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Vanuatu

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Rights of Persons with Disabilities recommended that Vanuatu ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.²

3. The United Nations country team recommended that Vanuatu ratify fundamental treaties, fulfil its treaty reporting and implementation obligations and seek technical assistance from the United Nations to enhance its engagement with United Nations human rights mechanisms.³

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Vanuatu accede to the Convention relating to the Status of Refugees and its Protocol, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁴

5. The United Nations country team noted that Vanuatu played a key role in intergovernmental efforts on combating climate change, including initiating a General Assembly resolution leading to a request for an advisory opinion from the International Court of Justice.⁵

III. National human rights framework

1. Constitutional and legislative framework

6. The United Nations country team asserted that the 1989 Constitution contained commitments to the preservation of customary law practices, which could pose a potential barrier to equal treatment, for example, regarding women's ability to exercise rights over customary land. It recommended that Vanuatu review the civil and traditional legal systems



to undertake reforms to ensure that provisions on women's rights conformed to the Convention on the Elimination of All Forms of Discrimination against Women.⁶

2. Institutional infrastructure and policy measures

7. The United Nations country team noted that Vanuatu did not have a national human rights institution. It recommended establishing an independent human rights institution by providing adequate resources and a sufficient mandate to progressively bring it into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).⁷

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

8. The United Nations country team observed that the Constitution did not prohibit discrimination on the grounds of gender, marital status, sexual orientation or disability. It recommended that Vanuatu amend its Constitution to incorporate the principle of equality of all persons and the prohibition of discrimination based on disability, sexual orientation or gender, and repeal or amend all discriminatory legislation to conform with international human rights treaties.⁸

9. The Committee on the Rights of Persons with Disabilities expressed concern about the lack of legislation to prohibit disability-based discrimination, intersectional discrimination faced by persons with disabilities and the lack of mechanisms to provide remedies to victims of discrimination. It recommended that Vanuatu amend the Constitution and other relevant legislation to include disability as a prohibited ground of discrimination, ensure that the anti-discrimination framework under the National Disability-Inclusive Development Policy (2018–2025) encompassed all forms of disability-based discrimination, explicitly prohibit intersectional discrimination and establish a mechanism to monitor complaints of disability-based discrimination and provide victims with legal remedies and support.⁹

2. Right to life, liberty and security of person, and freedom from torture

10. The Committee on the Rights of Persons with Disabilities expressed concern that persons with disabilities were subjected to laws that deprived them of their liberty based on impairment. It recommended that Vanuatu repeal all provisions in legislation that allowed for the deprivation of liberty of persons with disabilities on the basis of impairment and that it establish a monitoring mechanism.¹⁰

11. The same Committee also expressed concern about violence against and abuse of persons with disabilities, that the Family Protection Act was not aligned with the Convention on the Rights of Persons with Disabilities, that there were cases of abuse of children with disabilities, that complaint mechanisms were inaccessible, that there was no monitoring mechanism, that cases were not properly investigated and that perpetrators were not punished. The Committee recommended that Vanuatu amend the Family Protection Act in line with the Convention and improve the protection of persons with disabilities, protect children with disabilities from all forms of violence and abuse, including by expediting the enactment of the child protection bill, ensuring its alignment with the Convention, establish accessible mechanisms for persons with disabilities to report abuse, strengthen the capacity of authorized persons under the Family Protection Act to protect and support persons with disabilities, and increase the capacity of the Family Protection Unit under the police to investigate and prosecute perpetrators of violence against persons with disabilities.¹¹

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

12. The United Nations country team noted a backlog of cases by the judiciary and that people in remote areas faced limited access to justice and law enforcement officials had limited knowledge of international human rights provisions and lacked capacity in dealing with victims. It observed that the police force had reportedly not always upheld legal safeguards against arbitrary arrest and detention, that long periods of pretrial detention were not uncommon and that authorities had not been effective in punishing and preventing police brutality cases, while prisons suffered from overcrowding, violence, poor conditions and lax management.¹²

