



Human Rights Council
Working Group on the Universal Periodic Review
Forty-sixth session
29 April–10 May 2024

Summary of stakeholders' submissions on Vanuatu*

Report of 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 periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 15 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. AI recommended that Vanuatu ratify and implement the core human rights treaties, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Labour Organization Protocol of 2014 to the Forced Labour Convention 1930 (No. 29).⁴

3. AI and ECLJ recommended that Vanuatu ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.⁵

4. CGNK recommended that Vanuatu ratify the Convention on the Prevention and Punishment of the Crime of Genocide.⁶

5. AI highlighted that in March 2023 the United Nations General Assembly adopted a resolution put forward by Vanuatu asking the International Court of Justice to consider State responsibilities with respect to the climate crisis.⁷

* The present document is being issued without formal editing.



B. National human rights framework

Institutional infrastructure and policy measures

6. AI reported that Vanuatu did not have a national human rights institution, despite committing to establish one, and that consultations had been initiated in 2021.⁸ It recommended that Vanuatu prioritise efforts to establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and seek technical assistance where necessary.⁹

7. JS2 expressed concern about the lack of integration of human rights into national planning, reporting and follow-up mechanisms in Vanuatu. While acknowledging the National Sustainable Development Plan, it indicated that efforts did not include a national mechanism for the systematic integration of human rights, at the planning, implementation, or monitoring level, nor a human rights recommendation plan, and observed that there was no national body in place for universal periodic review reporting and follow-up, that the Ministry of Justice was assigned responsibility for human rights issues but was not systematically connected with other Ministries, that there was no human rights responsibility assigned to the national planning agency, and that planning at the Ministry or Department levels did not include a human rights mandate.¹⁰ It noted that a national Human Rights Committee had been established in 2013, and was charged with overseeing all human rights obligations, including establishing a National Human Rights Institution, but was not active and had no budget.¹¹

8. JS2 recommended that Vanuatu develop and strengthen the capacity, structure, and functioning of the Human Rights Committee through funding and capacity development support, review Committee membership to ensure it is inclusive, diverse, and active, mandate the systematic integration of human rights into all national, ministry, and department level planning, implementation and monitoring, implement the United Nations Good Practices guidelines for the implementation of the recommendations of the 4th Periodic Review, develop a consolidated workplan and budget for the universal periodic review and all human rights treaties recommendations for the Committee, and integrate the actions and cost into the respective annual government Ministry's business plan.¹²

C. Promotion and protection of human rights

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

Equality and non-discrimination

9. AI noted that the Constitution of Vanuatu prohibited discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language, or sex.¹³ It recommended that Vanuatu enact comprehensive anti-discrimination laws that include discrimination on the basis of sex, sexual orientation, gender identity, sex characteristics, disability, race, political opinion, and religious beliefs.¹⁴

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

10. AI asserted that ill treatment by police and prison officials was not uncommon, resulting in a lack of trust in the criminal justice system. It stated that policing could be improved with strong, independent, and effective, accountability mechanisms, and that Vanuatu should ensure effective, impartial, prompt, and independent investigations by establishing a separate body to receive and investigate complaints against the police.¹⁵ AI recommended that Vanuatu implement the Optional Protocol on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure security officers receive adequate training on use of force and firearms on a regular basis.¹⁶

11. AI recommended that Vanuatu address problems with the prison system, including over-crowding and unsanitary conditions, and reduce the numbers of detainees held on remand.¹⁷

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

12. TIV praised the establishment of an Anti-Corruption Authority, with powers assigned between the Office of the Public Prosecutor and the Ombudsman's Office, and the enactment of a Bribery and Corruption Bill and a Whistle Blower Bill.¹⁸ TVI recommended that Vanuatu take all necessary measures to ensure a thorough consultation with stakeholders across the country so that they understand the Corruption Bill and provide comments on the proposal prior to any legislative drafting, and adopt the Corruption Bill as legislation.¹⁹

