



General Assembly

Distr.
LIMITED

A/HRC/WG.6/5/L.13
25 May 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fifth session
Geneva, 4-15 May 2009

**DRAFT REPORT OF THE WORKING GROUP ON
THE UNIVERSAL PERIODIC REVIEW ***

Vanuatu

* The final document will be issued under symbol number A/HRC/12/14. The annex to the present report is circulated as received.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1 - 4	3
I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS ...	5 - 55	3
A. Presentation by the State under review.....	5 - 25	3
B. Interactive dialogue and responses by the State under review.....	26 - 55	6
II. CONCLUSIONS AND/OR RECOMMENDATIONS.....	56 - 57	13
Annex		
Composition of the delegation.....		19

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of Vanuatu was held at the 13th meeting, on 12 May 2009. The delegation was headed by Ms. Roline Lesines, Labour Department, Vice-Chairperson of the Vanuatu UPR Committee. At its 17th meeting, on 15 May 2009, the Working Group adopted the present report on Vanuatu.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Vanuatu: Chile, Djibouti and India.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Vanuatu:
 - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/5/VUT/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/5/VUT/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/VUT/3).
4. A list of questions prepared in advance by the Czech Republic, Denmark, Germany, Latvia, the Netherlands and the United Kingdom of Great Britain and Northern Ireland was transmitted to Vanuatu through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 13th meeting, Roline Lesines of the Department of Labour, Vice-Chairperson of the Vanuatu UPR Committee, introducing the report, said that before independence, there were three different sets of laws operating in the New Hebrides: the French Civil Code, applicable to French citizens; the English Common Law, applicable to British subjects; and the Joint Regulation, applicable to indigenous people. The New Hebrides became known as Vanuatu after its independence in 1980.
6. Vanuatu is a democratic country, with a population of approximately 235,077. The Constitution provides for parliamentary elections based on universal suffrage every four years. The Parliament elects the Prime Minister and an electoral college comprised of Members of Parliament and the Presidents of the six Provincial Government Councils elect the President of the Republic, who has largely ceremonial powers, for a five-year term.
7. As a small island developing State and a least developed country, Vanuatu has always tried its utmost to respect and promote the rights of its people. The fundamental principles of the Universal Declaration of Human Rights are enshrined in its Constitution and Vanuatu has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention on the Rights of Persons with Disabilities,

the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. To protect and uphold the rights of its workers, Vanuatu has also ratified a number of International Labour Organization (ILO) conventions.

8. To compile its national report, the Government appointed a committee composed of representatives from different Government departments, who consulted the relevant departments on human rights issues. Ms. Lesines said that Vanuatu was a small nation where the Government interacts very often with non-governmental organizations. The Minister of Justice has appointed a Vanuatu Committee on the Elimination of Discrimination against Women, comprised of Government officials and representatives of non-governmental organizations, to oversee the implementation of the concluding comments of the Committee on the Elimination of Discrimination against Women. With regard to the universal period review report, two Government officials were part of the committee that prepared the non-governmental organizations' submission. Vanuatu's attendance and participation in the present review reaffirmed its commitment to human rights.

9. Vanuatu's economy and the livelihood of its people are shaped by climate change-sensitive sectors such as agriculture, fisheries and forestry. Vanuatu is a party to the United Nations Framework Convention on Climate Change and took an active part in the initial negotiations on the development of the Convention through its affiliation with the Alliance of Small Island States and Small Island Developing Countries. Ms. Lesines said that climate change has undeniable impacts on human rights. Sea-level rise has already caused some villages and infrastructure to be relocated. Vanuatu needs financial and technical support to upgrade infrastructure and adapt to climate change. Constant heavy rainfalls have caused flooding in some areas, triggering diseases such as flu, malaria and vector borne diseases.

10. Vanuatu is at the boundary of the Indo-Australian plate that is slipping under the Pacific plate. As part of the Pacific ring of fire, its islands are under threat of major volcanic eruptions, which cause schools to close down, air and water to be contaminated due to the ash falls, crops to be destroyed and health of the people to be put at risk. The most vulnerable people in those circumstances are women and children.

11. Ms. Lesines said volcanic activities have caused all catchment water sources such as water tanks and fibreglass and concrete wells in every community and school in the western and northern part of Ambrym to be highly contaminated with acid rain. Acid rain water has been absorbed into root crops as well as fruits, making them unsafe for human consumption. Acid rain causes acid infection in children's and old people's stomachs, which can lead to stomach pain and respiratory infections such as asthma.

12. The Department of Meteorological Services, the National Disaster Management Office and the Geo-Hazards Section are working hard to address these threats. Vanuatu urgently needs scientific studies to identify future climate change threats and natural disasters to address them in a timely manner.

13. In relation to the rights of prisoners and detention conditions, Vanuatu, with the assistance of New Zealand, has renovated detention centres to meet international standards. The Department of Correctional Services is also providing relevant rehabilitation programmes to assist prisoners.