13. The United Nations country team recommended that Vanuatu strengthen the capacity of the judiciary on human rights and raise awareness of human rights among judges, prosecutors, lawyers and law enforcement officials, exert more effort to ensure the compliance of law enforcement conduct with international human rights standards, ensure that the conditions in places of deprivation of liberty complied with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and increase the capacity of law enforcement agencies through training on human rights and gender-sensitive treatment.¹³

14. The Committee on the Rights of Persons with Disabilities expressed concern about the limited access to justice for persons with disabilities due to various barriers, including the lack of physical accessibility, procedural accommodation and legal aid, and about the low level of awareness among the judiciary and the police about the rights of persons with disabilities.¹⁴ The United Nations country team expressed similar concerns.¹⁵ The Committee recommended ensuring that persons with disabilities had access to procedural accommodation, free legal aid and accessibility provisions and were not denied reasonable accommodation, strengthening training for the judiciary and law enforcement personnel and raising awareness among persons with disabilities about their right to access to justice.¹⁶

4. Fundamental freedoms and the right to participate in public and political life

15. The United Nations country team noted reported cases of elected officials being accused of threatening journalists for critical reporting and of the enforcement of criminal libel laws to limit freedom of expression. It highlighted that the Penal Code allowed for prosecution for making false statements on the Internet.¹⁷ The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation was criminalized under the Penal Code and that, although the Right to Information Act 13 of 2016 established the role of Information Commissioner, no one had yet been appointed to that role.¹⁸

16. The United Nations country team and UNESCO recommended decriminalizing defamation in accordance with international standards.¹⁹ The United Nations country team also recommended that Vanuatu accelerate the introduction of a law on freedom of information aligned with international standards.²⁰ UNESCO encouraged Vanuatu to assess the appointment system for the Telecommunications and Radiocommunications Regulator to ensure that that body was independent, and appoint an Information Commissioner.²¹

17. The Committee on the Rights of Persons with Disabilities recommended that Vanuatu adopt legislative and administrative measures, including an amendment of the Representation of the People Act (2006), to ensure that persons with disabilities enjoyed their right to fully participate in the electoral process, adopt a strategy to promote the participation and effective representation of persons with disabilities in political and public life and in decision-making positions at the national, provincial and community levels, and provide information on electoral processes in accessible formats.²²

5. Right to marriage and family life

18. The United Nations country team highlighted that the registration of customary marriages was not mandatory, which prevented women from claiming their legal rights. It recommended adopting laws that enabled the registration of marriages.²³

19. The Committee on the Rights of Persons with Disabilities and the United Nations country team expressed concern about discriminatory legislation on family and marriage,

including the Matrimonial Causes Act (1986), that prohibited marriage on the grounds of disability and about insufficient support services provided for children with disabilities and their families. They both recommended that Vanuatu repeal or amend legislation on family and marriage that allowed for discrimination against persons with disabilities.²⁴ The Committee also recommended providing adequate support for families of children with disabilities to ensure that such children were not separated from their family on the grounds of disability and that children were not separated from their parents with disabilities.²⁵

6. Prohibition of all forms of slavery, including trafficking in persons

20. The United Nations country team noted that, when available, protection services for victims of trafficking in persons were time-limited and authorities conditioned some services on the participation of victims in court proceedings. It recommended that Vanuatu develop and implement comprehensive standard operating procedures for victim identification and referral, provide systematic training for all relevant officials and allocate resources for, and implement, victim protection benefits.²⁶

7. Right to work and to just and favourable conditions of work

21. The United Nations country team noted that the typical requirement at financial institutions for land or vehicles as collateral or a 100 per cent cash deposit restricted women's access to capital. It recommended that Vanuatu revise policies and legislation to enable all workers to access services and capital, reduce the burden on women by addressing issues such as unpaid care and domestic work and the adverse effects of labour mobility plans and adopt comprehensive legislation to combat discrimination in the workplace.²⁷