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

13. AI asserted that the right to freedom of expression lacked adequate protection in law and practice, and drew attention to concerns about the criminalisation of freedom of expression online, including under the Cybercrime Act No.22 of 2021 and the re-introduction of criminal defamation provisions under Articles 120 and 121 of the Penal Code Act, and related arrests.²⁰ AI recommended that Vanuatu repeal Articles 120 and 121 of the Penal Code Act (as amended in 2021) that criminalise defamation and were incompatible with international human rights laws and standards on acceptable limitations on the right to freedom of expression, amend the Cybercrime Act No 22 of 2021 to be consistent with international human rights laws and standards, refrain from any reprisals or acts of intimidation against journalists, civil society organisations and other individuals merely for peacefully exercising their right to freedom of expression or for expressing a political opinion or belief, and immediately and unconditionally drop charges against the four individuals who were the first charged under the Cybercrime Act.²¹

14. While commending the adoption of the Right to Information Act in 2016, providing for, inter alia, the appointment of an Information Commissioner to hear, investigate and make a decision on appeals filed under the Act and to monitor compliance by government agencies of the Act, TIV noted that the Right To Information Unit did not have its own budget as a statutory institution, which had limited its work, and that an Information Commissioner was yet to be appointed.²² TIV recommended that Vanuatu take appropriate measures to strengthen the work of the Unit in promoting the right to information, especially in the rural areas, by allocating adequate resources to the Unit, and appoint an Information Commissioner to ensure that the Right to Information Act could be implemented.²³

15. TIV asserted that there were no checks on political party financing and no other external mechanisms to ensure accountability or integrity. TIV noted that in 2019 the government had introduced the Bill for the Political Parties Registration Act, applicable to elections after 2020, including a provision to ensure a strong sustainable political party system by requiring political parties to be established according to criteria that support political integrity, good governance, development, nation-building, and financial transparency. The Bill was scheduled to be tabled again in May 2023, but was withdrawn.²⁴ TIV recommended that Vanuatu pass the Bill for the Political Parties Registration Act No. of 2019, implement an accurate electoral roll and voting system that is not subject to abuse, revise the Standing Orders of Parliament and regulations of members' allocations and rules for the use of the motion of no confidence, and amend the Ombudsman Act and Leadership Code Act to expand the Ombudsman's powers and ensure that there are consequences for breaches of the Leadership Code.²⁵

Right to marriage and family life

16. AI noted that in 2021 the Marriage Act had been amended to recognise all religious, civil, and customary marriages, but that in practice not all marriages were registered.²⁶ AI recommended that Vanuatu ensure all persons, including those on outer islands, were encouraged and able to register all births, deaths, and marriages.²⁷

Prohibition of all forms of slavery, including trafficking in persons

17. ECLJ recommended that Vanuatu adopt more legislation specifically addressing human trafficking, particularly regarding women and children.²⁸

Right to social security

18. JS2 expressed concern that there was an overall lack of social protection in Vanuatu. It contended that this could be attributed to multiple factors, including the absence of comprehensive national data, an unclear definition of social protection specific to the country, and the absence of an income tax system.²⁹ JS2 recommended that Vanuatu develop a comprehensive plan for the definition, funding, and implementation of an effective social protection program in Vanuatu, in line with the Sustainable Development Goals, human rights, Pacific standards and the Vanuatu context, review the existing tax system and develop an income tax mechanism for both the formal and informal sectors in Vanuatu, designed to fund social protection, and establish a Vanuatu social welfare system.³⁰

Right to an adequate standard of living

19. JS2 highlighted that there were inadequate housing projects to meet the needs of the growing urban population, and recommended that Vanuatu develop a housing project to accommodate the growing population, especially in urban areas.³¹

Right to health

20. AI highlighted that abortion was illegal in most circumstances under the Vanuatu Penal Code except for “good medical reasons”, which it deemed highly restrictive.³² It recommended that Vanuatu repeal section 117 of the Penal Code Act to ensure universal, safe, and legal access to voluntary termination of pregnancy for all women, girls and pregnant people and guarantee the provision of relevant services, including post-abortion care and evidence-based abortion information.³³ ECLJ also commented on issues related to abortion.³⁴

