participatory rights of children (CO D.3 para 15)
- Respect for the views of the child (CO D.3 para 15)

A. *Non Discrimination (art. 2)*

108. The government has taken several measures to prevent discrimination of children and to ensure that children in disadvantaged situations are able to enjoy and exercise their rights. These are provided for under its legislations, policies and programmes.

**Legislations**

109. The Constitution of Vanuatu under section 5 (1), provides for the definition of non-discrimination which entitles all persons to fundamental rights and freedoms without discrimination (discussed under section 111, Information on Non-discrimination and Equality and Effective remedies, common core document).

110. The Education Act No. 21 of 2001 was enacted with the purpose of providing a clear directive for the development and maintenance of an effective and efficient primary and secondary education system for the benefit of Vanuatu and its people. One of the seven objectives of the Education Act is to eliminate educational disadvantages arising from the gender or ethnicity of a child, or a child's geographic, economic, social, cultural or other circumstances.

111. **Further, the Education Act under section 8, paragraphs 1 and 2**, prohibits against discrimination of a child's admission to school on account of gender, religion, nationality, race, language or disability or on account of age (see Annex I for full text reference).

112. The Penal Code [Cap 135] under section 150, prohibits unlawful discrimination on the ground of sex, ethnicity or religion, and provides for a two-year imprisonment as penalty for non-compliance with the law (see Annex I for full text reference).

**Policies**

113. Three of the NCP's seven strategy statements are to ensure that children in disadvantaged situations are not deprived of their rights. The three strategy statements are the following: disparity reduction: improving equitable access to, and quality of, services; community education and mobilization; and food supply and security.

114. The EFA National Plan of Action (2001-2015) protects the rights of children in disadvantaged situations as provided for under EFA's objectives. Further, the MoE developed the Vanuatu National Curriculum Statement (VNCS) (2010) to guide the development of national curriculum standards frameworks for all classes from Kindergarten to Year 13, for all children and students irrespective of language background and is inclusive of the high percentage of students living in rural areas.

**Children with Disabilities**

115. Vanuatu ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008, which addresses issues on children with disability. The implementation of the Convention is within the responsibility of DWA, which provides policy directives for the development of women, children, and people with disability. A Disability Desk Officer has been appointed to work with DWA. DWA through the Disability Desk supported the



Vanuatu Paralympic Committee with a small funding to support a 17-year-old disabled male athlete to participate during this year's Paralympic Games in England.

116. The NCP review recommendations provided that children with disabilities component should be separated into two areas: Vulnerable children and an additional component on Child Protection (see attached NCP tabulated recommendations).

117. The National Disability Policy and Plan of Action (2008-2015) has been developed as mentioned cluster one, letter A of this report, to oversee the program for people with disability, including children with disabilities.

118. The Disability Promotion and Advocacy Association (DPA) with the aim of improving the lives of children and adults with disabilities has been working in collaboration with government through the OPM to develop national government policy to support people with disabilities in early 2004.

119. The Vanuatu Education for All committee has appointed the Executive Director of the Vanuatu Society for Disabled People (VSDP) as a member of the Committee.

120. The MoE has developed the Education Master Plan in 1999 which calls for the establishment of two schools in Port Vila and Santo province for children with disability, however, this did not happen. One of the core goals of MoE's VESS (2006-2016) is to put in place targeted measures to address inequities in access and achievements, including for children with disabilities. Furthermore, MoE's IEPSP (2010-2020) has been developed taking into consideration the CRPD and also by considering the National Disability Policy and Plan of Action. The IEPSP has been a joint effort by MoE and in particular the Disability and Advocacy Association which has advocated for an inclusive education for the past 10 years.

121. Further, part of the IEPSP legislative and policy framework is the strategy of recognizing sign language and Braille, providing for certified special education teachers, and revising the definition of non-discrimination to include discrimination on the basis of disability. Furthermore, it has strategized the following: 'to review and amend and or develop new policies or direction on changing special education office/officer to inclusive education section/officer; adopting a Melanesian sign language as the sign language to be taught in all schools in Vanuatu by 2013; reviewing document to ensure that language is consistent with current thinking and practices, e.g., use person with impairment instead of disabled; and ensuring that special provisions for parents and carer of children with impairments are included in school committees, parents and teachers committees by 2015'.

122. Furthermore, as part of the IEPSP teacher training strategy is the provision for training of parents and civil society organizations for parents of children with impairments to participate in school activities by 2013 and to provide or enlist from non-government organization to train parents in sign language by 2013.

123. The ECCE Policy also provides for a policy objective on children with disabilities which is the right to equity of resources, support and learning through play based National ECE curriculum and health programs.

#### **Children belonging to minorities and indigenous children**

124. One of the objectives of EFA is to ensure that children belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality.

125. The policy objectives of the draft Vanuatu National Language Policy are the following: 'to encourage the use of indigenous language in all situations, indigenous

language to be properly documented to advocate its use and development; and to use it as a medium of education in schools, at appropriate levels’.

126. Further, the Vanuatu National Language Council was formed with the main responsibility of promoting and safeguarding the linguistic diversity in Vanuatu, hence, with due regard to children belonging to minorities and indigenous children.

127. Vanuatu observes the annual celebration of International Day of Francophonie on which, Francophones in Vanuatu get together to celebrate the French language.

*B. Best interest of the child (art. 3)*

128. Vanuatu’s legislations, judicial decisions, policies, action plans, and programmes have increasingly included the ‘best interest of the child’ as a guiding principle.

129. The objectives of the Education Act have focused to ensure consistent application with the principle of ‘best interest of child’.

130. The courts have invoked the ‘best interest of the child’ to ground its decisions on child custody and support, as discussed under cluster one of this report.

131. **Under the Correctional Services Act, section 21:1C** thereof makes specific reference to attending to the ‘best interest of the minors’ when making decisions regarding the separation of young detainees (see Annex I for full text reference). The Department of Correctional Services is working closely with OHCHR with regard to the establishment of external monitoring of centers to ensure the standards are maintained in line with relevant provisions of the CRC and other relevant convention such as Convention Against Torture (CAT). The first external inspections of the correctional center will take place in October this year (Department of Correctional Services, Report).

132. The NCP (2007-2011) has been guided by the principle of the ‘best interest of the child’ in all aspects of its policy implementation.

133. The various policies and frameworks developed by the government through the MoE such as the ECCE Policy which is the national policy for early education in Vanuatu, the IEPSP (2010-2020) which is the first Inclusive Education Policy, and the Vanuatu National Curriculum (VNCS) has been guided by the Convention and the ‘best interest of the child’.

134. The PAA has integrated the MDGs into its action agenda which most targets are common with the Convention. The PAA 10-year time frame has created an environment for the ‘best interest of the child’.

135. The VPF two organizational policies relating to police procedures in circumstances when police officers deal with young persons, has prepared standard operating procedures and modules for investigations involving children and youth and was guided by the principles of the ‘best interest of a juvenile or a child in conflict with law, or victim or child witnesses’.

136. With regard to the best interest of a health of a child, this is discussed under cluster one (public health act is under review) and cluster six (health) of this report.

*C. The right to life, survival and development (art. 6)*

137. The fundamental right to life is guaranteed by Vanuatu constitution under section 2, as discussed under the common core document, section 2, letter D on the legal framework for the protection of human rights at the national level.

138. With regard to preventing suicide, the Penal Code [Cap 135] does not allow any person to aid suicide as provided for under section 116 (see Annex I for full text reference).

There are no cases of child suicide in Vanuatu. With regard to data as a result of traffic or other accidents, and of crime and other forms of violence, see Annex II, Statistics.

139. The Civil Status (Registration) [Cap 61] Act of 1988, under section 25, mandates the registration of death which is accompanied by a death certificate. Under the Act, any dead body discovered and every death which occurs in a medical institution, prison or public or private institution must be declared (see Annex for text reference). In Vanuatu, children are not extra judicially killed neither capital punishments are imposed on children in conflict with law.

140. The NCP (2007-2011) statements made reference to children's survival, health development, protection and participation as the highest priority in national policy making, planning and resource allocation. Further, one of the critical factors that was considered in developing sustainable sectoral activities for policy strategy statement on policy and planning, was the development of a child. Furthermore, the NCP provides for legal framework with the purpose of establishing a protective system for the children and families in Vanuatu. The main objective of its legal framework is the survival and development of a child.