22. The Committee on the Rights of Persons with Disabilities expressed concern about insufficient employment opportunities for persons with disabilities, limited reference to the rights of persons with disabilities in the Employment Act (2006), the lack of monitoring mechanisms, the lack of individualized support for persons with disabilities in the workplace, the facts that the mandate of the Labour Inclusion Officer was limited to facilitating participation in seasonal employment and that the cost of obtaining business licences remained an obstacle, and the lack of official employment data on persons with disabilities. The Committee recommended that Vanuatu adopt legislative and other measures, including an amendment of the Employment Act, to promote employment opportunities for persons with disabilities in the open labour market on an equal basis with others, ensure that labour inspectors had the mandate and resources to effectively monitor working conditions, ensure that persons with disabilities were not denied reasonable accommodation in the workplace, strengthen the capacity of the Labour Inclusion Officer to facilitate stable employment opportunities, promote self-employment opportunities among persons with disabilities and collect data on the employment of persons with disabilities.²⁸

8. Right to social security

23. Noting that women were more likely to work in informal employment, the United Nations country team recommended that Vanuatu adopt programmes to reduce women's unemployment and promote women's access to employment in the formal sector with adequate social security coverage, and monitor the working conditions of self-employed women and women in the informal economy and ensure that they had access to social protection.²⁹

24. The Committee on the Rights of Persons with Disabilities expressed concern that persons with disabilities remained at the highest risk of poverty and that there was a lack of social protection programmes targeting persons with disabilities in the National Disability-Inclusive Development Policy. The Committee recommended adopting social protection programmes for persons with disabilities, allocating an adequate budget and ensuring that assessment and eligibility criteria for social protection and poverty reduction programmes were aligned with the Convention on the Rights of Persons with Disabilities.³⁰

9. Right to an adequate standard of living

25. The United Nations country team reported that about 19 per cent of ni-Vanuatu, primarily in rural areas, lived below the national poverty line. It recalled that, in 2023, the Government had signed a new minimum wage order to increase the national minimum hourly wage rate.³¹

26. The Food and Agriculture Organization of the United Nations (FAO) highlighted that four in every five households in Vanuatu depended on agriculture for their livelihoods and food security and that, even before the cyclones on 1 and 3 March 2023, 10 per cent of people in Vanuatu grappled with undernourishment, while 20.9 per cent experienced moderate levels of food insecurity.³² The United Nations country team noted an erosion of traditional lifestyles, food systems and diets, reduced dietary diversity and increased dependence on imported foods, often of poor nutritional value.³³

27. The United Nations country team recommended that Vanuatu improve the resilience of agricultural production systems through sustainable and climate-smart agricultural practices across the food supply chain, increase knowledge and positive attitudes to promote local, nutritious and healthy food, invest in agriculture, infrastructure, technology and innovations, strengthen institutional capacity and develop investment plans for food and nutrition, modernize and commercialize the agricultural sector and support the production and export of value-added products.³⁴

10. Right to health

28. The World Health Organization (WHO) reported that Vanuatu, in the same way as other countries in the Western Pacific region, suffered a disproportionate burden from non-communicable diseases, which accounted for a large percentage of deaths every year.³⁵ According to WHO data, from 3 January 2020 to 21 January 2024, there had been 12,019 confirmed cases of coronavirus disease (COVID-19), with 14 deaths.³⁶

29. The United Nations country team highlighted a landmark 2021 policy to provide contraceptive services at any time and at no cost to adolescents and young people aged 13 years and above, without parental consent. It recommended that Vanuatu accelerate the training of health workers to provide inclusive family planning services across the country to increase access to services, commence the roll-out of family life education and comprehensive sexuality education in secondary schools and increase the domestic funding allocation for sexual and reproductive health.³⁷

30. Noting that persons with disabilities were subjected to forced sterilization without their consent, the Committee on the Rights of Persons with Disabilities recommended that Vanuatu prevent and prohibit all forms of coercive medical treatment of persons with disabilities without their free and informed consent.³⁸

31. The same Committee expressed concern about the limited access to health-care services for persons with disabilities, the insufficient training for health-care personnel on the rights of persons with disabilities, the lack of access to sexual and reproductive health-care services for persons with disabilities and the lack of related data. It recommended adopting measures to implement legislative measures to ensure that persons with disabilities had access to affordable, accessible and quality health services on an equal basis with others, ensuring that health-care professionals received training, ensuring that persons with disabilities had access to sexual and reproductive health-care services, and collecting relevant disaggregated data.³⁹