14. For the promotion of equal access of women, men and young people to employment, Vanuatu, with the technical support of ILO, has launched a Decent Work Country Programme. The programme prioritises labour legislation reform and application of international labour standards; promotion of decent employment opportunities, particularly for young women and men and persons with disabilities; capacity-building of tripartite partners and improvement of social dialogue; and increased social protection. These priorities are in line with the Pacific Plan Priority 8, which focuses on improved gender equality, and Millennium Development Goal 3 for the promotion of gender equality and the empowerment of women.

15. Vanuatu has progressed in the protection of women's rights by passing the Family Protection Act. The Ministry of Justice and Social Welfare through the Department of Women's Affairs is working on a draft conceptual framework for the implementation of the Act focusing on prevention, protection and punishment. Meetings are being conducted with stakeholders involved in implementing this Act to take stock of what is being done under these thematic interventions. A feasibility study on the strengths and weaknesses regarding resources in all provinces will be undertaken before a province can be identified to pilot implementation of the Act.

16. The Police Academy is being trained to handle domestic violence cases and sexual assaults. The Ministry of Justice and Social Welfare will push for better infrastructure and services to give women easy and affordable access to justice, and for training of registered counsellors and authorized persons, including chiefs, teachers, community leaders, judiciary, health workers and police, who will be working towards women's access to justice. The Department of Women's Affairs will run advocacy and awareness training programmes on domestic violence and the Act.

17. The Government will compile existing laws on family issues such as marriage, child maintenance, family maintenance, property rights and maintenance after divorce, family protection and temporary domestic violence orders into one consolidated family law.

18. To promote and uphold children's access to education, the Council of Ministers has decided that in 2010, education will be free for all children from grades 1 to 8. The Ministry of Education has supplied stationery to all schools in the country to assist children with logistical constraints in attending school.

19. Vanuatu is not in a position to ratify the International Covenant on Economic, Social and Cultural Rights due to the high threshold of its obligations and the financial constraints, but it is in the preliminary stage of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Convention against Corruption. Draft policy papers for the ratification of the two conventions will soon be submitted to the Council of Ministers for endorsement.

20. Vanuatu comprises 83 islands and, given the infiltration of international terrorism and various forms of transnational crime in the Pacific region, Vanuatu has reservations concerning ratification of the conventions and protocols relating to the status of refugees and stateless persons. A legal framework to address such issues exists. For instance, the Passport Act empowers the Principal Passport Officer to issue a certificate of identity or travel document to a person if satisfied that the person is a refugee or stateless person.

21. On the improvement of the situation of women in education and employment, Vanuatu will ensure that gender is a prime matter to be integrated and taken seriously by various Government departments. She cited projects targeting both women and men, such as one ensuring that stoves used in communities are built to an appropriate height in order to be user-friendly for women. Vanuatu has also recently launched its ILO Decent Work Country Programme, whose second priority is promotion of decent employment opportunities, particularly for young women and men and persons with disabilities.

22. Ms. Lesines said that the 83 islands of Vanuatu have different cultures. On some islands in northern Vanuatu, land is owned by women and passed down through female lineage. The Government is addressing gender equity in its current land reform programme, emphasizing that women should be allowed to take part in the decision-making process regarding land issues throughout Vanuatu. This programme will train women to become adjudicators in land disputes.

23. Vanuatu disagrees with reports by non-governmental organizations that customary law could be used to deny women equality in other areas despite constitutional guarantees, because there are landmark cases in Vanuatu where the judge decided in favour of women.

24. Concerning the question of amending the Constitution to include disability, economic status, sexual orientation or HIV/AIDS status as prohibited grounds for discrimination, such groups were already covered under the Constitution as underprivileged people.

25. Vanuatu acknowledged the importance of the Paris Principles and would set up a national human rights commission after the universal period review, requesting technical assistance in that regard. Vanuatu saw no difficulty in extending a standing invitation to special procedures to visit the country and was doing so.

B. Interactive dialogue and responses by the State under review

26. A number of delegations welcomed Vanuatu's delegation, its comprehensive presentation and constructive engagement in the universal period review process. Many welcomed their presence despite difficulties, such as their lack of representation in Geneva. Some also thanked Vanuatu for its response to questions posed in advance. Some delegations took positive note of Vanuatu's efforts and commitments to the promotion and protection of human rights and ratification of some core international instruments, despite its small size as a developing country.

27. Australia recognized the particular challenges faced by small States not represented in Geneva in preparing for the universal period review and appearing before the Working Group. Congratulating Vanuatu on legislative steps towards the elimination of domestic violence against women and children, including through the Family Protection Act, it recommended (a) taking prompt action to implement the new legislation. Commending Vanuatu's ratification of the Convention on the Rights of Persons with Disabilities, Australia expressed satisfaction that it was working with Vanuatu to help improve services to people with disabilities. Australia noted that Vanuatu reported to the Committee on the Elimination of Discrimination against Women in 2007 and ratified the International Covenant on Civil and Political Rights in 2008. Noting that there have been repeated escapes from Vanuatu's prisons and reports of police abuse of escaped prisoners after they have been recaptured, Australia recommended (b) taking appropriate measures and continuing to work towards improving conditions in prisons and detention centres.