141. As part of a child's right to life, survival, and development, the NCP review recommended the following environmental considerations: to strengthen marine and conservation areas and management; corporate social responsibilities of business houses and investors, in terms of providing long term benefits for children while they conduct their businesses; environmental awareness in the provinces to be coordinated with the area secretaries in the area councils in collaboration with MoE, and the Department of Environment; implement waste management system to help communities to manage their waste such as the use of recycle items in schools.

142. With regard to education, the Education Act, under section 2 guarantees the right of a child to survival and development, it provides for the duty of every child's parents to ensure that the child attends a school. The MoE has considered the child right to survival and development in the development of ECCE which has been developed with respect to government recognition of the importance of the early years in children development and learning. Further, the MoE's VNCS identifies set of curriculum values which reflect to contribute to every individual's personal development. Furthermore, the IEPSP (2010-2010) was developed taking into consideration the Convention and CRPD, which provides the right of a child to education.

143. With regard to children's health, the MoH mission is to protect and promote the health of all people in Vanuatu. In 2011 the MoH delivers its services through two regional referral hospitals Vila Central Hospital (VCH) and Northern District Hospital (NDH), 3 provincial hospitals, 31 health centers, 101 dispensaries and 219 Aid posts; making health facility in Vanuatu per capita as one of the highest and most accessible amongst the least developed countries (MoH, 2011 Annual Report). The MoH is guided by the Health Sector Strategy ((HSS) (2010-2016). The four broad objectives of HSS are the following: to improve the health status of the population; quality of services delivered at all levels; ensure equitable access to health services at all levels; and to promote good management and the effective and efficient use of resources.

*D. Respect for the views of the child (art. 12)*

144. The Constitution guarantees the fundamental rights of an individual to freedom of expression. (Constitution, section 5 (1), (g)). It also guarantees the equal treatment under the law or administrative action (section 5 (1), (k)). Further, the constitution also affords an individual the protection of the law (section 5 (2) (discussed under common core document, section III, Non-discrimination and Equality).

145. Vanuatu in 2007 ratified the CEDAW-OP concerning individual complaints and inquiry which provides avenue to report complaints, hence respecting the views of a 'girl child.'

146. With regard to administration of justice, the courts issue guidelines or general court orders to guide in the administration of justice and the application of laws and procedures. However, there are no specific court rules yet relating to procedures dealing with children and young people. The Criminal Procedures Code [Cap 136] is silent with regard to procedures in respect of child's view during criminal cases.

147. The two VPF organizational policies (as mentioned under cluster one) contain five guiding principles, which are the following: 'provide clear guidance for police to appropriately deal with young persons, communicate the principles and priorities necessary for providing quality policing services, set standards of practice with the view of improving service delivery, promote standardizes police practice; and to provide optional course of action in addition to formal arrest and charging for young persons'.

148. Further, both of these two policies recognized the specialized approaches essential when responding to the needs of young people and embracing treatment of young people which must be professional, fair and respect for their rights as citizens. As a result of these policies, a standard operating procedures (SOP) involving children and youth were developed to ensure among others, the protection of the rights of young people and appropriate application of the provisions of the law in relation to children and young people. The SOP provides checklist for investigations which include the interview process whereby the child is given the ample time to consider the questions during the interview and to respond, thus, respecting the views of a child.

149. Furthermore, the VPF also developed a module for the investigations involving children and youth. The module serves as curriculum material with the purpose of responding to the needs of children or youth whether these young people are victims, witness or suspected offenders. Section 10 of the module provides for the procedures of interviewing children and youth and the process of obtaining of their statement, and respects the views of the child.

150. In educational administrative proceeding involving the discipline of students, Education Act respects the views of the child. Section 38, paragraphs 4 to 6 of the Act, mandates a thorough investigation, a notice to parents, and the period of expulsion of not more than two weeks as conditions set in conducting administrative proceedings in schools (see Annex for full text reference).

151. As mentioned under cluster one of this report, the government recognizes the National Children' Day which is celebrated annually on every 24<sup>th</sup> of July; every child has the right to participate and share their views during its celebration (see Annex II, table 1.2)

#### **4. Civil rights and freedoms (arts. 7, 8, 13-17, 28, para. 2, 37 (a) and 39)**

**The following Concluding Observations ('Comments and Recommendations') are addressed in this cluster:**

- Awareness on the negative effects of corporal punishment (CO D.4. p.16)
- Alternative forms of discipline (CO D.4. p.16)
- Counselling, programmes for parents, teachers and professionals on the use of alternative forms of punishment (CO D.4. p.16)
- Ban on corporal punishment in schools (CO D.4. p.16)

152. The Constitution of Vanuatu guarantees the protection of an individual's civil rights and freedoms. These rights are also protected by the Penal Code [Cap 135] Act. Further, Vanuatu had ratified the International Covenant on Civil and Political Rights (ICCPR) in November 2008.

*A Birth registration, name and nationality (art. 7)*

153. Birth registration in Vanuatu is compulsory and free for all. Basic birth registration provisions are in place and there are no discriminatory provisions in the birth registration law (Protect me with love and care, 2009). Birth registration is mandated under section 18 of the Civil Status (Registration) Act [Cap 61] of 1981. The penalty for non-compliance with the Act is provided for under section 36 (see Annex I for full text reference).

154. A Memorandum of Understanding (MOU) relative to birth registration has been signed by MoH, MoE and MoIA on birth registration process, in order to increase birth registration through midwives and schools as a minimum standard for primary schools.

155. Mass birth registration campaign has been initiated by the Civil Registry office with funding assistance from UNICEF in all provinces from 2008 to 2011 whereby all primary school headmasters, midwives and area council secretaries in all six provinces have been gazetted to register children. As a result, there has been a 70% coverage for birth registration. See Annex II, Statistics on the number and percentage of children registered after birth.

*B. Preservation of identity (art. 8)*

156. The NCP (2007-2011) supports the preservation of a child's identity, including family relations. These are provided for under children's policy statements numbers 3 and 11 of NCP's 14 policy statements.

157. The ECCE mission is to provide student-centred education that is accessible, relevant, sustainable, responsive, and of good quality, to guarantee every young person the opportunity to attend pre-school and basic education to Year 8, including among others, respect for history and culture.

158. The VNCS recognizes Vanuatu's diverse cultures and values and its national identity. One of the aims of VNCS is to provide a well-structured curriculum that produces students who cherish Vanuatu values and respect themselves and their families, communities and many cultures. Further, VNCS sets fundamental values that should be integrated in the national curriculum and teaching programs; including 'aesthetic values, which includes accepting identity as Ni-Vanuatu; cultural values, which includes demonstrating patriotism towards diverse cultures, and ethical and moral and spiritual values, which includes upholding relationship with immediate and extended families'.

159. Furthermore, it is encouraged under the VNCS that learnings in pre-school should adopt a local culture and cultural practices curriculum. VNCS ensures that in primary education children learn about Vanuatu and their local community and that the primary curriculum will promote, among others, cultural/traditional and spiritual knowledge and values.

160. The IESP legislative and policy framework is set to review and amend Education Act of 2001, Teaching Service Act of 1983, VITE Act of 2001 and VAT Act of 2001 with the strategy of providing for birth certificates as pre-requisite for registration of all children commencing in all pre-school and primary school entrance by 2012.

*C. Freedom of expression and the right to seek, receive and impart information (art. 13)*

161. The Freedom to Information (FOI) policy is being developed.

D. *Freedom of thought, conscience and religion (art. 14)*

162. Aside from the Constitution, the Education Act, section 9, guarantees the freedom to exercise one's religion (see Annex I for full text reference). The government recognizes public holidays to commemorate religious activities.

163. One of the children's policy statements under the NCP (2007-2011) provides for the respect of the right of a child to religious beliefs and practices.

E. *Freedom of association and of peaceful assembly (art. 15)*

164. The protection of this right is guaranteed under the Constitution. Further, in 2006, Vanuatu ratified the Right to Organize and Collective Bargaining Convention, and in 2008, ratified the Convention on Freedom of Association and Protection of the right to Organize.

F. *Protection of privacy and protection of the image (art. 16)*

165. The Family Protection Act (FPA) provides protection of privacy under section 40, which restricts publication of proceedings before a court or on authorized persons as provided for in the Act. Publication includes newspaper, periodic publication, radio broadcast or television or by any other means (see Annex I for full text reference).

166. The Censorship of Films Act [Cap 72] was enacted to provide for the censorship of cinematograph films and matters related to the Act. Section 1 of the Act with due regard to the protection of one's image requires a permit for any public exhibition of cinematographic film (see Annex I for full text reference).