21. FMSI asserted that underage pregnancy was increasing, and recommended that the health sector work closely with the educational sector to address the issue, and raise awareness about contraception methods with students.³⁵

22. JS2 acknowledged various government efforts on health, notably the Health Sector Strategy, but asserted that the stated priorities and activities were not fully implemented and were insufficiently resourced, that rural people did not have sufficient access to health care facilities and services and needed to pay expensive transportation fees to access services, and that the incidence of non-communicable diseases continued to rise. It reported that health care facilities were also not regularly stocked, which posed particular issues given the frequency of natural disasters in Vanuatu, while there was a lack of skilled health workers.³⁶

23. JS2 recommended that Vanuatu substantially increase funding in order to resource the implementation of the Ministry of Health Corporate Plan 2021–2030, ensuring additional, renovated and fully equipped health centres, especially in remote rural areas, address the need to have trained and skilled personnel to staff health facilities, especially in the provinces, ensure adequate medical storage, with full stocks of medical supplies and equipment in the municipal and remote areas in the six provinces, provide capacity development for services delivery, system processes and health information systems, and ensure accessible infrastructure in all the provinces.³⁷

Right to education

24. JS2 and KoBLE asserted that, despite the existing education sector policies, including the Education and Training Sector Strategy 2020–2030, and commitments made at the international level, Vanuatu lacked access to quality education. They expressed concern about a lack of trained teachers, an outdated curriculum under review, overcrowded classrooms in urban areas, low literacy rates, a large allocation of the budget for the staff pay roll with limited spending on operations and activity implementation, no budget for adult literacy, out of school children and youth, and insufficient data on education.³⁸

25. FMSI noted that that enrolment figures for vocational or technical education indicated limited access to, or awareness of, available programs, and that there were more females than males enrolled at secondary level while twice as many males as females enrolled in vocational schools. It highlighted a number of barriers to education, including school fees, long distances to schools for rural students, lack of parental support or valuing of education, poor road and education facility infrastructure, the desire for immediate income, parental perception of increased exposure to sexual activity, and conflicts between culture and education.³⁹ Both FMSI and JS2 noted the impact of disasters on education facilities, including the use of school buildings as evacuation centres.⁴⁰

26. JS2 and KoBLE recommended that Vanuatu enforce free and compulsory primary education for all children without discrimination and remove parents' contribution charge, strengthen the coordination, implementation, monitoring and evaluation of education sector policies, review existing education sector policies and the bullying and harassment policy, review the current student/ teacher ratio, increase the budget allocation for school facilities, strengthen the sanitation of school facilities, ensure alignment between education strategies, the policy framework, delivery and access, and strengthen the education management information system for effective data collection and management.⁴¹

27. FMSI recommended that Vanuatu enhance the perception of the relevance of education to future goals and income for both parents and children, increase community-level awareness about the practical benefits of education for future life activities, promote awareness that parental responsibilities in education require active involvement, and allocate additional resources to vocational education pathways. It further recommended raising awareness on the links between knowledge and local industry skills, reducing access issues through constructing more boarding schools, continuing with gender equity initiatives in education, raising awareness of the impacts of child labour on education, ensuring free education for all children, and creating more job opportunities for qualified graduates.⁴²

28. Broken Chalk made similar recommendations as those given immediately above, and additionally recommended that Vanuatu allocate more government spending to education, implement safety measures such as school-specific transportation to protect students, especially girls, during their commute to school, revise curricula to include cultural content and sensitivity, adapt teaching methods to diverse learning needs, develop standardised home-schooling materials available to students in emergencies, invest in devices and internet access in remote communities for students to participate in online learning, train teachers to engage effectively with students in emergencies, and invest in digital infrastructure and access to radios for educational content during emergencies.⁴³