11. Right to education

32. UNESCO highlighted that the Constitution did not enshrine the right to education and that the Education Act of 2014 did not comprehensively enshrine the compulsory nature of education. It recommended that Vanuatu enshrine in the Constitution the right to education for all without discrimination, revise the legislation to provide free primary and secondary education for at least 12 years, of which at least 9 being compulsory, introduce at least one year of free compulsory pre-primary education and strengthen efforts to increase the enrolment rate and to finance education by allocating at least 4–6 per cent of gross domestic

product and/or 15–20 per cent of public expenditure to education.⁴⁰ The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) encouraged Vanuatu to pursue its efforts to ensure access to free basic education.⁴¹

33. The United Nations country team reported challenges with providing quality early childhood care and education, a high dropout rate among girls in secondary schools, difficulties accessing tertiary education and incidents of violence and sexual violence within schools and corporal punishment by teachers. It also reported a link between the engagement of children in child labour and access to free basic education. It recommended that Vanuatu establish early childhood care and education as a formal part of the education system, revise the national curriculum, provide for in-service professional development mechanisms for teachers, take effective measures to retain children in school and increase their attendance through financial assistance, ensure that girls were not expelled from school on grounds of pregnancy, that young mothers could return to school and that appropriate sanctions were imposed if their right to education was denied, and expand multiple learning pathways beyond secondary in support of technical and vocational education and training and higher education opportunities.⁴²

34. The Committee on the Rights of Persons with Disabilities noted that many children with disabilities remained at home and did not receive support to access inclusive education, that one of two schools with inclusive education had stopped its programme due to budgetary constraints and that there was a lack of accessible educational materials, facilities and accessible communication formats in schools and insufficient training for teachers and staff on the right to inclusive education. It recommended that Vanuatu raise awareness among families of children with disabilities about the right to inclusive education, provide sufficient resources and continue efforts to implement the Inclusive Education Policy and Strategic Plan (2010–2020), ensure that persons with disabilities were not denied reasonable accommodation and ensure continuous training on inclusive education.⁴³

12. Cultural rights

35. The United Nations country team asserted that cultural heritage was the cornerstone of community identity in Vanuatu and had a critical role to play in maintaining social cohesion and reducing disaster risk, and that monitoring and adapting to environmental changes were fundamental parts of that heritage. It recommended that Vanuatu ensure that Indigenous knowledge and, by extension, intangible cultural heritage were considered and included at every step of the disaster management cycle.⁴⁴

13. Development, the environment, and business and human rights

36. The United Nations Development Programme reported that, although Vanuatu had graduated from least developed country status in December 2020, the unexpected challenges of 2020 had shocked all of the region's economies, with poverty levels and inequality greatly increasing and Sustainable Development Goal indicators sliding backwards in some areas. UNDP stated that decisive action was needed to halt that regression.⁴⁵

37. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) underscored that Vanuatu had the highest disaster risk rating of any country in the world, driven by a high rate of exposure to extreme natural events such as cyclones, earthquakes, tsunamis, landslides and coastal flooding.⁴⁶ The United Nations country team reported that Cyclones Judy and Kevin had caused extensive devastation. In its response, the Government had sought to incorporate a human rights-based approach. Assessments had found women to be disproportionately affected by climate-related disasters, but that there had been progress to ensure that climate change and disaster risk reduction policies, projects and governance mechanisms were gender-responsive.⁴⁷

38. The United Nations country team recommended that Vanuatu integrate a human rights-based approach into all humanitarian and recovery interventions to respond to natural disasters, take measures to increase the participation and leadership of women, persons with disabilities, children and youth in related decision-making processes, monitor the gender and social inclusion identified actions in the Vanuatu Climate Change and Disaster Risk Policy,

invest in human resources, training, digital literacy and capacity-building for the production of science-based data and knowledge, and support science communication.⁴⁸