167. The Health and Safety at Work Act [Cap 195], an Act enacted to provide for the health, safety and welfare of persons at work, protects the right of an individual to privacy in cases of investigations involving labour issues. Section 18 provides for non-disclosure of information (see Annex I for full text reference).

168. The SOP of VPF for investigations involving children and youth prohibits photographs to be obtained from a child injuries or private parts of the child's body in case wherein photographic evidence is considered critical in its evidence value, instead requesting detailed notes and sketch drawings from health practitioners.

169. Further, in cases of confidentiality and release of information the SOP protects the privacy of a child. SOP provides for a strict confidentiality in relation to the identity of a juvenile or the facts surrounding the investigation involving young persons. This applies to confidential information relating to a child who is being, or has been a victim of complain, investigated for an offense, witness in any manner, provider of any information to police investigations, detained, cautioned, prosecuted or sentenced for an offense.

170. The SOP also restricts the release of the name, age or address of a child who is the subject of any police action to the general public, media or to persons who have not a right to receive that information.

G. *Access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)*

171. The Censorship of Films Act [Cap 72] under paragraph 2 of section 1 provides the exemption to have access to cinematographic film, i.e., in behalf of the government or from the recommendation of the Minister of arts (see Annex I for full text reference).

172. The Penal Code under section 93, protects individual's rights from indecent matter, such as, selling, exhibiting, distributing indecent materials, unless it serves the public good or unless it is a question of law or fact; and ignorance thereof is not an excuse unless proven otherwise (see Annex I for full text reference).

H. *Promotion and protection of child rights through the mass media*

173. The Media Asosiesen blong Vanuatu or the Media Association of Vanuatu (MAV) is a non-profit organization registered under the Charitable Association Act 1981 and works in partnership with the government in the promotion and protection of child rights. The rights of children are protected through the mass media as MAV's Code of Ethics and Practice which are strictly adhered to by the members provides for children's protection under section 8 of its Code (see Annex I for full text reference).

**5. Violence against children (art 19, 24 para. 3, 28, para.2, 34, 37(a) and 39)**

- Studies on domestic violence, ill-treatment and abuse, including sexual abuse (CO D.5. p.17).
- Physical and psychological recovery and social reintegration (CO D.5. p.17).

A. *Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)*

174. The FPA has been approved as discussed under cluster four, letter H of this report and an existing Family Protection Unit has been established under the Police Department.

175. The VWC provides counselling to support children who are victims of sexual abuse and neglect, as mentioned under cluster one, four and eight of this report.

B. *Measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (art. 24, para. 3)*

176. In 2005, the Malvatumauri or the National Council of Chiefs had revoked the 80,000 vatu bride price.

177. With regard to the age of marriage (16) for girls, it has not yet been changed as the Marriage of Control Act has not yet been amended. However, VLC is the process of developing issues paper on Family Law Reform as discussed under cluster one of this report. Further, Vanuatu ratified the CEDAW in 1995 which provides for protection of personal and family law under article 16 thereof.

C. *Sexual exploitation and sexual abuse (art. 34)*

178. The Penal Code (Amendment) Act No.17 of 2003 section 96 prohibits sexual exploitation and under section 97 of the Act prohibits sexual abuses. The Penal Code amendment removes references to the female sex, replacing "girl" with "child", and "wife" with "spouse". Further, it lowers the legal age of sexual intercourse from 20 to 18 years, and includes references to step children, foster children and any others under the protection of the offender. The law also prohibits sexual intercourse with any child below 13 or under the age of 15 years, which provides for higher penalty as the case may be. The Penal Code also prohibits sexual assault under aggravated circumstances and indecent assault. (see Annex for full text reference).

179. The law provides for 'extraterritorial provisions' and 'extradition arrangements' for prosecution of offenses as mentioned under letter ii of this cluster report.

180. The Telecommunications and Radiocommunications Regulation (TRR) Act No. 30 of 2009 proposed for the government to adopt a filtering software device in order to prevent downloading of pornographic materials from websites; purchase of the filtering device is

under consideration. Further, the internet service providers operating in Vanuatu are willing to work collaboratively with the government to identify pornographic websites. Furthermore, in line with TRR's effort to protect children in Vanuatu, it has reserved a Children's Helpline number '166' as part of its Child On-line Protection Program.

181. During Wan Smol Bag KPH-based peer education held in Port Vila which involved 90 female sex workers and 56 MSMs, it was reported that 9% of the sex workers are between the age of 14 and 19 years. There is evidence to show that prostitution exist in Vanuatu but on a transactional basis. However, there is no legislation that protects against the exploitation of under age or non-consenting adult sex workers neither any legislation to protect the occupational health and safety for the protection of sex workers.

182. The VWC in partnership with VNSO conducted the Vanuatu National Survey on Women's Lives and Family Relationships, first nation-wide study on violence against women and attitudes to women's human rights using the World Health Organization (WHO) research methodology. The aim was to provide a reliable benchmark of the prevalence and incidence of violence against women in Vanuatu, and on attitudes to violence including: health and other effects of violence on women and children; risk and protective factors in the family and the community; coping strategies of women; and the implications for prevention and support services.

183. The summary of main findings on the prevalence of violence against women and girls is provided for under Annex I.

#### **Sale, trafficking and abduction (art. 35)**

184. Vanuatu has ratified the OPSC in 2007 without reservations, however, the initial report has yet to be submitted.

185. The Penal Code has been amended under Amendment Act No. 17 of 2003 which provisions have direct impact on the integration of articles 2 and 3 of the OPSC. The Penal Code defines prostitution, child prostitution, and child pornography and provides for criminal liabilities for any persons involved in the criminal offenses as provided for under sections 101 to 101A-D, 147, 147A-B, and 148 (see Annex I for full text reference).

186. The law provides for 'extraterritorial provisions' and 'extradition arrangements' for prosecution of offenses as mentioned under letter ii and iii of this cluster report.

187. The second VPF policy relates to handling young persons who are either victims of or witness to crimes and other incidents of abuse or neglect. The principles guiding the second policy are to recognize the specializes approaches essential when responding to the needs of young people, acknowledge their rights to protection from harm, abuse and exploitation, embrace treatment of young people which is compassionate, fair and professional, act in the best interest of every young person and to adopting a "No Drop Policy" on all crimes committed against young people which come to the attention of the police.

188. The VPF also developed SOP and modules for investigations involving children and youth and a pocket-sized investigation checklist as discussed under cluster three of this report.

189. During the PIDC conference in 2010 as discussed under cluster one of this report, the PIDC members had agreed on the need to begin working at a regional level to address the issues of people smuggling, human trafficking and irregular migration. During the reporting period, baseline information regarding trafficking of women and girls outside the country has yet to be done.



**Other forms of exploitation (art. 36)**

190. During the reporting period, there is no reported case of other forms of exploitation in Vanuatu.

191. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37 (a) and 28, para. 2)

192. In 2010, Vanuatu acceded to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

193. The FPA provides protection against domestic violence thereby protecting the right of a child against all offenses as defined under section 4 of the Act. (see Annex I for full text reference).

194. The SOP of VPF provides for the protection of a child with regard to police inquiries relating to complaints of family/domestic violence. It provides that 'if the officer reasonably believes that a child or children have been involved in the domestic violence to the extent that physical, emotional or sexual abuse has or is reasonably suspected to have occurred; or the officer reasonably believes the child/children is/are at risk, the officer, must immediately notify their shift supervisor and Family Protection Unit personnel so that decision can be made as to the appropriate action which will be taken to protect the child/ren'.

195. In administrative proceeding in schools, Education Act prohibits corporal punishment and provides other allowable forms of punishment and discipline that reinforce good behaviour (see Annex I for full text reference).

*E. Measures to promote physical and psychological recovery and social reintegration of child victims (art. 39)*

196. The FPA provides for counselling and/or mediation either for the defendant and the complainant to be conducted by a registered counsellor as provided for under section 16 of the Act (see Annex for full text reference).

197. The Vanuatu Women's Center which has been working in partnership with the DWA has trained counsellors to support children who are victims of sexual abuse, as mentioned under clusters five and eight of this report.

198. The SOP of the VPF, provides for guidelines during an interview with a child victim. During the process of interview, the health and welfare of the victim must be considered, and identify if they are in need of medical assistance, discuss a possible referral to an on-going counselling and support services, and ensure child victim's safety and protection. The VPF, Family Protection Unit has no existing trained psychiatrist or psychologist to assist child victims.