Cultural rights

29. FA commended the government for putting in place a 2018 National Policy on Climate Change and Disaster-induced displacement to guide emergency and development planners working to address the needs of communities affected by displacement, and acknowledged the participation of Vanuatu in the Pacific Regional Culture Strategy 2022–2032 to foster an inclusive culture sector. It stated, however, that there was no report, policy, or strategy in place to encourage the awareness of cultural knowledge in times of displacement and during disaster, and that cultural protocols were never considered during a disaster.⁴⁴ FA called on the government to ensure the full implementation of the evacuation building plans, and to work with the Vanuatu Malvatumauri Council to develop a standard cultural protocols procedure for the movement of people into the evacuation centres during a disaster to ensure the cultural protocols are respected.⁴⁵

30. FA highlighted policy objectives under the Vanuatu National Development Plan 2016–2030, notably Social Pillar, SOC 1 on Vibrant Cultural identity, including to promote and protect indigenous languages.⁴⁶

31. FA praised the education curriculum, but expressed concern that there was no policy, plan, or strategy in place to integrate creative arts, including cultural heritage, knowledge and practice.⁴⁷ FA called on the government to include content in the school curriculum about the history of Vanuatu, emphasise how culture played an important role in uniting people of different cultures during pre-colonization and pre-independence periods, integrate into the

curriculum the importance of cultural governance within the modern age, increase the recognition and protection of owners of traditional knowledge, review the current policies and curriculum to capture local content in partnership with the Vanuatu National Culture Council, and review representation and membership of the Council to include representatives of civil society organizations.⁴⁸

Development, the environment, and business and human rights

32. AI highlighted that Vanuatu had revised and enhanced its commitments to tackle the climate crisis in August 2022, registering its plans with the UN to phase out fossil fuels and rely on 100% renewable energy by 2030.⁴⁹

33. AI recommended that Vanuatu ensure inclusive consultation, particularly with marginalised individuals including women, those living in outer islands, persons with disabilities, and lesbian, gay, bisexual, transgender and intersex people, in the National Advisory Board on Climate Change and Disaster Risk Reduction and the disaster and climate change committees, ensuring their effective participation in the planning, decision-making and implementation processes of the National Policy on Climate Change and Disaster Risk Reduction.⁵⁰

34. AI additionally recommended that Vanuatu further mainstream human rights in the formulation of policies and measures taken towards the mitigation and adaptation to climate change, and, in this regard, seek support, examples, and lessons from other countries facing significant adaptation challenges, as well as from international organisations, civil society, states, and other actors with technical capacity in this area.⁵¹

2. Rights of specific persons or groups

Women

35. AI and UPR-BCU highlighted that in spite of some government efforts, violence against women remained consistently high.⁵² While recognizing enactment of the Family Protection Act (2008) that criminalized domestic violence and provided for temporary civil protection orders, VWCC asserted that implementation fell short regarding the issuance of protection orders, notably as authorized persons were not remunerated and were appointed only for the main islands.⁵³

36. AI recommended that Vanuatu review the civil and traditional legal systems to align them with the Convention on the Elimination of All Forms of Discrimination against Women, put in place a comprehensive strategy to address discriminatory gender stereotypes and patriarchal attitudes and active policies to reverse social discrimination affecting women and protect them in cases of gender-based violence, continue to strengthen the Department of Women's Affairs and intensify efforts to combat gender-based violence, ensuring that perpetrators of such acts are duly prosecuted and that the police, prosecutors, judges and lawyers are provided with gender-sensitivity training, ensure the allocation of adequate resources for the training of law enforcement and medical personnel, for investigations and the prosecution of perpetrators of these crimes, and for provision of holistic services for survivors, amend all relevant legislation and introduce new legislations to ensure gender equality and the prohibition of discrimination based on gender, and take all necessary measures in order to enforce and implement them, and amend the definition of "rape" in the Penal Code to explicitly include spousal rape as an offence.⁵⁴