39. The Committee on the Rights of Persons with Disabilities recommended that Vanuatu improve the accessibility of warning information for persons with all types of impairment, closely consult persons with disabilities on the design and implementation of disaster risk reduction plans and continue to ensure that the National Disaster Management Office adequately addressed the specific requirements of all persons with disabilities in disaster risk responses.⁴⁹

B. Rights of specific persons or groups

1. Women

40. The United Nations country team and UN-Women asserted that several critical factors affected gender relations in Vanuatu, including patriarchal values introduced through religion and colonial power structures and *kastom*, or Indigenous knowledge. With parental consent, it was legal for girls to marry at the age of 16 and for men to marry at the age of 18, while *kastom* could require a “bride price” to be paid upon marriage by a groom to the bride’s family.⁵⁰ The United Nations country team noted that women had restricted access to justice, particularly on the outer islands, due to limited knowledge about their rights and limited access to legal assistance. It recommended that Vanuatu establish a comprehensive strategy to eliminate discriminatory gender stereotypes, develop a strategy to ensure that traditional justice mechanisms complied with international human rights law when addressing complaints by women, and clarify the primacy of the principle of equality of women and men and prohibition of discrimination over customary law.⁵¹

41. Expressing concern about patriarchal attitudes and discriminatory stereotypes concerning women and girls with disabilities and about the lack of reasonable accommodation for them, the Committee on the Rights of Persons with Disabilities recommended that Vanuatu strengthen awareness-raising campaigns on the rights of women and girls with disabilities and ensure that they were not denied reasonable accommodation.⁵²

42. UN-Women reported that Vanuatu had a high rate of violence against women and girls and that access to the formal justice system for victims remained low for those unable to easily travel to a magistrates court.⁵³ The United Nations country team noted that gender-based violence was addressed under the National Gender Equality Policy 2020–2030, but that the Department of Women’s Affairs was underresourced to implement its mandated activities. It stated that the Family Protection Act 2008 included a relatively comprehensive definition of domestic violence, but that the Penal Code provided a narrow definition of rape. It also noted a lack of consistency in the implementation of laws on domestic violence by law enforcement agencies.⁵⁴

43. The United Nations country team recommended that Vanuatu: (a) adopt comprehensive measures to combat domestic violence and a “no drop” policy to ensure that all cases were properly investigated; (b) strengthen efforts to raise awareness that domestic violence was unacceptable, to educate women on their rights and to combat stereotypes and customary practices that perpetuated domestic violence; (c) develop an overarching national policy, plan or strategy on eliminating gender-based violence and an aligned institutional mechanism to ensure implementation; (d) focus on expanding service delivery for women experiencing violence; (e) develop a national prevention framework; (f) ensure adequate resourcing and budget allocations to both prevention and response; (g) ensure that victims had access to protection orders through authorized justices and local courts and that legal remedies and barriers to justice were addressed; (h) provide assistance to victims throughout its territory; (i) engage with the United Nations for technical assistance to review its legal frameworks; (j) consider mandatory reporting of rape and sexual violence by health professionals; and (k) consider developing a related information management system.⁵⁵

44. The Committee on the Elimination of Discrimination against Women welcomed that, regarding its recommendation to ensure that women who were victims of domestic violence had full access to protection orders and legal remedies, Vanuatu had appointed 12 authorized

persons to issue temporary protection orders in collaboration with a local non-governmental organization, and that legal assistance had contributed to the application of protection orders. The Committee regretted, however, that authorized persons did not ensure full access to protection orders and thus considered the recommendation partially implemented.⁵⁶

45. UN-Women observed that there were no temporary special measures in place to improve women's representation in national governance but that the Municipalities Amendment Act of 2013 had established a quota for women in local government elections and the number of women holding senior public sector positions was increasing.⁵⁷ The United Nations country team noted the election, in October 2022, of the first woman in Parliament since 2008, and reported that a quota for at least 30 per cent female candidates in each political party had been proposed in the political integrity bill but deprioritized several times due to political turmoil. It recommended that Vanuatu take steps to ensure women's equal participation in public and political life, pass the quota proposals in Parliament and undertake measures to ensure women's representation in the national Parliament, provincial councils and local and municipal councils.⁵⁸