**6. Family environment and alternative care (arts. 5, 9-11, 18 (para 1 and 2), 19-21, 25, 27 para. 4 and 39)**

**The following Concluding Observations ('Comments and Recommendations') are addressed in this cluster:**

- Measures and policies (CO D.5. p.17)
- Child-friendly judicial procedure and sanctions (CO D.5.p.17)
- Provision of support services to children in legal proceedings (CO D.5. p.17)
- Prevention of criminalization and stigmatization of victims.(CO D.5. p.17)

- Technical assistance (CO D.5. p.17)

A. *Family environment and parental guidance in a manner consistent with the evolving capacities of the child (art. 5)*

199. The Education Act of 2001 provides for the duty of the parents to guide their child/ren in terms of attending school. This duty is provided for under section 7, which applies in relation to a child who is at least 6 years old and less than 14 years of age (see Annex I for full text reference).

200. Further, the FPA defines the roles and responsibilities of parents.

201. The ECCE under its implementing policy has provided several guiding principles which is among others, the provision on parents and caregivers to be provided with capacity building on general awareness and education on good parenting.

B. *Parents' common responsibilities, assistance to parents and the provision of childcare services (art. 18)*

202. Employment Amendment Act No. 31 of 2008, under section 36 (3), provides one-hour nursing time instead of half hour for nursing mothers. Additional amendments which refer to provisions on maternity leave, severance pay and annual leave are discussed under cluster six of this report.

C. *Separation from parents (art. 9)*

203. Under the correctional centers policies, upon admission to a correctional center, all detainees are provided with the opportunity to contact family to advise them of their whereabouts.

D. *Family reunification (art. 10)*

204. There is no recent development under this section.

E. *Recovery of maintenance for the child (art. 27, para. 4)*

205. The Maintenance of Children Act [Cap 46] of 1988 provides for the maintenance of natural children. Sections 1 and 2 of the Act state that a woman who is at the time of birth is either unmarried or would have been lawfully married, delivers a child, may apply with 12 months from the child's birth or at any subsequent time if there is evidence to prove that the alleged father has been providing support within the 12 months after birth. The application maybe made by her parents or the person in charge of her, unless the woman is 21 years and above (see Annex I for full text reference).

206. The Maintenance of Family Act [Cap 42] of 1988 provides for the maintenance of family. The Act imposes criminal liability on any person who fails to maintain his/her family within the Law. The Act mandates for a man to support his wife and children below 18 years of age and prohibits for a mother to desert her children under 18 years of age for more than a month. However, there is no criminal liability if it is proven that the person is financially incapable of providing support for other reasons beyond control (see Annex I for full text reference).

F. *Children deprived of a family environment (art. 20)*

207. Under the Penal Code, in cases of incest as provided for under section 95 of the Act, guardianship is provided for the female victim who is under the age of 18 (see Annex for full text reference).

208. During the reporting period of this report, there is no amendment of the Matrimonial Causes Act [Cap 192] and Maintenance of Family Act [Cap 42] relative to custody of children. However, VLC is looking into discriminatory provisions in law and to propose amendments thereto as part of VLC's program to develop a comprehensive family law reform.

*G. Periodic review of placement (art. 25)*

209. There are no existing social welfare services for children in Vanuatu. A child and family social welfare policy is yet to be drafted as mentioned under cluster one of this report. The establishment of the proposed network of services and/or functioning social welfare service unit will be pilot tested as mentioned under cluster one of this report.

*H. Adoption, national and inter country (art. 21)*

210. There is no existing legislation which specifically refers to Adoption whether inter country or national adoption. However, in a 1999 civil case, the court granted adoption to a Ni-Vanuatu child to a long term Australian couple citing the British Adoption Act of 1958 and the Guardianship Act of 1971.

211. The Citizenship Act [Cap 112], an Act enacted to provide for citizenship by naturalization, renunciation of citizenship, and the establishment of a Citizenship Commission, made mention of adopted child for the purpose of obtaining citizenship under section 11 (see Annex I for full text reference).

*I. Illicit transfer and non-return (art. 11)*

212. There is no recent development under this section.

**7. Disability, basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (para.1-3) and 33)**

**The following Concluding Observations ('Comments and Recommendations') are addressed in this cluster:**

- Resources, policies and programmes to improve health situation of children and for children with disabilities; youth-friendly counselling, care and rehabilitation facilities (CO D.6. p.18, 19, D.7., p. 20)
- Access to primary health services (CO D.6. p.18)
- Reduce incidence of maternal, child and infant mortality (CO D.6. p.18)
- Improved breastfeeding practices (CO D.6. p.18)
- Prevent and combat malnutrition (CO D.6. p.18)
- Access to safe drinking water and to improve sanitation (CO D.6. p.18)
- Technical cooperation programmes to improve primary health care training of persons working with and for children with disabilities (CO D.6. p.18, 19)
- Early identification programmes to prevent disabilities (CO. D.6. 19)
- Special education programmes and integration into the educational system and their inclusion in society (CO. D.6. 19)
- Adolescent health policies (CO. D. 7, 20)

- Comprehensive and multidisciplinary study undertaken on adolescent health problems and negative impact of early pregnancy and STDs (CO. D. 7, 20)
- Reproductive health education programmes for adolescents; inclusion of men in all training programmes (CO. D. 7, 20)

A. *Survival and development (art. 6, para. 2)*

213. The goals and strategies identified in the 2004 NPA which address children's health provides strategies and actions on reducing childhood illness and deaths in children under 5 by 33% by 2010, from 33 to 22, promote and providing effective family health relating to reproductive health issues by 2015, promoting national health policies and programs for adolescents by 2010, reducing the incidence of malaria by 50% by 2006, and developing an effective and fair HIV service.

214. Further, the NCP (2007-2011) statements under its policy statements numbers four, five and seven, provide health issues and concerns on maternal health, health and nutrition, environmental health and sanitation, and parental and child health.

215. The NCP review recommendations provided that health is still considered a relevant component in the policy and recommended a variety of actions to be implemented such as coordination of stakeholders, improved capacity of service delivery, advocacy and access as well as improved data collection. It also noted significant barriers to implementing these recommendations including lack of government funding, literacy in community education, school education (removing barriers), kastom, traditional practices, distances/access and the provincial capacity.

216. One of the seven goals and strategies of the VNPP (2011-2020) on health is to reduce infant, child and maternal mortality and morbidity.

217. The IEPSP also provides an early intervention and early identification strategy for children with impairments through coordination with health department, establishing a register by 2013, preparing children with disability to enter schools by 2015, and consultations to improve inclusive education in ECCE by 2014.

218. The PMTCT guidelines was developed in 2009 to provide an approach to the implementation of the national PMTCT programme with the objective of 'optimizing maternal and child health and survival by preventing HIV infection in infants and managing HIV positive women through effective and comprehensive evidence-based set of intervention provided at all levels by integrating relevant components and services in the health care and social development system, as part of continuum of care'.

B. *Health and health services, in particular primary health care (art. 24)*

219. In 2011, the Health Promoting Unit of MoH initiated the Healthy Island Initiative with the objective of revitalizing the PHC and to strengthen the health system in Vanuatu. As a result, PHC advocacy workshops and tools were developed; steering committees were established, and a policy paper for the initiative was drafted (MoH, Annual Report 2011).

220. The PAA (2006-2010) health priorities and strategies priority is the PHC approach. This strategy is to 'base the delivery of health services on a PHC approach to ensure access to sustainable provincial services including strong links with provincial governments'.

221. Further, as part of the government strategy to improve access to health services in Vanuatu, one of its priorities is to develop an integrated primary health care and public health care strategy.

222. One of the three overall strategy directions of HSS is organization re-structuring and strengthening. Its strategy for services is to provide a diagnostic and curative health care

through effective, efficient, high-quality and evidence-based clinical services at all levels of the health care system, but with an emphasis on strengthening primary care services. The HSS strategy which is focused on service delivery directly addresses the health-related MDGs.

### **Infant and child mortality**

223. The current infant and child mortality rate (IMR) has improved in Vanuatu. The infant mortality rate, that is the number of children under one year of age per 1,000 live births, in 2009 was estimated at 22 (males) and 19 (females) compared to 1999 when it was estimated at 27 (males) and 26 (females). The under-five mortality, the probability of dying between birth and age 5 per 1,000 people in 2009 was estimated at 26 (males) and 22 (females) compared to 2007 when it was 29 (male) and 31 (female) (MDG Report, 2010) (see Annex for Statistics).