28. Noting that Vanuatu is a party to several important human rights instruments, Algeria recommended that it (a) continue to fulfil its obligations under international treaties and

considering the possibility of acceding to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture. Algeria recommended (b) pursuing its efforts to further empower women and enhance their condition and participation in political life; (c) taking appropriate measures to bring domestic legislation into full compliance with CEDAW in order to give appropriate consideration to the recommendation of the Committee on the Elimination of Discrimination against Women referred to in paragraphs 4 and 14 of the OHCHR compilation; and (d) proceeding with its efforts to improve the health system, combat diseases, improve maternal health and reduce child mortality rates, in particular by requesting technical assistance of relevant United Nations agencies and programmes and the conclusion of partnerships with other interested countries to this end. Referring to the existing challenges, Algeria recommended (e) that the international community and the relevant United Nations agencies provide Vanuatu with the technical and financial assistance needed to help the Government to overcome challenges and the constraints listed in paragraphs 98 to 107 of the national report; and (f) that Vanuatu pursue its efforts to guarantee access for all its children to free and compulsory primary education by enhancing the implementation of its national action plan for education for all.

29. France asked about measures that Vanuatu intended to take to improve the detention conditions of minors, particularly regarding the creation of juvenile detention centres in order to keep minors separated from adults. France also asked about measures that Vanuatu intended to take to ensure that all nationals are better able to exercise their right to vote, and to improve voting conditions in concrete terms. France asked about measures to be taken to foster human rights education. France recommended (a) continuing to take the measures necessary to reduce discrimination against women, particularly on the job market and in national political life, where women are underrepresented, particularly through support for the efforts of the National Council for Women; (b) more effective promotion of efforts to keep children in schools, particularly girls; and (c) signing and ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the Convention against Torture.

30. Commending adoption of the Family Protection Act, the rapid decline in infant mortality rates and under-five mortality, the improvement of immunization coverage and reduction in malnutrition, Brazil expressed the hope that the present review would enhance international cooperation in the fight against hunger, and invited delegations to consider assisting Vanuatu in these endeavours, including in adapting to climate change. It noted Vanuatu's achievement of one of its targets under the Millennium Development Goal 3 regarding gender equality and asked about concrete measures under the Education for All Plan and the Gender Equality in Education Policy to ensure increased access for girls and women to all levels of education. Brazil recommended that Vanuatu (a) within the spirit of the Durban Review Conference and Human Rights Council resolution 9/12, consider the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination; (b) consider reviewing the legislation on minimum age for criminal responsibility; and (c) within the context of the National Plan of Action for Women 2007-2011 and the Family Protection Act, consider raising public awareness to combat domestic violence as well as making available legal aid to all victims of this violence.

31. Commending the ratification of the International Covenant on Civil and Political Rights in 2008, the Netherlands recommended (a) ratifying the International Covenant on Economic, Social and Cultural Rights and the United Nations Convention Against Corruption. It recommended (b) continuing efforts to allocate sufficient resources to ensure the effective implementation of the Family Protection Act; (c) adopting further comprehensive measures to combat domestic violence, taking into account recommendations of United Nations human rights

bodies in this regard. It also recommended (d) undertaking further actions to combat discrimination against women and to ensure equality for women on the ground, taking into account the recommendations of CEDAW. Noting that the Constitution provides for protection against discrimination on a range of grounds, the Netherlands recommended (e) taking necessary measures to ensure that discrimination on the basis of disability, economic status, sexual orientation or living with HIV/AIDS is prevented.

32. Welcoming the adoption of the Family Protection Act that would enable better compliance with its international human rights obligations, Canada commended Vanuatu for its lead role as the first Pacific state to ratify the Convention on the Rights of Persons with Disabilities. Canada recommended (a) continuing to incorporate CEDAW principles into its domestic legislation; (b) ensuring the primacy of laws protecting the equality of women over customary practices that are contrary to such principles; (c) reviewing all relevant legislation so as to eliminate all forms of discrimination or marginalization of women; and (d) going beyond recognizing equality of women in legislation to ensure that this equality is *de facto* recognized. Concerned about reports of human rights violations by law enforcement authorities, and following the establishment of a commission of enquiry to investigate these, Canada recommended (e) adopting a proactive approach to implement any recommendations aimed at protecting the rights of detained persons. Canada viewed positively Vanuatu's plan of action on gender equality and free and compulsory access to quality primary education by 2015 and recommended (f) enhancement of its education plan to improve women's attendance rate in secondary schools, and providing quality secondary education in rural areas.