37. UPR-BCU recommended that Vanuatu fully engage with the recommendations made during the universal periodic review regarding domestic abuse, setting out specific plans for implementation, provide updated accurate statistics regarding investigations and prosecutions of domestic abuse cases, ensure that the National Gender Equality Policy is implemented in practice, ensuring targets are met, particularly regarding violence against women and girls, and with a publicly available action plan, establish opportunities to work with civil society organisations that are offering projects and strategies to tackle domestic abuse, providing financial support where possible, pass legislation that incorporates provisions of the Convention on the Elimination of All Forms of Discrimination against

Women and protections into domestic law, and provide support to organisations that are providing healthcare and support services.⁵⁵

38. VWCC recommended that the government urgently appoint and recruit more persons authorized to issue temporary protection orders in every community within the 83 islands of Vanuatu, allocate funds and resources to support the work of authorized persons, ensure that community policing in rural areas is carried out effectively in serving protection orders to perpetrators, and review the Family Protection Act to amend and address other pressing issues regarding domestic violence.⁵⁶

39. AI stated that women continued to be significantly under-represented in all areas of public and political life, with the first woman Member of Parliament elected in October 2022 in more than 15 years.⁵⁷ JS1 reported that in 2020, seventeen women (6%) contested in the Vanuatu national general elections, and noted that the government had updated its Gender Equality Policy 2020–2030 to include a Strategic Area 3 seeking to promote the political representation of women at all levels.⁵⁸

40. AI recommended that Vanuatu establish effective measures to ensure that women are proportionately represented in the national Parliament.⁵⁹ JS1 recommended that Vanuatu adequately resource the national women's machinery, the Department of Women's Affairs, and the Vanuatu National Council of Women to ensure that it can fully implement Strategic Area 3, strengthen the coordination with the Council and Non-Governmental Organisations to socialise the Policy, and integrate the Policy into the Political Party Registration Bill.⁶⁰

41. Noting that the Political Party Registration Bill being developed by the Ministry of Internal Affairs included provisions for women to be part of the Executive of each of the political parties upon their registration, but had been withdrawn, JS1 recommended that Vanuatu urgently proceed with tabling the Bill in Parliament and enact it.⁶¹

42. JS1 acknowledged the development of the Bill for the Electoral Act of 2023 (Electoral Bill) and its tabling in Parliament in May 2023. It noted that while the Bill had included provisions relating to 30% quota reserve seats for women at national and provincial level governments, the Bill had been withdrawn for further consultations and in subsequent drafts the provision had been removed.⁶² JS1 recommended that Vanuatu urgently conduct further consultations, including a gender legal analysis on the draft Electoral Bill, so as to address any discrimination on the basis of gender, re-insert into the Electoral Bill the provision relating to the 30% quota, undertake a gender legal analysis of all relevant legislation to incorporate fully the principles of gender equality, and mandate political parties to review their party policies to ensure these do not discriminate and do provide for women to be included in the Executive arm of the parties.⁶³

43. JS1 reported that the temporary special measure provision included in the Municipalities Amendment Act No.11 of 2013 had lapsed, and at the national level the discussion on allocating reserve seats/quotas for women was slow to gain traction.⁶⁴ JS1 recommended that Vanuatu amend the Municipalities Act to legislate the extension of the temporary special measures, collaborate with development partners and civil society organisations to conduct programs, including awareness-raising campaigns, on the benefits of temporary special measures, and legislate reserve seats for women at the provincial and national levels.⁶⁵

44. JS1 contended that women candidates contesting for the national elections encountered many barriers that were complex, including the reluctance of both men and women to acknowledge women's place in the decision-making processes of the country, attitudes that were deeply rooted in societal attitudes and norms influenced by indigenous beliefs and religion.⁶⁶ JS1 recommended that Vanuatu invest more resources in the national women's civil society umbrella organisation and the national women's machinery to conduct programs to address negative social norms, collaborate with civil society organisations to conduct a study on public attitudes and perceptions towards women's leadership and political participation, support the education of voters in local communities, and review and enforce all laws regarding gender to ensuring inclusiveness of all marginalised groups.⁶⁷