224. The major contributing factors to child morbidity and mortality burden are acute respiratory infections (ARI), diarrhoeal diseases and inadequate neo-natal care. Children under two years of age account for about 50% of hospital admissions due to ARI. In order to address this problem, the Integrated Management of Childhood Illness (IMCI) was introduced and the guidelines were reviewed in 2011. IMCI nurses were trained, IEC materials were distributed, and working standards were developed. Further, as a new treatment of the management of diarrhoea in children, Zinc tablets were distributed in the provinces of Shefa and Tafea (MoH, Annual Report, 2011).

225. Furthermore, the MoH has adopted the National Immunization Program (NIP). The NIP is currently providing DTP (Diphtheria, Tetanus, Pertussis) and Hep B. In 2011, the Japan Committee on "Vaccines for the World's Children" (JCV) has financially supported the MoH in coordination with UNICEF and part of this support was the introduction of the Haemophilus Influenzae B or commonly called the Hib Vaccine (Pentavalent) which is a combination vaccine of 'DTP (Diphtheria, Tetanus, Pertussis) + Hep B (Hepatitis B) + Hib (Haemophilus Influenzae). Under the MoH, Expanded Program on Immunization (EPI), 7,174 children under one year of age out of the 7,678 targeted children were vaccinated for 2011. Further, the funding support of JCV also supports the strengthening of routine immunization through capacity building on cold chain and vaccine managements, the provision of cold chain equipment (solar chill refrigerators, cold boxes and vaccine carriers) and the required pentavalent vaccine (see Annex II, Statistics).

226. As part of the immunization program of MoH, the immunization coverage for measles in 2011 is well above 80% with similar coverage in 2010. This was part of WHO regional Measles initiative to eliminate measles by 2012 (see Annex II, Statistics).

227. The MoH with assistance from the University of Queensland, Brisbane, Australia delivered a cervical cancer vaccines and educated 1,000 school girls between ten and 12 years of age in 2009 in Vanuatu. The cervical cancer vaccines protect women against about 70% of infections that cause cervical cancers.

### **Maternal mortality**

228. From 2006-2009 actual maternal deaths were estimated at around six per year. In 2011, HIS reported two maternal deaths as reported by health facilities. Further, records also show severe maternal morbidity related to postpartum haemorrhage, pregnancy induced hypertension and puerperal sepsis. The identified age groups most at risk are very young mothers (aged less than 15 years) and older mothers (aged over 39 years) and women who have had more than four children (MoH, Annual Report, 2011) (see Annex II, Statistics).

229. For the last 10 years, the maternal mortality has been below 100 per 1,000 live births. This has been attributed to improved antenatal care (ANC), higher proportion of births skilled attendants, increased deliveries taking place in health facilities, better referral mechanisms to access emergency obstetrics care and better access to PHC (MDG Report, 2010). Vanuatu has a referral system in place which is the 'Vanuatu Obstetrics and Gynecology Emergency Response Team (VOGERT) which ensures that women with any adverse factors in a current pregnancy come to a referral hospital for delivery. The RHS (2008-2010) outlines key actions for improving maternal and newborn health and reproductive health in Vanuatu, including improving access to skilled midwives particularly in remote rural areas (MoH Annual Report, 2011) (see Annex II, Statistics).

C. *Efforts to address the most prevalent health challenges and promote the physical and mental health and well-being of children, and to prevent and deal with communicable and non-communicable diseases*

230. Communicable and non-communicable diseases remain the priority diseases of Vanuatu. Malaria and Tuberculosis (TB) are still major public health concern along with STIs, Acute Respiratory Tract Infections, Diarrhoea and Viral Hepatitis. Dengue Fever and Measles are other major concerns among communicable diseases.

231. In an effort to combat Malaria, the MoH, supported by Global Fund, introduced insecticide-treated bed nets (ITNs) In 2010, the annual parasite incidence (API) has decreased from 73.9 positive cases per 1,000 inhabitants to 33.3. As a result of increase Rapid Diagnostic Test (RDT), treatment and other support interventions, the positive number of case has significantly decreased in 2011 to 25 per 1,000 inhabitants. Over 85% of children are reportedly using mosquito net and 110% of household population coverage have at least one long-lasting mosquito nets (LLN) compared to 95% in 2010. The MoH and its stakeholders have pledge to eradicate malaria in Tafea Province by 2014 and in Vanuatu by 2030 (MoH Annual Report, 2011).

232. Dengue fever and dengue hemorrhagic fever and Lymphatic Filariasis (LF) are a major health concern in Vanuatu. In order to address the problem on LF, the Vector Borne Disease Control Unit has implemented an extensive program over the past 20 years, including the introduction of the Mass Drug Administration (MDA) against LF. As reported, only 5% of the population has LF. In 2010, the prevalence rate has been maintained at 0% in high risk areas and the rate has remained in 2011. In a 2010 survey among 6 and 7 years old children in Penama Province LF prevalence rate has dropped to over 95% with zero filariasis using the immunochromatographic (ICT) filariasis test (MoH Annual Report, 2011).

233. Another major concern of the government especially among children is diarrhoeal diseases and helminthes. The MoH has initiated de-worming program using Albendazole throughout six provinces targeting school children. As a result, a worm infection has dropped from 50,197 in 2008 to 23,651 in 2009. In 2011, the first round (January-June) of de-worming treatment was conducted covering 33, 590 primary school students in 342 primary schools which resulted to 72% treatment coverage. The second round (July-December) of treatment covered a total of 24,151 primary school students in 188 primary schools, resulting in 52% treatment coverage (MoH Annual Report, 2011).

**Combat disease and malnutrition**

234. The Public Health Act [Cap 234] has specific provisions on protection of water supply, on sanitation and waste disposal provision, control of baby feeds, regulations to control vector borne diseases, to and to protect and control epidemics and communicable diseases.

235. The Master Health Services Plan (2004-2009) provides some indicators common with MDGs such as reducing child and maternal mortality, proportion of mothers' exclusive breast feeding of their child for the first six months of life, and total births to teenage mothers, expressed as % of live births.

236. The overall aim of the Vanuatu National Food and Nutrition Policy 2000 is to ensure the wellbeing of the total population and to increase the consumption of local food. The specific targets include the reduction of underweight children under five years of age and the promotion of exclusive breast feeding until six months of age.

### **Improved Breastfeeding**

237. The Vanuatu National Breastfeeding Policy contains 15 statements that strongly supports, promotes and protects breastfeeding for all children of Vanuatu. The Lenakel hospital located in Tafea province was certified as a baby friendly hospital in 2010 while Vila central hospital was certified September of this year. The NDH will be certified in 2013. The MoH has conducted various training activities as provided for under Annex II, table 1.2 (see also Annex II, Statistics).

238. The MoH has established the Nutrition and Dietetics unit (NDU) which is responsible for providing nutrition and dietetics programs and awareness in Vanuatu, and programs for non-Communicable disease (NCD), Mental Health and Physical activities. A mother to child health booklet translation has been developed wherein NDU translate all nutrition information. The NDU has conducted various training activities on nutrition (see Annex II, table 1.2).

### **Water and Sanitation**

239. The 2009 Census data show that 15% of households do not have access to improved sources of drinking water. Private piped water was widely used in the urban areas (43%) compared to rural areas. Diarrhoea among under five children is high in both urban and rural areas. In 2011, as a support intervention for cases of diarrhoea, the MoH has used the H2s test in rural areas to identify water contamination. The incidence of diarrhoea in Vanuatu is decreasing due to programs of proper water supply, safe food handling practices and proper sanitation practices (see Annex II, Statistics).

240. The proportion of households having improved sanitation facilities had increased in 2007 from 42% to 63.5 %. 2009 Census shows that the most frequently recorded facility used by 47% of all private households was a pit latrine, while 21% of all households used a flushed toilet: 65% in urban areas and only 6% in rural areas. In effort to address this concern, the government has implemented the Rural Sanitation Project (RSP), which was funded by UNICEF until 1999. As a result, 64% of households was provided with proper ventilated pit latrines.

## *D. Reproductive health rights of adolescents and measures to promote a healthy lifestyle*

### ***Reproductive Health***

241. The MoH initiated the development of RHP (2008) and RHS (2008-2010) which are consistent with the Master Health Services Plan (MHSP) (2004-2009) were developed to operationalize MoH commitment to RH for all women, men, and youth. The RHP 2008 and the RHS 2008-2010, outlines the framework for improving RH programmes at the national and provincial level as mentioned under cluster one of this report.