33. While welcoming Vanuatu's ratification of CEDAW and the presentation of its first report in 2007, Austria recommended (a) amending all laws which perpetuate discrimination and marginalization of women; (b) putting in place a strategy to ensure that the rights of women are upheld by the justice system in line with Vanuatu's obligations under CEDAW. Commending the provision on domestic violence in the Family Protection Act, Austria recommended (c) adopting a "no drop" policy to ensure that all cases of domestic violence are properly investigated. Noting that access to education remains limited and asking about concrete measures taken to address this problem, Austria recommended (d) promoting awareness-raising programmes on the importance of education of children; and (e) considering imposing adequate sanctions on parents who fail to send their children to school.

34. Mexico, pleased with Vanuatu's ratification of international treaties, creation of laws and national bodies relating to human rights and the process of its ratification of the Convention against Torture and its Optional Protocol, encouraged Vanuatu to strengthen efforts to improve protection of women's and girls' rights. Noting the creation of an office focusing on children in the women's affairs department, Mexico asked about actions to resolve the backlog of cases of detention pending trial and how Vanuatu would guarantee due process. It asked about plans to improve the system of protection of minors, particularly the need for a juvenile justice system. Mexico recommended (a) keeping under consideration the possible ratification of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Rights of All Migrant Workers and Members of Their Families; (b) continuing its efforts to bring about the swift ratification of the Convention against Torture and its Optional Protocol; (c) stepping up its cooperation with the United Nations special procedures; (d) continuing its efforts to establish a national human rights institution in accordance with the Paris Principles and, with this objective in mind, asking for the corresponding assistance from OHCHR; and (e) enhancing cooperation with other countries and organs and funds of the United Nations to increase the

number of financial and technical programmes aimed at strengthening its capacity in the area of human rights.

35. Slovenia noted that some of the constitutional norms did not respect the principle of equality of women and the prohibition against discrimination, and expressed concern that the customary laws did not fully reflect the rights of the child. It asked how the Government intended to pursue the efforts of bringing the national legislation into line with the standards of CEDAW and the Convention on the Rights of the Child, and how the Government intended to modify attitudes and stereotypes that allow violence against women and discrimination against women in public life, decision-making, marriage and family relations. Slovenia also asked whether the Government envisaged elaborating a similar initiative for women as it had done for children with its National Programme of Action for Children. Slovenia recommended that Vanuatu follow up its ratification of CEDAW and the Convention on the Rights of the Child with implementation.

36. The United Kingdom of Great Britain and Northern Ireland commended the work to improve human rights for vulnerable persons such as children and persons with disabilities. Welcoming Vanuatu's ratification of several human rights treaties, it asked whether the Government intended to become a party to others, such as the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture. Noting concerns raised by the Committee on the Elimination of Discrimination against Women about the persistence of adverse cultural norms, practices and traditions which can affect women's enjoyment of their rights, it asked about recent initiatives to address such issues. It commended and urged the continuation of efforts to encourage more women in leadership roles. It recommended (a) seeking to address, as a matter of priority, any rules and customs that discriminate against women; (b) taking forward its initiative to establish a national human rights institution in accordance with the Paris Principles; and (c) involving civil society organizations in the follow-up to this review.

37. Noting that Vanuatu is not yet party to a number of core human rights treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the International Convention on the Rights of All Migrant Workers and Members of Their Families, Turkey encouraged Vanuatu to join those conventions. Turkey was pleased to see that the Government had enacted the Family Protection Act. In line with the observations by the Committee on the Elimination of Discrimination against Women, Turkey recommended putting in place a comprehensive strategy to modify or eliminate cultural practices and stereotypes that discriminate against women.

38. New Zealand noted the challenges Vanuatu faces as a small island developing State with limited resources and recognized its vulnerability to climate change and its human rights implications. Commending the ratification of the Convention on the Rights of Persons with Disabilities and establishment of a national disability committee, New Zealand asked how Vanuatu addressed the needs of children with disabilities in accessing education and health services. It recommended (a) strengthening efforts to implement the Convention on the Rights of Persons with Disabilities by amending the Constitution to prohibit discrimination against persons with disabilities and supporting the role of disabled persons organizations. New Zealand actively supported efforts to address human rights concerns in the prison system and welcomed the commitment to establish a professional corrections service. It added that respect for human rights

must be central to the corrections service, including the humane and lawful treatment of detainees by the police and justice system, and asked how Vanuatu intended to promote such respect. It recommended (b) supporting further human rights training for police, corrections and justice officials; promoting regular, independent monitoring of detention facilities; and ensuring that detainees have immediate and effective means of redress and protection when their rights are violated. Citing the Family Protection Act as encouraging, it recommended (c) strengthening efforts to work across agencies, and with women's non-governmental organizations, to raise awareness that domestic violence is unacceptable, to educate women on their rights and to combat stereotypes and customary practices that perpetuate domestic violence.