45. VWCC highlighted that sexual harassment was not listed as an offense in the Penal Code with a corresponding punishment, and that there were no provisions in the Employment

Act that mentioned sexual harassment in workplaces, leaving women and girls working in such environments vulnerable to harassment.⁶⁸ It recommended that Vanuatu amend the Penal Code Cap 135, to include sexual harassment as a sexual offense, with appropriate penalties, and amend the Employment Act Cap 160 to ensure that sexual harassment was recognized as professional misconduct, leading to termination of employment.⁶⁹

Children

46. AI reported that cultural practices such as bride price incentivised early and forced marriage.⁷⁰ AI and ECLJ recommended increasing the age of marriage for girls from 16 years of age (with parental consent) to 18 years of age in line with international human rights standards.⁷¹ AI further recommended that Vanuatu implement awareness programs to tackle early and forced marriage, as well as measures that address the root causes of cultural practices that discriminate against women such as bride price.⁷²

47. AI contended that there were no adequate laws and policies to deal with youth offenders that was both age appropriate and human rights compliant. It stated that the detention of children should always be a last resort and that alternatives to detention should be prioritised.⁷³ AI recommended that Vanuatu adopt child justice legislation that establishes specialized procedures and courts and raises the minimum age of criminal responsibility to at least 14 years of age, in accordance with international standards.⁷⁴

48. ECP reported that, although corporal punishment was illegal in schools, it had not yet been prohibited by law in other settings, including in the home, alternative care settings, and day care. ECP asserted that, given the near universal acceptance of corporal punishment in childrearing, it was crucial to ensure legal clarity that no degree or kind of corporal punishment of children could be considered acceptable, however light, and regardless of by whom it was inflicted. ECP recommended that Vanuatu intensify its efforts to adopt the Child Protection Bill to clearly prohibit all corporal punishment of children, however light, in every setting of their lives.⁷⁵

Persons with disabilities

49. AI reported that Vanuatu had a National Disability Inclusive Development Policy 2018–2025, but it was unclear how the government was tracking progress on implementation of this policy due to a lack of updated data. There were also reportedly no comprehensive anti-discrimination laws that prohibited discrimination on the basis of disability.⁷⁶

50. DPA acknowledged government efforts, including the National Disability Inclusive Development Policy (VNDIDP) 2018 to 2025, disability focal points, and various sectoral policies aligned to the Convention of the Rights of Persons with Disabilities, but noted that physical, communication, information and transport barriers existed for persons with disabilities and that there was no national social protection mechanism or disability inclusive legislation.⁷⁷

51. DPA recommended that Vanuatu review the Vanuatu Building Act 2013 to ensure that infrastructure standards are aligned to the Convention and the Vanuatu context, ensure new infrastructure plans are accessible, and urgently allocate funds for the implementation of the VNDIDP.⁷⁸ It further recommended to ensure that early warning systems are accessible to people with disabilities, to strengthen the phone communication network coverage in all islands, to review the right to information policy and Right to Information Act and ensure their compliance with the Convention, and ensure accessible transport.⁷⁹ DPA additionally recommended that Vanuatu develop a national social welfare system and social protection mechanism, enact a disability social welfare benefits legislation and policy and resource its implementation, incorporate accessible design principles in the construction of buildings to be used as evacuation shelters during future disasters, as well as enact disability inclusive legislation and financially resources its implementation.⁸⁰

52. FMSI and JS2 highlighted that there were insufficient numbers of trained inclusive education teachers and a lack of disability disaggregated data, that most school facilities were inaccessible to students with disabilities, and that there was a lack of a curriculum, training, and materials for inclusive education.⁸¹ FMSI and Broken Chalk recommended that Vanuatu improve the access to, and quality of, education for children with disabilities through more

teacher training, the posting of special needs teachers, and more inclusive curricula.⁸² Broken Chalk also recommended ensuring the availability of assistive tools in schools.⁸³