242. Further, MoH's MSHP recommendation number 3 is to 'promote child spacing and reduce teenage pregnancy' which includes strengthening of family planning with men and women and improve adolescent reproductive health and sexual health, PHC to deal with

RH and sexual health issues and the strengthening of community ownership of related social issue.

243. The goals of the Women's Health Policy Guidelines and Activities (2006-2009) are to provide indicators of RH as mentioned under cluster one of this report.

244. One of the key actions of the National Disability Policy 2007 and Plan of Action (2007-2015) is to disseminate relevant gender related information among women with disabilities, including the right of young women with disability to decide freely and responsibly on the number and spacing of their children, reproductive and family planning education.

245. One of the seven goals and strategies of the VNPP (2011-2020) is to reduce fertility and unintended pregnancy particularly among target population groups.

246. The manual on Family Planning Guidelines has been written as an evidence-based, updated reference book of basic family planning (FP) information, service policies, standards of practice and clinical procedures for all those providing FP services in Vanuatu.

247. The MoH developed the Advocacy and Communication Strategy (2009-2013), which priority areas are: 'public, political and financial support and commitment for SRH/Rights and HIV prevention; access to and use of RH/FP/HIV information and services; and stigma and discrimination of people infected and affected by HIV'.

#### **Adolescent Sexual and Reproductive Health (ASRH)**

248. The RHP 2008 and the RHS 2008-2010, provides a policy goal on ASRH; to have improved sexual and reproductive health of adolescents and young people in Vanuatu through reduction of teenage pregnancy and STI cases and strengthened HIV prevention. ASRH programme is a key component of the National Reproductive Health programme which is currently implemented by both the government and the civil society organizations.

249. The government has been working with Wan Smol Bag (WSB), an NGO in Vanuatu which has been operating the Kam Pusem Hed (KPH) clinic in Port Vila which offers reproductive health services and counselling. One of the KPH programs is peer education which includes working on awareness program with female sex workers, men who have sex with men (MSMs), and seafarers. A Memorandum of Understanding (MOU) has been entered into between WSB and the government through the MoH to provide free medicines, laboratory testing and equipment sterilization to KPH clinic (Wan Smol Bag Annual Report).

250. The 2009 Census shows that the adolescent birth rate of women aged 15-19 years has significantly decreased to 64 births per 1,000 women compared to 92 births per 1,000 women in 1999 (VSNO, 2009) (see Annex II, Statistics).

#### **STIs, HIV and AIDS**

251. The NCP (2007-2011) policy statements recognized the need for family planning and awareness, and to study, develop and resource programmes in order to address the threat of HIV/AIDS.

252. The NSP (2008-2012) provides a strategy to initiate an intervention on prevention of parent to child transmission of HIV through providing routine relevant antenatal care services. The MoH has developed the Policy Guidelines for the PMTCT of HIV as discussed under this cluster, letter A of this report. During the reporting period, an HIV draft policy is under review.

253. Evidence Based Guidelines for the Management of STIs in Vanuatu (2008) manual has been developed as a reference book for management of basic STIs, service policies and



standards of practice and clinical procedures. The manual provides for guidelines on the screening of STIs during pregnancy which if unattended may result in adverse pregnancy outcomes (such as ectopic pregnancy and infertility), foetal infections and neo-natal infections.

254. The National AIDS Committee (NAC) is a multi-sectoral body which has been appointed by the Minister of Health to oversee the whole HIV and STI programs in terms of planning, implementation, monitoring and evaluation of the national response for effective prevention, treatment, including care and support.

255. Several comprehensive and multidisciplinary studies have been undertaken on adolescent health problems and negative impact of early pregnancy and STIs. These are provided below:

**Vanuatu Young People's Project (VYPP).** The Vanuatu Cultural Centre initiated the Vanuatu VYPP which started in 1997. In 1998, the first report released and was entitled "Young People Speak..." followed by the production of a documentary video, entitled, Kilim Taem (Killing Time) involving youth in Port Vila. In 2001, the VYPP conducted a large scale research which focused on youth in rural areas and followed by video production entitled Esi Laef (Easy Life).

256. In 2008, a second major report was undertaken involving youth in Port Vila. As a result, 1,572 young people between the ages of 13 and 25 years were interviewed in the settlements and residential areas of Port Vila. The research project aimed to better understand the knowledge and practices of young people with respect to reproductive issues, sexuality, and family planning.

257. The research findings on health issues and health risks on reproductive health are provided for under Annex I.

258. **A Healthy Behaviour and Lifestyle of Pacific Youth (HBLPY)** study was also undertaken which was a collaborative initiative between the national government, UNICEF, NGOs and WHO.

259. In 1999, guidelines were developed for ongoing health promotion campaigns in schools, which were adapted from the WHO Regional Guidelines for Vanuatu Primary and Secondary Schools in Vanuatu. As a result, a National Health Promoting School Committee was established with representatives from the MoE, MYDST, and MoH. The guidelines provide six focus areas which are: 'the school health policies, physical environment of the school, school social environment, community relationships, personal health skills, and health services'.

*F. Measures to protect children from substance abuse (art. 33)*

260. The NCP (2007-2011) provides under number 10 of its policy statements, the need for the government to address the problems and identify emerging threats to children which is among others, substance abuse.

261. The Dangerous Drugs Act [Cap 12] was enacted to regulate the importation, sale, supply and possession of certain dangerous drugs in Vanuatu. The Act prohibits the importation, sale, supply or possession of 308 kinds of prohibited substances and materials.

262. The Control of Pharmacists Act [Cap 23] enacted to impose controls upon the practice of pharmacists, section 1 thereof, prohibits the practice without license unless he/she is in possession of a current license issued by the Commission.

263. The Sale of Medicines (Control) Act [Cap 48] enacted to control the sale of medicines, provides limitations on the retail sale and whole sale of medicines as provided for under sections 2 and 3 of the Act. Further, it also prohibits the sale of narcotics under

section 4. The Act also provides power to MoH or its authorized representative to access the premises if there is non-compliance of the Act, and it further provides for a criminal liability for anyone who obstructs the inspections.

*G. Measures to ensure the protection of children with incarcerated parents and children living in prison with their mothers*

264. Under the Correctional Services Act, section 19: 2, 3, 4, it allows for the admission of children below the age of two years with a mother who has been lawfully detained. The Correctional Center manager is required to make a decision that takes into consideration the best interest of the child. Further, all female detainees are separated from male detainees.

**(a) Social security and childcare services and facilities (arts. 26 and 18, para. 3)**

265. **The Employment (Amendment) Act Nos. 31 of 2008.** The amendment entitles an employee for an annual leave of 1.25 working days per month for each year of employment (one-six years of continuous employment) and 1.75 working days (7-19 years of continuous employment) (see Annex I for full text reference).

266. **The Employment (Amendment) Act No. 33 of 2009.** The amendment entitles an employee to severance allowance upon resignation which was reduced from 10 years to 6 years of service and an increase from half a month per year of employment to one month. Further, a one hour instead of half an hour nursing time is provided for nursing mothers (see Annex for full text reference).

267. **The VANWODS.** The VANWODS has been providing micro finance services to women since 1996. It started as a pilot project under the DWA and became a beneficiary owned NGO in 2003. In 2007, VANWODS started to accept male members. As of November 2010, there are total of 5,514 clients with 4,085 total number of clients taking loans. Since 1996, VANWODS total loans released amounts to Vatu 814 million.

**(b) Standard of living and measures, including material assistance and support programmes with regard to nutrition, clothing and housing, to ensure the child's physical, mental, spiritual, moral and social development and reduce poverty and inequality (art. 27, paras. 1-3)**

268. In 2006, UNICEF conducted a research on the incidence of poverty in Vanuatu involving children below 17 years of age. It was found that the national incidence of poverty as measured by \$1.25 a day was 5% for all children. The incidence of poverty varies by province: in Torba, 14% of children lived in households with income of less than \$1.25 a day, 2% of children in Malampa, 1% in Luganville and 2% in Port Vila (MDG Report, 2010).

269. In 2009, the government with support from UNICEF conducted child poverty and disparity study, using the multiple measures of poverty including a deprivation method analysis. It was found that the more remote parts of the country like Torba and Tafea provinces were the worst-deprived in terms of shelter, education and water, whereas Port Vila (the capital) was the most deprived in terms of food and health.

270. In an effort to reduce poverty, the government implemented the Decent Work Country Programme (DWCP). This has also been discussed under cluster one of this report.