39. Azerbaijan recommended (a) acceding to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and its Optional Protocol and the International Convention on the Rights of All Migrant Workers and Members of Their Families; (b) reviewing its domestic legislation in order to bring it into full conformity with all human rights Conventions that Vanuatu is a party to, especially CEDAW and the Convention on the Rights of the Child and to implement specific recommendations made by the Committee on the Elimination of Discrimination against Women in this regard; (c) establishing a national human rights institution in compliance with the Paris Principles; (d) taking efficient measures to combat corruption; (e) taking all necessary measures to modify or eliminate cultural practices and stereotypes that discriminate against women including awareness-raising as well as to ensure that in its family law both spouses have the same rights and responsibilities; (f) adopting comprehensive measures to address violence against women and enact legislation to ensure that such violence, including sexual abuse, constitutes a criminal offence; (g) taking all measures to eradicate the practice of corporal punishment in family, juvenile justice systems and to ensure effective implementation of the ban of this punishment in schools; (h) taking further steps to ensure the independence of the judiciary; (i) reviewing its legislation with the purpose to bring the low minimum age for criminal responsibility into full conformity with the Convention on the Rights of the Child; (j) stepping up its efforts to ensure adequate access to quality basic health and education services, particularly for those living in isolated rural areas and for vulnerable groups; and (k) continuing its efforts to reduce the maternal and child mortality rates.

40. Morocco said the international community should reflect on ways to guarantee the possibility for small countries to contribute to the international human rights system. It commended Vanuatu's efforts to promote human rights, despite financial and geographical difficulties, and highlighted the priority given to realization of the Millennium Development Goals in the framework of national policy and strategies to improve particularly access to health and education services. Morocco recommended (a) continuing in its implementation of these goals, with the necessary support of the international community, to reduce infant mortality rates, improve maternal health, and strengthen the fight against HIV/AIDS, malaria and other illnesses. It noted with satisfaction Vanuatu's transparency on the issue of corruption and commended the establishment of a mediation office to receive complaints and conduct investigations asking how the Government would guarantee more independence to this institution. Commending Vanuatu's commitment to put in place a national human rights institution, it recommended (b) backing up this approach by asking for the necessary technical assistance and support from the international community.

41. Germany was interested to hear more about existing policies to address the issue of the lack of access to clean water and to health care asking about further measures planned. Germany recommended (a) further enhancing the capacity, neutrality and independence of the judiciary;

(b) taking appropriate action in order to put into place free primary school education for all and to make primary education compulsory; and (c) establishing a national human rights institution in compliance with the Paris Principles.

42. Japan welcomed enactment of the Family Protection Act, adding that it would lead to the promotion and protection of women's rights. It said that although the Constitution guarantees basic rights and freedoms, full understanding of these rights by Government, judicial officials, and citizens was vital for their promotion and protection. Japan recommended (a) exhaustively conducting human rights education and awareness-raising activities to inform all citizens of their rights; (b) acceding to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture, making good use of technical assistance from OHCHR.

43. Asking whether Vanuatu has established a mechanism to ensure the full implementation of the recommendations of the Committee on the Elimination of Discrimination against Women and how climate change impacts are affecting the enjoyment of core rights in Vanuatu, Maldives recommended (a) considering establishing a national human rights commission. Noting that Vanuatu acting alone cannot fully protect those rights put at risk by global climate change, Maldives recommended (b) that the international community, led by the major industrialized economies, help promote and protect human rights in Vanuatu by reducing greenhouse gas emissions to "safe" levels that are consistent with full enjoyment of human rights, and by funding adaptation measures to help Vanuatu cope with those changes that are already taking place.

44. Latvia was pleased at Vanuatu's announcement extending a standing invitation to special procedures of the Human Rights Council. Latvia invited other countries to follow this commendable example.

45. With regard to the promotion and protection of human rights of women and children, Malaysia asked if Vanuatu could elaborate on whether it would be in a position to take on board the recommendations of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, specifically those stated in pages 4 and 5 of the compilation report. Malaysia recommended (a) considering stepping-up measures to comprehensively address the problem of violence against women, including by increasing public awareness campaigns to sensitize the community on the issue; (b) addressing the problem of disparities in the delivery of and access to quality basic social services such as health, education, water and sanitation services; and (c) continuing engaging members of the international donor community with a view to building capacity, particularly with regard to securing improvements in the economic and social rights situation of its population.

46. The Czech Republic expressed appreciation for the establishment of the independent Ombudsman's office, and recommended (a) continuing to strengthen its role, including its ability to follow up on the results of its investigations, and namely to increase efforts to provide it with sufficient funding. Welcoming the elaboration of the National Programme of Action for Children and the recent initiative to establish Child Desk Officers within the Department of Women's Affairs, it recommended (b) pursuing this initiative and intensification of efforts to ensure access to free education compulsory for all children in the country. It sought further information about the UNICEF Child Protection Baseline study and plans for the implementation of its conclusions. The Czech Republic recommended that (c) acceding to the Convention against Torture and its Optional Protocol; (d) reviewing conditions in prison and detention facilities, in

particular where juveniles are concerned; (e) allowing access to these facilities to civil society organizations; (f) ensuring effective investigation into all allegations of torture or mistreatment; and (g) strengthening the functioning of its judiciary and its human rights institutional framework and promote concrete programmes to raise awareness of human rights, in particular among judges and lawyers, but also among general public.