Lesbian, gay, bisexual, transgender and intersex persons

53. AI reported that same sex sexual activity was lawful between consenting adults over the age of 18 years, but that people continued to face stigma and discrimination on the basis of their sexual orientation and gender identity, with same sex relationships not having the same legal protection as a heterosexual marriage and not recognised under the Family Protection Act 2008, which affected many rights of same sex partners and also limited their ability to seek protection orders in cases of domestic violence.⁸⁴ AI recommended that Vanuatu ensure same sex relationships are recognised by government agencies as equal in status to marriages or de facto relationships between a man and a woman, including under the Family Protection Act, and put in place measures, including anti-discrimination measures and awareness-raising campaigns, to eliminate stigma, discrimination, and violence against lesbian, gay, bisexual, transgender and intersex persons.⁸⁵

54. V-Pride noted that, despite general human rights protections under the Constitution, there were very few legal protections from discrimination against a person based on their sexual orientation, and no protection against discrimination based on gender identity and sex characteristics, while the Vanuatu Gender Equality policy did not reference sexual orientation, gender identity or sex characteristics, the Department of Women's Affairs that had jurisdiction over all gender-related human rights issues excluded coverage of lesbian, gay, bisexual, transgender and inter-sex (LGBTI) issues, and no government agencies collected gender diversity data.⁸⁶ VPride recommended that the government urgently adopt a clear policy statement for all its Ministries, making it clear that its commitment to human rights extended to all people, irrespective of sexual orientation, gender identity or sex characteristics, and that it prohibited all forms of discrimination on the grounds of sexual orientation, gender identity and sex characteristics in all areas of public life, including employment, education, health care, housing and the provision of goods and services, enact anti-discrimination legislation that prohibits all such discrimination, amend the National Gender Equality Policy to include LGBTI people, and take steps to ensure that LGBTI individuals have access to legal protections, and that they can seek legal remedies for human rights violations.⁸⁷

55. VPride reported that discrimination and violence against LGBTI persons persisted, including physical attacks, verbal abuse, slander, and cyber-attacks, as well as exclusion from key services and sectors such as during and after disasters and for health care.⁸⁸ It recommended that Vanuatu ensure that LGBTI individuals have access to healthcare, education, and safety and justice services without discrimination, verify equal access through enhanced data collection, support awareness training of public officials and service providers, and conduct public awareness campaigns to reduce stigma against LGBTI people.⁸⁹

Notes

¹ A/HRC/41/10 and A/HRC/41/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

AI	Amnesty International, London (The United Kingdom of Great Britain and Northern Ireland);
Broken Chalk	The Stichting Broken Chalk, Amsterdam (The Kingdom of the Netherlands);
CGNK	Center for Global Nonkilling, Grand Saconnex (Switzerland);
DPA	Disability Promotion and Advocacy Association, Luganville (Vanuatu);
ECLJ	European Centre for Law and Justice, Strasbourg (France);

ECP	End Corporal Punishment, Geneva (Switzerland);
FA	Further Arts Vanuatu, Port Vila (Vanuatu);
FMSI	Marist International Solidarity Foundation, Rome (Italy);
KoBLE	Kolisen Blong Leftemap Edukesen, Port Vila (Vanuatu);
TIV	Transparency International Vanuatu, Port Vila (Vanuatu);
UPR-BCU	Birmingham City University's Centre for Human Rights, Birmingham (The United Kingdom of Great Britain and Northern Ireland);
VPride	VPride Association Committee, Port Vila (Vanuatu);
VWCC	Vanuatu Women's Centre, Port Vila (Vanuatu).
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: Vanuatu Coalition for Gender Equality, Port Vila (Vanuatu), Women Against Crime and Corruption, Tongoa Shepherd Women's Association, Mitingar Women and Girls Association, Silae Vanua Market Vendors Association, Kivhans Vanuatu Women and Girls Human Rights Association, Port Vila City Council of Women, Vanuatu Young Women for Change, and Vanuatu Widows Association;
JS2	Joint submission 2 submitted by: Vanuatu Coalition of Non-Governmental Organisations, Port Vila (Vanuatu), Vanuatu Association of Non-Government Organisation, Further Arts, Human Capacity Development International, Kolisen Blong Leftemap Edukesen, Oxfam in Vanuatu, Save the Children, and Transparency International Vanuatu.
³ <i>The following abbreviations are used in UPR documents:</i>	
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

⁴ AI para. 28.