271. In 2003, Vanuatu became a member of the International Labour Organization (ILO). The parliament ratified eight International Labour Conventions, which are as follows: Forced or Compulsory Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); Right to Organize and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention 1951

(No. 100); Right to Organize and Collective Bargaining Convention, 1949 (No. 98); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); and Worst Forms of Child Labour Convention, 1999 (No. 182).

272. The MoE's VESS (2010) identifies what children and students should learn and experience in centres, schools, and colleges, and promotes vocational education for important life skills and for paid and unpaid work. The purpose is to widen students' horizons, developing advanced knowledge and skills and helping students to become productive, self-reliant citizens, able to find work, and undertake further education and training'.

273. The Vocational Education (VE) subjects were developed in consultation with communities and industries. The purpose of the VE is to prepare students for direct entry into a particular occupation, for self-employment and/or further education and training'.

274. In 2007, Recognised Seasonal Employer (RSE) programme of the government with New Zealand started. In 2009, this was followed by another agreement with Australia. The migrant labours are mostly unskilled and are mainly involved in agricultural work. 'The RSE programme has had significant impacts on the families and communities involved with worker's returning with savings (and sending remittances) and investing in home improvements, education related expenses and income generating projects. Approximately two and half thousand Ni-Vanuatu take part in the RSE scheme each year and remittances from New Zealand were 528 million vatu in 2008, increasing to 899 million vatu in 2009' (MDG Report, 2010).

275. The 2003-2007 Vanuatu Country Programme Action Plan, a partnership between the government and UNDP, supported two areas, one of which was Poverty Reduction and sustainable livelihoods for MDGs achievements: facilitating financial services to the poor. The 2008-2012 Vanuatu Country Programme Action Plan also supported by UNDP has four strategic outcome areas, one of which is poverty reduction and the MDGs.

276. One of the seven goals and strategies of the VNPP (2011-2012) is to reduce hardship and poverty among the elderly, widowers, people with disability, and other vulnerable people.

277. The NCP (2007-2011) strategy statement on community education and mobilization made mentioned of poverty alleviation as a critical issue affecting children, thus must be considered in developing sustainable sectoral activities.

278. The National Disability Policy and Plan of Action (2008-2015) focused its policy directives in nine areas; one of the areas is to reduce poverty alleviation particularly in urban areas which impacts on persons with disabilities.

## **8. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

**The following Concluding Observations ('Comments and Recommendations') are addressed in this cluster:**

- Compulsory education free of charge for all (CO.D.7. 21)CC
- Access to education at all levels of the system (CO.D.7. 21)
- Enrolment rate of girls at the secondary level (CO.D.7. 21)
- Local languages as additional tools of instruction (CO.D.7. 21)
- Overall quality of education (CO.D.7. 21)

- Public education campaign to promote the importance of education and to influence cultural attitudes (CO.D.7. 21)
- Technical cooperation (CO.D.7. 21)

A. *The right to education, including vocational training and guidance (art. 28)*

279. The PAA (2006-2010) of Vanuatu has placed a high priority on education. The national vision is to provide: “A just, educated, healthy and wealthy Vanuatu.” The PAA major goal in the education sector is to provide universal primary education completion and improved access to a quality education and training system that better contributes to economic and social development. The main policy objectives of the PAA on education are to improve access to education and ensure gender and rural/urban balance, raise the quality and relevance of education, improve planning, fiscal and financial management in the sector and to develop a distinctively ni-Vanuatu education system (see Annex II, Statistics).

280. The PAA policy objectives are also reflected on the VERM (2010-2012), which include early childhood, primary, secondary, tertiary education, and technical and vocational training institutions. (see Annex II, Statistics).

281. The priorities and strategies adopted for the implementation of the education and training sectors provide among others, to improve the relevance, quality and accessibility to pre-school and special education for all young children at all levels, achieve relevant and quality universal primary education, to increase accessibility and improve relevance and quality in junior and senior secondary level, increase accessibility and improve the relevance and quality of teacher education, promote gender equality, and to expand relevant and quality TVET (see Annex II, Statistics).

282. In 2009, the PLAS provided strategies for the education sector which are to improve the quality of education, phase out compulsory primary school contributions and replace with increased grants direct to schools and increase human resource capacity in critical areas for Vanuatu’s development.

283. The NCP (2007-2011) statement under number six, provides for policy statement on quality basic free education, provision for all children, realignment of education budget and accessibility of education.

284. The NCP review recommended a number of actions to improve educational access, quality and outcomes, as follows: increased number of certified teachers; more funding to children’s issues; awareness on quality education; increased net enrolment of girls; improved access to safe drinking water and sanitation in schools; support to initiatives targeting the girl child; establishment of more rural training centres and provision of more funds to these; vernacular training mediums and more activities suitable to girls in RTCs; and training provided on parenting skills and life skills.

285. The vision of MoE in its overall Strategic Plan (2007-2016) which is also covered under VESS (2007-2016) long term is plan is to provide for a caring education system for every young person with the lifelong skills, values and confidence.

286. The Sector Wide Approach Plan (SWAP) was used by MoE in developing the VESS (2007-2016); VESS mission is to provide student-centred education that is accessible, relevant, sustainable, responsive, and of good quality, to guarantee every young person preschool and basic education to year 8, expanded opportunities for secondary, technical, tertiary and higher education, support for parents and communities to participate in and manage their schools and a well-managed and accountable education system which focuses on building the human resources of Vanuatu.

287. In an effort to provide a free fee primary level education, the government implemented the Universal Primary Education Fee Free Policy as mentioned under cluster one of this report.

288. With regard to the recommendation to adopt local language as additional tool of instruction, the Education Master Plan produced in 1999 investigated methods and costs of supporting vernacular-language education in the early years of basic education. Local languages are used in pre-schools and increasingly, in primary schools. Further, one of the main objectives of MOE Corporate Plan 2004-2006 was to promote and improve the quality of Vanuatu's vernacular program for pre-schools and basic education. Materials have already been produced in each of 22 language groups for use in Year 1 at all primary schools.

289. The VESS Policy on Basic Education: Universal Completion, Literacy, Numeracy and Life Skills provides for the inclusion of the use of vernacular language as a medium of instruction in pre-school and the first two years of basic education, as well as Bislama.

290. Further, VESS Policy: Bi-lingual Schools confirms language of instruction in the formal education sector which is to use vernacular, Bislama, English and French as language of instruction phased in throughout formal education, to encourage bilingual education.

291. The priorities and strategies adopted for the implementation of Bilingualism, Equity, and Special Needs under VESS policy are, among others, to reconfirm government policy for bilingualism, develop additional multi-language learning materials, encourage schools to form sustainable bi-lingual school, promotion of bilingualism among teachers and schools and strengthening the teaching of languages (see Annex II, Statistics).

292. One of the ECCE guiding principles in the implementation of its policy is the children's Cultural Foundations. The guiding principle is for children in Vanuatu to have the right to be educated in their first language in early childhood and for ECCE to recognize and affirm the cultural knowledge, vernacular and values of all children in Vanuatu.

293. The VNCS (2010) promotes the use of many languages including the use of Bislama and other vernacular languages.

294. Under the Correctional Center policy, whenever possible the education of young detainees is maintained. In some cases, minors have been escorted to school to allow for the completion of examinations or assessments. Basic literacy and numeracy is provided in Port Vila and Luganville Correctional Centers via NGO groups.

*B. Aims of education (art. 29) with reference also to quality of education*

295. One of the four policy objectives of the PAA (2006-2010) is to raise the quality and relevance of education. In 2009, the PLAS provided as part of its strategy for education sector on improving the quality of education.

296. The national policy of the government on ECCE provides for an overall framework based on access and quality Early Childhood Care & Education (Kindergarten, Pre School, Home Base and Childcare) Programs. In line with VESS, its policy vision and goals are that all children will have equitable access to quality, student centred early childhood care and education, including children with disabilities.

297. The objectives provided for Universal Primary Education Policy Fee Free Policy are to improve access and improve quality, i.e., that children stay in school and receive good education.

298. The Vanuatu Education Support Action Plan (2008) was developed to build the capacity of MoE to deliver "higher quality of education to all children in Vanuatu".

C. *Cultural rights of children belonging to indigenous and minority groups (art. 30)*

299. One of the guiding principles of the ECCE is cultural foundation: ECCE must recognize and affirm the cultural knowledge, vernacular and values of all children in Vanuatu.

300. Further, the VNCS (2010) recognizes Vanuatu diverse culture and values and its national identity. Furthermore, the IEPSP acknowledges and respects the differences in children which includes children's ethnicity.