47. The United States of America asked about Vanuatu's plan to specifically improve accountability and transparency in the public sector. It recommended (a) allocating more funding to the Ombudsman to allow for more aggressive prosecution of corruption cases; and (b) amending the judicial rules so that the Ombudsman's reports are more easily admissible in court. With regard to the Ministry of Justice and Social Welfare's appointment of a Commission of Inquiry to investigate the allegations about human rights abuses by correctional services officers and the police, the United States asked about the timeline for the conclusion of the study by this Commission and the manner of implementation of its recommendations by the Government. It recommended that the Government (c) ensure a thorough and timely investigation by the Ministry of Justice and Social Welfare of the allegations in the detainee report and subsequently reform the practices of the Correctional Services officers and police forces as needed.

48. Ghana noted measures to ensure respect for human rights, including the provision of affordable legal services to local defendants, enactment of the Leadership Code Act which forbids a leader from using public money for personal gain, ensuring transparency in the use of public money allocated to Members of Parliament, the Family Protection Act and the high priority placed on education. Acknowledging the difficulties resulting from environmental vulnerability and limited resources, Ghana encouraged the Government to continue to pursue the initiatives outlined in the report with a view to addressing the human rights issues. Ghana asked if the limited participation of women in politics was due to lack of education or to cultural and other social impediments, and how this would be addressed. Noting the two unfortunate scenarios which occur during elections, as described in the national report, Ghana recommended that (a) action be expedited to address the two issues through the proposed amendment of the Representation of the People Act.

49. Italy commended Vanuatu for its stance on the abolition of the death penalty and recommended (a) considering acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty. Noting the concerns of the Committee on the Elimination of Discrimination against Women about the use of customary methods of punishment in cases of rape, which may represent a substitute for the punishment of offenders provided for in the law, Italy recommended (b) pursuing efforts towards ensuring equal rights for men and women; (c) continuing to act upon the recommendations of the Committee on the Elimination of Discrimination against Women; and (d) fully incorporating the provisions of CEDAW into domestic legislation.

50. The Philippines congratulated the Government for ratification of CEDAW, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Covenant on Civil and Political Rights. Noting Vanuatu's development of a policy on free primary education, it recommended (a) continuing its efforts in this regard; and (b) continuing to enhance access to basic health services, especially for children. Noting Vanuatu's vulnerability to natural disasters and climate change, which clearly affect development and human rights, it asked how the Government was addressing the negative effects of these on the rights to life and adequate housing, among others. It recommended that (c) with the support and

cooperation of the international community, Vanuatu seek to build up its capacities to effectively respond to natural disasters and adapt to the challenges brought about by climate change.

51. The delegation said that Vanuatu commits significant resources to the education sector. Government budget allocations in education have increased over the past three years. Vanuatu requested technical assistance from OHCHR to better address issues related to human rights education in the education system.

52. On correctional facilities, the delegation added that minors would be separated from adults in those centres. Acknowledging that more needs to be done in this area, the delegation said that Vanuatu will report back to the Human Rights Council in September on this issue after full consultation with relevant government departments.

53. The delegation noted that traditional societal values could undermine the capacity of women in society. Vanuatu is promoting women in public services. For instance, some of important high official positions such as Public Prosecutor, Parliamentary Counsel and Solicitor-General, are held by women. While acknowledging much needs to be done in this regard, Vanuatu requested international assistance due to limited resources. Vanuatu also requested technical assistance from OHCHR for establishing a national human rights institution.

54. The delegation noted that much has been done by the Regional Rights Resources Team for the capacity-building of judges, lawyers and magistrates. The delegation asked OHCHR to assist Vanuatu in awareness-raising and promotion of human rights, acknowledging that much needed to be done in local communities and remote and rural areas.

55. The delegation said that this review would help Vanuatu improve the promotion and protection of human rights, and that it would continue to uphold human rights principles. The delegation reiterated Vanuatu's request for scientific studies to identify future climate change effects and upcoming natural disasters so that Vanuatu could take the necessary steps to address these issues in a timely and effective manner, as well as for technical assistance to help Vanuatu to better address the implementation of its international obligations.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

56. In the course of the discussion, the following recommendations were made to Vanuatu. These recommendations will be examined by Vanuatu, which will provide responses in due time. The responses of Vanuatu to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twelfth session:

1. Continue fulfilling its obligations under international treaties as well as considering the possibility (Algeria) of acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Algeria, Azerbaijan, Czech Republic, France, Japan) and its Optional Protocol (Azerbaijan, Czech Republic) and continue its efforts to bring about their prompt ratification (Mexico);
2. Within the spirit of the Durban Review Conference and Human Rights Council resolution 9/12 (Brazil), consider (Algeria, Brazil) the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (Algeria, Brazil, Azerbaijan, France, Japan);