2. Children

46. The United Nations country team asserted that the most widespread child protection concern in Vanuatu was violence against children, notably violent discipline at home. Children also faced exploitation through forced labour and commercial sexual exploitation. It recommended that Vanuatu implement child protection-related recommendations of international human rights mechanisms, devote greater resources to addressing violence against children, including developing a social service workforce, and break the intergenerational cycle of violence against women and children by focusing on prevention, including through behaviour change efforts at the community level and the promotion of positive parenting.⁵⁹

47. The United Nations country team reported that Vanuatu lacked comprehensive child protection legislation, with a child protection bill having been drafted to fill gaps. Although the Penal Code included relatively comprehensive provisions penalizing violence against children, the abduction and sale of and trafficking in children were not adequately addressed. There was no comprehensive child justice law, although a juvenile justice bill had been drafted to address gaps. The United Nations country team recommended that Vanuatu expedite the legislative process to bring the juvenile justice system into line with the Convention on the Rights of the Child and enact and implement pending child rights-related legislation, including the child protection bill, the juvenile justice bill and the adoption bill.⁶⁰

48. The United Nations country team and UNESCO highlighted that the Control of Marriage Act provided for a minimum age of marriage of 16 years for girls.⁶¹ The United Nations country team recommended that Vanuatu abolish child, early and forced marriage by setting the minimum age for marriage for both men and women at 18 years.⁶²

49. The ILO Committee of Experts requested Vanuatu to take measures to combat the sexual exploitation of children by ensuring that sections 101B and 101C of the Penal Code were effectively applied, and encouraged identifying the root causes of the phenomenon.⁶³

50. The same Committee highlighted information from the Government that its employment legislation, in particular the Employment Act, was under review. The Committee requested Vanuatu to take measures to ensure that the legislation was amended to prohibit the engagement of children under 18 years of age in hazardous work, and to ensure the adoption of a list of types of hazardous activities prohibited to children. The Committee requested strengthening the capacities of the labour inspectorate and police units to improve their ability to identify and withdraw children engaged in the worst forms of child labour, and to ensure that sufficient related data were made available.⁶⁴

3. Persons with disabilities

51. The Committee on the Rights of Persons with Disabilities welcomed, *inter alia*, the adoption of the National Disability-Inclusive Development Policy but expressed concern about the delay in the repeal and amendment of legislation that was not in line with the Convention on the Rights of Persons with Disabilities following a 2016 legislative review,

the lack of a specific law to enforce policies and action plans and the limited implementation of the Policy.⁶⁵ The Committee and the United Nations country team recommended enacting a disability bill that included the human rights model of disability enshrined in the Convention.⁶⁶ The Committee also recommended that Vanuatu repeal or amend all discriminatory legislation, enact an assessment mechanism and adopt measures to effectively implement the Policy.⁶⁷

52. The same Committee noted with concern that buildings were not accessible for persons with disabilities despite the adoption of the National Building Code in 2013 and that there was a lack of accessible transportation, limited access to information and communications technology, inadequate access to remedies and no legal sanction for non-compliance with accessibility standards and guidelines. The Committee recommended that Vanuatu allocate sufficient resources to implement the Code, ensure available accessible public transport throughout the country, enforce the Information and Communication Technology Policy (2012) to provide access for persons with disabilities, develop the use of all accessible formats and adopt capacity-building programmes for translators working with those formats, and establish a mechanism to monitor compliance with article 9 of the Convention, provide remedies and introduce sanctions for non-compliance.⁶⁸

53. The same Committee recommended that Vanuatu repeal and amend all legal provisions restricting the legal capacity of persons with disabilities on the basis of impairment, replace all substituted decision-making regimes with supported decision-making regimes and increase awareness about the right to equal recognition before the law.⁶⁹