D. *Education on human rights and civic education*

301. The ECCE policy guiding principles is for the development and delivery of human rights, which provides that all aspects of children's human rights must be paramount in all programs and services developed and delivered in Vanuatu.

302. One of the VESS mission objectives is to provide human rights as one of its key strategies for implementing its policy.

E. *Rest, play, leisure, recreation and cultural and artistic activities (art. 31)*

302. The ECCE provides for a policy principles and guidelines on educational play equipment and materials wherein children are allowed to play using child friendly furniture and facilities, and to give them opportunity to explore, experiment, discover and problem solve in play situations. Further, children participate in both international and national festivals (see Annex II, Statistics).

**8. Special Protection Measures (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40)**

**The following Concluding Observations ('Comments and Recommendations') are addressed in this cluster:**

- Survey on child labour and economic exploitation, particularly in the informal sector (CO.D.8. 22)
- Juvenile justice system; training programmes on relevant international standards (CO.D.8. 23)
- Technical assistance in the area of juvenile justice and police training (CO.D.8. 23)
- Public dissemination of the initial report (CO.D.8. 24)
- Publishing of the initial report, summary records and the concluding observations (CO.D.8. 24)

A. *Children outside their country of origin seeking refugee protection (art. 22), unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration*

303. The Passports Act [Cap 108] provides under section 5 (2) the authority for the Principal Passport Officer to issue a certificate of identity or travel document to a person who, he is satisfied, is either a stateless person or a refugee. In case of a refugee seeking protection, the Immigration Office refers the case to the OHCHR which provides assistance on the case before any certificate will be issued by Vanuatu for the release. The IOM also provides funding assistance through daily allowance for the duration of the refugees stay in Vanuatu.

304. During the reporting period, there is a reported case of two refugees – a father and a child but whose identity is in the process of being ascertained by OHCHR.

*B. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)*

305. Vanuatu has ratified the OPAC in 2007, however, initial report has yet to be submitted. Vanuatu as a state party to the convention made a reservation and declaration regarding the recruitment in the police force, which is among others, the candidate for appointment to the Force must have reached the age of 18 and shall not over 30 years of age (see Annex I for full text reference).

306. The Police Act [Cap 105] enacted to provide for the establishment, organization, discipline, powers and duties of the VPF and for matters related to the Act, is silent regarding the minimum age for voluntary recruitment under the police force. However, the qualifications for recruitment may be provided by the Minister as stated under section 11 (2) of the Act (see Annex for full text reference). During the reporting period, a form to be filled up by the applicant to the Force has provided for a specific age limit which must not be under 18 years.

307. Further, the Police Act is also silent regarding the minimum age for military conscription or ‘para military’ in Vanuatu context. Under section 5, the Prime Minister is given the power to direct the force for the purpose of defence or internal security (see Annex I for full text reference).

308. Furthermore, under section 69 of the Constitution, which provides for emergency regulations, the Council of Ministers has been given the power to make regulations if Vanuatu is at war, however, the Constitution is silent regarding military conscription (see Annex for full text reference).

309. In cases of hostilities, ‘child exchange’ or ‘child swapping’ has been frowned upon by courts as mentioned under cluster one of this report in relation to two criminal cases. However, in cases involving land disputes, child swapping has been happening in North Tanna, Tafea province. Child swapping is a normal traditional practice in Vanuatu and is considered as a highly respected custom; two children were swapped in order to end hostilities related to a 27 year land feud, in which several people had been injured (<http://www.telegraph.co.uk/news/worldnews/australiaandthepacific/vanuatu/8719689/Warring-Pacific-tribes-swap-two-young-children-to-end-violent-feud.html>). In an interview with Chief Tom Namake of Tanna, the purpose of the exchange was ‘to keep the peace in the community’.

*C. Children in situations of exploitation, including physical and psychological recovery and social reintegration*

*(i) Economic exploitation, including child labour, (art. 32) with specific reference to applicable minimum ages*

310. During the reporting period, a study or research regarding child labour is yet to be conducted, including the conduct of child labour inspections. There has been no specific training yet conducted, on investigations and prosecutions on worst forms of child labour.

311. There is however, a case of boys selling newspapers on the street but these ‘newspaper boys’ were hired by the publisher on a commission basis with the permission of their parents. Further, their activities are also monitored by the publishing company.

312. Employment Act (Amendment) No 25 of 2010 was passed to establish the Tripartite Labour Advisory Council as discussed under common core document report.

- (ii) Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances (art. 33)

313. Vanuatu has ratified the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances through Ratification Act No. 27 of 2001. Further, the government has participated in a Pacific regional policing initiative to strengthen national capacities to fight against the manufacture and trafficking of drugs. During the reporting period, a draft policy against trafficking of drugs is under review.

314. The Penal Code under section 5 on international offenses, provides for the application of the criminal law for offenses of human trafficking, and trafficking of narcotic drugs committed within or beyond the territory of Vanuatu (see Annex I for full text reference).

315. The Extradition Act of 1998 provides for prosecution of offenses committed by perpetrators either in the country of origin or in the country which the offense was committed under extradition arrangements.

*D. Children in street situations*

316. During the reporting period, there is no reported case of children in street situations.

*E. Children in conflict with the law, victims and witnesses*

- (i) The administration of juvenile justice (art. 40), the existence of specialized and separate courts and the applicable minimum age of criminal responsibility

317. The minimum age of criminal responsibility is discussed under cluster two of this report. The administration of juvenile justice system in Vanuatu is not yet defined.

- (ii) Children deprived of their liberty, and measures to ensure that any arrest, detention or imprisonment of a child shall be used as a measure of last resort and for the shortest appropriate time and that legal and other assistance is promptly provided (art. 37 (b)-(d))

308. The Criminal Procedure Code [Cap 136] provides for the code of procedures for criminal cases, however, the Act is silent with regard to special protection measures for children.

309. The first of the two policies relates to handling young persons who are in conflict with the law. The principles guiding the first policy are to commit to establishing and maintaining positive relationship between police and young people, recognizing the specialized approaches essential when responding to their needs, embrace treatment of young people which is professional, fair and respects their rights as citizens, seek to divert (where suitable) them from the formal criminal justice system and to build partnerships to prevent youth crime.

310. Vanuatu as a signatory to CAT is in the process of implementing a wide range of national protective measures as per provisions of the Conventions and its OPs. Under the Correctional Center policy, all detainees, including minors, are only admitted to a correctional center with a valid and current warrant signed by either a magistrate or a supreme court judge. Further, detainees are entitled to contact legal counsel to discuss matters relating to their detention.



- (iii) The sentencing of children, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a)) and the existence of alternatives sanctions based on a restorative approach

311. Under section 54 of Penal Code (Amendment) Act No. 25 of 2006, on imprisonment of minors, the Act provides that persons under 16 are not to be imprisoned unless no other method is appropriate. Further, the Amendment Act No. 25 of 2006 under section 58-A and section 58-B provide for the power of the court to impose substituted or alternative penalty of community work to fine and substituted or alternative penalty of fine, supervision or community work to imprisonment (see Annex I for full text reference).

312. The Department of Correctional Center is actively supporting the development of a formal diversion scheme for minor offending.

- (iv) Physical and psychological recovery and social reintegration (art. 39)

313. The Family Protection Act under section 22 provides for compensation of child victims/survivors and takes into account the moral, physical, actual damages and other reasonable expenses that which has caused the victims/survivors. Further, the Act also provides for counselling.

314. The Penal Code (Amendment) Act No. 25 of 2006, under sections 39, 40, 43 provide for the compensation of victim taking into account the financial capacity of the offender. Further, the Act also provides for compensation report to be done, and the conditions for making compensation.

315. With regard to existing correctional centers, the Port Vila correctional center have at present very limited options for separation of detainees. Plans for infrastructure development include the development of specific facilities for minors. The current low numbers of minors mean that strict separation would result in minors essentially being in solitary confinement which is not generally considered to be in the best interest of the minor. Minors are typically placed with offenders who come from the same island groupings and carefully monitored by staff (Department of Correctional Services Report, 2012).

- (v) The training activities developed for all professionals involved with the system of juvenile justice, on the provisions of the Convention, the OPs as applicable, and other relevant international instruments in the field of juvenile justice, including the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

(see Annex II, table 1.2).

*F. Children belonging to a minority or an indigenous group (art. 30).*

316. The law is silent with regard to special protection measures for children belonging to a minority or an indigenous group.