⁵ AI para. 28 and ECLJ para. 30.

⁶ CGNK p. 3.

⁷ AI para. 2.

⁸ AI para. 5.

⁹ AI para. 5.

¹⁰ JS2 pp. 4–5.

¹¹ JS2 p. 5.

¹² JS2 p. 5.

- 13 AI para. 15.
- 14 AI para. 45.
- 15 AI para. 19.
- 16 AI para. 50.
- 17 AI para. 51.
- 18 TIV paras. 12–13.
- 19 TIV paras. 14i)–ii).
- 20 AI paras. 8–10.
- 21 AI paras. 30–33.
- 22 TIV paras. 9–10.
- 23 TIV paras. 11i)–ii).
- 24 TIV paras. 5–7.
- 25 TIV paras. 8i)–iii).
- 26 AI para. 13.
- 27 AI para. 36.
- 28 ECLJ para. 30.
- 29 JS2 p. 9.
- 30 JS2 p. 9.
- 31 JS2 p. 9.
- 32 JS2 para. 12.
- 33 AI para. 34.
- 34 DPA para. 29.
- 35 FMSI para. 1.3c.
- 36 JS2 p. 8.
- 37 JS2 p. 8.
- 38 JS2 pp. 5–7 and KoBLE pp. 1–2.
- 39 FMSI para. 1.1.
- 40 FMSI para. 1.1 and JS2 p. 7.
- 41 JS2 p. 7 and KoBLE pp. 2–3.
- 42 FMSI paras. 1.4a)–d).
- 43 Broken Chalk paras. 39–41 and 44–49.
- 44 FA paras. 3.4–3.6.
- 45 FA para. 3.7.
- 46 FA para. 3.3.
- 47 FA paras. 4.1–4.3.
- 48 FA para. 4.4.
- 49 AI para. 27.
- 50 AI para. 52.
- 51 AI para. 53.
- 52 AI para. 14 and UPR-BCU para. 10.
- 53 VWCC pp. 3–4.
- 54 AI paras. 38–39 and 41–44.
- 55 UPR-BCU paras. Di)–vi).
- 56 VWCC p. 8.
- 57 AI para. 3.
- 58 JS1 paras. 2 and 12–13.
- 59 AI para. 40.
- 60 JS1 paras. 14i)–iii).
- 61 JS1 paras. 15–16.
- 62 JS1 para. 17.
- 63 JS1 para. 18.
- 64 JS1 paras. 20–23.
- 65 JS1 paras. 24a)–c).
- 66 JS1 paras. 26–28.
- 67 JS1 paras. 29a)–e).
- 68 VWCC p. 4.
- 69 VWCC p. 5.
- 70 AI para. 13.
- 71 AI para. 35 and ECLJ para. 31.
- 72 AI paras. 35 and 37.
- 73 AI para. 20.
- 74 AI para. 49.

- 75 ECP paras. 1.3 and 2.1–2.6.
 - 76 AI para. 17.
 - 77 DPA paras. 2.3–2.5.
 - 78 DPA para. 3.1.6.
 - 79 DPA paras. 3.2.4 and 3.3.3.
 - 80 DPA paras. 4.6 and 5.3.
 - 81 JS2 pp. 6–7 and FMSI para. 1.1.
 - 82 FMSI p. 4 and Broken Chalk para. 42.
 - 83 Broken Chalk para. 43.
 - 84 AI para. 16.
 - 85 AI paras. 46–47.
 - 86 VPride para. 2.2.
 - 87 VPride p. 7.
 - 88 VPride paras. 3.4–3.5.
 - 89 VPride pp. 8–9.
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