3. Ratify the International Covenant on Economic, Social and Cultural Rights (Azerbaijan, Japan, Netherlands);
4. Ratify the United Nations Convention against Corruption (Netherlands);
5. Keep under consideration the possible ratification of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Mexico); Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Azerbaijan);
6. Follow up its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child with implementation (Slovenia);
7. Consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);
8. Take prompt action to implement the Family Protection Act (Australia); Continue its efforts to allocate sufficient resources to ensure its effective implementation (Netherlands);
9. Continue to incorporate CEDAW principles into its domestic legislation (Canada, Italy); Review its domestic legislation (Azerbaijan) and take appropriate measures (Algeria) to bring it into full conformity with all human rights conventions to which it is a party, especially CEDAW (Algeria, Azerbaijan) and the Convention on the Rights of the Child (Azerbaijan) and to implement specific recommendations made by the Committee on the Elimination of Discrimination against Women in this regard (Azerbaijan), and referred to in paragraphs 4 and 14 of the OHCHR compilation (A/HRC/WG.6/5/VUT/2) (Algeria); Continue to act upon the recommendations of the Committee on the Elimination of Discrimination against Women (Italy); Undertake further actions to combat discrimination against women and to ensure equality for women on the ground, and in this regard take into account the recommendations of the Committee on the Elimination of Discrimination against Women (Netherlands);
10. Review all relevant legislation so as to eliminate all forms of discrimination against or marginalization of women (Canada) and amend all laws which perpetuate discrimination against and marginalization of women (Austria);
11. Pursue its efforts to ensure equal rights for men and women (Italy) and go beyond recognizing equality of women in its legislation to ensure that this equality is *de facto* recognized (Canada);
12. Put in place a strategy to ensure that the rights of women are upheld by the justice system in line with Vanuatu's obligations under CEDAW (Austria);

13. Consider (Brazil) reviewing the legislation on the minimum age for criminal responsibility (Azerbaijan, Brazil) with the purpose of bringing it into full conformity with the Convention on the Rights of the Child (Azerbaijan);
14. Strengthen its efforts to implement the Convention on the Rights of Persons with Disabilities by amending the Constitution to prohibit discrimination against persons with disabilities and support the role of disabled persons' organizations (New Zealand);
15. Expedite action to address the two issues contained in paragraphs 30(a) and (b) of the national report through the proposed amendment to the Representation of the People Act (Ghana);
16. Take forward and continue with its efforts to establish a national human rights institution in accordance with the Paris Principles (Mexico, United Kingdom); Consider (Maldives) establishing a national human rights institution in compliance with the Paris Principles (Azerbaijan, Germany);
17. Continue strengthening the role of the Ombudsman's office, including its ability to follow up on the results of its investigations, and increase efforts to provide it with sufficient funding (Czech Republic) and allocate more funding to the Ombudsman to allow for more aggressive prosecution of corruption cases (United States);
18. Involve civil society organizations in the follow-up to this UPR (United Kingdom);
19. Exhaustively conduct human rights education and awareness-raising activities to inform all citizens of their rights (Japan);
20. Promote awareness-raising programmes on the importance of education of children and consider imposing adequate sanctions on parents who fail to send their children to school (Austria);
21. Pursue the initiative to establish Child Desk Officers within the Department of Women's Affairs and intensify efforts to ensure access to free compulsory education for all children in the country (Czech Republic);
22. Take efficient measures to combat corruption (Azerbaijan);
23. Step up its cooperation with United Nations special procedures (Mexico);
24. Continue to take the measures necessary to reduce discrimination against women, in particular on the job market and in national political life, where women are underrepresented, particularly through support for the efforts of the National Council for Women (France);
25. Take necessary measures to ensure that discrimination on the basis of disability, economic status, sexual orientation or living with HIV/AIDS is prevented (Netherlands);