54. The same Committee expressed concern that, despite the adoption of the Community-Based Rehabilitation Action Plan (2014–2024), there was insufficient support for persons with disabilities to enable them to live independently in the community. It recommended allocating adequate resources to provide such support and establishing mechanisms to monitor the Action Plan.⁷⁰

55. The same Committee and the United Nations country team recommended that Vanuatu develop a national sign language, provide training for sign language interpreters and introduce a certification system, and adopt legislative and other measures to improve the availability of all public information in accessible formats.⁷¹

56. The United Nations country team reported that fully accessible and disability-inclusive sexual and reproductive health services were scarce in Vanuatu. It recommended that Vanuatu mainstream the interests of women and young people with disabilities across national action plans, strategies and policies, ensure consultation in decision-making processes, improve the availability of disability-inclusive services for gender-based violence and sexual and reproductive health, eliminate the use of all derogatory terminology regarding persons with disabilities and accelerate efforts, including investments, towards inclusive education.⁷²

4. Lesbian, gay, bisexual, transgender and intersex persons

57. The United Nations country team stated that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons continued to suffer discrimination due to a lack of protection policies. Although same-sex relations were not criminalized, there were no anti-discrimination laws or policies in place, violence against the LGBTI community remained widespread and transgender people were not allowed to change their gender markers on legal documents.⁷³

58. The United Nations country team recommended that Vanuatu establish national policies to protect people from discrimination based on sexual orientation, gender identity and sex characteristics, repeal all discriminatory legislation restricting the human rights of LGBTI persons, increase community awareness of the human rights of LGBTI persons, eradicate all violence and discrimination and promote inclusion, revise the Family Protection Act 2008 to cover all types of family violence, and provide information and sexual and reproductive health services to people who identified as having diverse sexual orientation and gender identity.⁷⁴

5. Migrants, refugees and asylum-seekers

59. UNHCR reiterated its concerns that, while the Immigration Act referred to the non-refoulement principle, there were stipulated exceptions to the application of that principle, that refugee status determination processes prescribed in the Act included additional grounds for exclusion from refugee status and that there were no provisions in the Act for procedures or complementary forms of protection for persons facing threats to their right to life or torture in their country of origin. UNHCR recommended that Vanuatu amend provisions of the Immigration Act that were not consistent with the Convention relating to the Status of Refugees and adopt provisions for complementary protection in the Act, in line with its non-refoulement obligations. It also recommended that Vanuatu seek technical support from UNHCR.⁷⁵

6. Internally displaced persons

60. UNHCR noted that Vanuatu was highly susceptible to natural disasters, which increased risks of displacement, and that Vanuatu had built on its efforts to address displacement, including through the 2018 National Policy on Climate Change and Disaster-Induced Displacement. UNHCR asserted that the sustained involvement of Vanuatu at the regional and international levels would assist in its efforts to respond – through national and regional frameworks, plans, agreements and other mechanisms – to displacement in the country and better position the Government to provide protection interventions and to safeguard the lives and livelihoods of those displaced.⁷⁶

7. Stateless persons

61. UNHCR reported that the Constitution, in conjunction with the Citizenship Act 1980, set out eligibility for nationality such that children born to one or more citizens of Vanuatu automatically acquired nationality. A child born in the country to parents who were stateless, foreigners who were unable to pass on their nationality or parents who were unknown, would thus be rendered stateless. UNHCR recommended that Vanuatu undertake mapping studies to enable better identification of stateless people and statelessness issues, and revise its nationality laws to provide access to citizenship for children born in Vanuatu who would otherwise be stateless, and for foundling children born in its territory.⁷⁷

62. UNHCR highlighted that the civil registration system continued to face various challenges, including regarding rural populations, displacement caused by natural disasters and limited coordination between government departments. It recommended strengthening the civil registration and vital statistics system and ensuring that the births of all children were registered, including through partnerships with international and regional actors, outreach campaigns to people at risk of statelessness and the implementation of relevant action plans and policies.⁷⁸

Notes

¹ [A/HRC/41/10](#) and [A/HRC/41/2](#).

² [CRPD/C/VUT/CO/1](#), para. 9.

³ United Nations country team submission for the universal periodic review of Vanuatu, para. 4.

⁴ UNHCR submission for the universal periodic review of Vanuatu, pp. 3 and 4.

⁵ United Nations country team submission, para. 72.

⁶ *Ibid.*, paras. 8 and 13 (h).

⁷ *Ibid.*, paras. 34 and 36 (a).

⁸ *Ibid.*, paras. 13 (a) and (b) and 14.

⁹ [CRPD/C/VUT/CO/1](#), paras. 10 and 11.

¹⁰ *Ibid.*, paras. 26 and 27.

¹¹ *Ibid.*, paras. 28 and 29.

¹² United Nations country team submission, paras. 33 and 35.

¹³ *Ibid.*, para. 36 (b)–(e).

¹⁴ [CRPD/C/VUT/CO/1](#), para. 24.

¹⁵ United Nations country team submission, para. 69.

¹⁶ [CRPD/C/VUT/CO/1](#), para. 25.

- 17 United Nations country team submission, paras. 37 and 38.
- 18 UNESCO submission for the universal periodic review of Vanuatu, paras. 18, 20 and 21.
- 19 United Nations country team submission, para. 40 (a); and UNESCO submission, para. 24.
- 20 United Nations country team submission, para. 40 (a).
- 21 UNESCO submission, paras. 25 and 26.
- 22 [CRPD/C/VUT/CO/1](#), para. 49.
- 23 United Nations country team submission, paras. 7 and 13 (e).
- 24 [CRPD/C/VUT/CO/1](#), paras. 38 and 39 (a); and United Nations country team submission, paras. 6 and 13 (b).
- 25 [CRPD/C/VUT/CO/1](#), para. 39 (b).
- 26 United Nations country team submission, paras. 42 and 44.
- 27 *Ibid.*, paras. 48 and 49 (a), (b) and (d).
- 28 [CRPD/C/VUT/CO/1](#), paras. 44 and 45.
- 29 United Nations country team submission, paras. 47 and 49 (c).
- 30 [CRPD/C/VUT/CO/1](#), paras. 46 and 47.
- 31 United Nations country team submission, paras. 45 and 59.
- 32 FAO, “Vanuatu: response overview: August 2023” (Rome, 2023), p. 1.
- 33 United Nations country team submission, para. 60.
- 34 *Ibid.*, para. 62.
- 35 WHO, *Regional Action Framework for Noncommunicable Disease Prevention and Control in the Western Pacific* (Manila, 2023), pp. 3 and 4.
- 36 See <https://covid19.who.int/region/wpro/country/vu> (accessed 9 February 2024).
- 37 United Nations country team submission, paras. 50 and 51.
- 38 [CRPD/C/VUT/CO/1](#), paras. 30 and 31.
- 39 *Ibid.*, paras. 42 and 43.
- 40 UNESCO submission, paras. 2, 4 and 23 (ii)–(vi).
- 41 See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3995905,103350,Vanuatu,2019.
- 42 United Nations country team submission, paras. 52–57 and 58 (a)–(d) and (f).
- 43 [CRPD/C/VUT/CO/1](#), paras. 40 and 41.
- 44 United Nations country team submission, paras. 77 and 78 (f).
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- 47 United Nations country team submission, paras. 73, 75 and 76.
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- 59 *Ibid.*, paras. 63 and 67.
- 60 *Ibid.*, paras. 9 and 13 (f) and (g).
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- 62 United Nations country team submission, para. 23 (e).
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- 68 *Ibid.*, paras. 18 and 19.

⁶⁹ Ibid., para. 23.

⁷⁰ Ibid., paras. 32 and 33.

⁷¹ Ibid., para. 37; and United Nations country team submission, para. 40 (c).

⁷² United Nations country team submission, paras. 68 and 71 (c)–(g).

⁷³ Ibid., paras. 16, 30 and 31.

⁷⁴ Ibid., paras. 23 (a) and 32 (b)–(f).

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⁷⁶ Ibid., pp. 1 and 2.

⁷⁷ Ibid., p. 4.

⁷⁸ Ibid., p. 5.