26. Ensure the primacy of laws protecting the equality of women over customary practices that are contrary to such principles (Canada); Seek to address, as a matter of priority, any rules and customs that discriminate against women (United Kingdom); Put in place a comprehensive strategy (Turkey) and take all necessary measures to modify or eliminate cultural practices and stereotypes that discriminate against women (Azerbaijan, Turkey), including awareness-raising, as well as to ensure that in its family law both spouses have the same rights and responsibilities (Azerbaijan);
27. Take appropriate measures and continue working towards improving conditions in prisons and detention centres (Australia); Review conditions in prison and detention facilities, in particular where juveniles are concerned (Czech Republic) and allow access to detention facilities to civil society organizations (Czech Republic);
28. Support further human rights training for police, corrections and justice officials; Promote regular, independent monitoring of detention facilities and ensure that detainees have immediate and effective means of redress and protection when their rights are violated (New Zealand);
29. Ensure a thorough and timely investigation by the Ministry of Justice and Social Welfare of the allegations in the detainee report and subsequently reform the practices of the Correctional Services officers and police forces as needed (United States);
30. Adopt a proactive approach to implement any recommendations of the Government's commission of enquiry aimed at protecting the rights of detained persons (Canada);
31. Strengthen the functioning of its judiciary and its human rights institutional framework and promote concrete programmes to raise awareness of human rights, in particular among judges and lawyers, but also among the general public (Czech Republic);
32. Adopt further comprehensive measures to combat domestic violence, taking into account recommendations of United Nations human rights bodies in this regard (Netherlands); Adopt a "no drop" policy to ensure that all cases of domestic violence are properly investigated (Austria); Strengthen efforts to work across agencies and with non-governmental women's organizations to raise awareness that domestic violence is unacceptable, to educate women on their rights and to combat stereotypes and customary practices that perpetuate domestic violence (New Zealand);
33. Ensure effective investigation into all allegations of torture or mistreatment (Czech Republic);
34. Adopt comprehensive measures to address violence against women and enact legislation to ensure that such violence, including sexual abuse, constitutes a criminal offence (Azerbaijan); Consider stepping up measures to comprehensively address the problem of violence against women, including by

- increasing public awareness campaigns to sensitize the community on the issue (Malaysia);
35. Within the context of the National Plan of Action for Women 2007-2011 and the Family Protection Act, consider raising public awareness to combat domestic violence and making legal aid available to all victims of such violence (Brazil);
 36. Take all measures to eradicate the practice of corporal punishment in the family and juvenile justice systems and to ensure effective implementation of the ban on this punishment in schools (Azerbaijan);
 37. Take further steps to ensure the independence of the judiciary (Azerbaijan); Further enhance the capacity, neutrality and independence of the judiciary (Germany);
 38. Amend the judicial rules so that the Ombudsman's reports are more easily admissible in court (United States);
 39. Pursue its efforts to further empower women and enhance their condition and participation in political life (Algeria);
 40. Proceed with its efforts to improve the health system, combat diseases, improve maternal health and reduce child mortality rates (Algeria); continue its efforts to reduce the maternal and child mortality rates (Azerbaijan); continue in its implementation of the Millennium Development Goals, with the necessary support of the international community, in order to reduce infant mortality rates, improve maternal health and strengthen the fight against HIV/AIDS, malaria and other illnesses (Morocco);
 41. Step up its efforts to ensure adequate access to quality basic health and education services, particularly for those living in isolated rural areas and for vulnerable groups (Azerbaijan); consider addressing the disparities in the delivery of and access to quality basic social services such as health, education, water and sanitation services (Malaysia); Continue to enhance access to basic health services, especially for children (Philippines);
 42. Pursue its efforts to guarantee access for all its children to free and compulsory primary education by enhancing the implementation of its national action plan for education for all (Algeria); take appropriate action to put into place free primary school education for all and to make primary education compulsory (Germany); continue its efforts in developing a policy on free primary education (Philippines);
 43. Promote more effective efforts to keep children in schools, particularly girls (France); enhance its education plan to improve women's attendance rate in secondary schools and provide quality secondary education in rural areas (Canada);
 44. Seek from the international community and the relevant United Nations agencies the technical and financial assistance needed to help the Government to overcome challenges and the constraints listed in paragraphs 98 to 107 of the national report (Algeria); enhance cooperation with other countries and organs and funds of the

United Nations to increase the number of financial and technical programmes aimed at strengthening the capacity of Vanuatu in the area of human rights (Mexico);

45. Make good use of technical assistance from OHCHR to accede to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture (Japan);
46. Continue engaging members of the international donor community with a view to building capacity, particularly with regard to securing improvements in the economic and social rights situation of its population (Malaysia); request technical assistance from relevant United Nations agencies and programmes and conclude partnerships with other interested countries to improve the health system, combat diseases, improve maternal health and reduce child mortality rates (Algeria);
47. Request the international community, led by the major industrialized economies, to help promote and protect human rights in Vanuatu by reducing greenhouse gas emissions to “safe” levels that are consistent with full enjoyment of human rights, and by funding adaptation measures to help it cope with those changes that are already taking place (Maldives); with the support and cooperation of the international community, seek to build up its capacities to effectively respond to natural disasters and adapt to the challenges brought about by climate change (Philippines);
48. With the objective of establishing a national human rights institution in accordance with the Paris Principles, ask for the assistance of OHCHR (Mexico); back up the commitment to establishing a national human rights institution by asking for the necessary technical assistance and support from the international community (Morocco).

57. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

Annex

COMPOSITION DE LA DELEGATION

The delegation of Vanuatu was headed by Ms. Roline Lesines, Labour Department, Vice-Chair-Person of the Vanuatu UPR Committee and composed of three members:

Mr. Louis Georges Vakaran, State Law Office;

Mr. Mahé Serge Alain, Department of Foreign Affairs;

Ms. Julie Garoleo, Ministry of Lands.
