

**Country session:** Vanuatu

**Date of session:** 21 September – 22 September (76<sup>th</sup> Session)

## Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

Summary Records: CRC, [here](#) and [here](#). OPSC and OPAC, [here](#).

## Reporting

### Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

### State report:

Common core document	
<a href="#">Initial submission</a>	27 January 1997
<a href="#">Updated document</a>	21 October 2014

CRC		OPAC		OPSC	
No. of report	2 <sup>nd</sup>	No. of report	1 <sup>st</sup>	No. of report	1 <sup>st</sup>
Due date	5 August 2000	Due date	26 October 2009	Due date	17 June 2009
Submission	3 August 2016	Submission	3 August 2016	Submission	11 March 2016
<a href="#">Written replies to LOs</a>	<b>Due date:</b> 15 June 2017 <b>Submission:</b> 9 August 2017	<a href="#">Written replies to LIOs</a>	<b>Due date:</b> 16 June 2017 <b>Submission:</b> 9 August 2017	<a href="#">Written replies to LIOs</a>	<b>Due Date:</b> 16 June 2017 <b>Submission:</b> 9 August 2017

**Additional comments:** While welcoming the reports of the State, the Committee regretted that they had been submitted with considerable delay. This had prevented the Committee from reviewing the situation of children's rights in the State for 18 years.

### Public reports from children's rights defenders:

Alternative reports	
NGOs	<a href="#">Global Initiative to End All Corporal Punishment of Children</a>

## State delegation

Multisectoral delegation led by Acting Head of the Treaties and Conventions Division of the Department of Foreign Affairs, Ms. Jenny R. Tevi. She was supported by representatives of the Ministry of Justice, Social Affairs and Community Services, Ministry of Health, and Ministry of Education and Training.

See the list of State delegation representatives [here](#).

## Committee's Task Force members

Name & Last Name	Country
Mr. Bernard GASTAUD (CRC)	Monaco
Mr. Clarence NELSON (CRC / OPSC)	Samoa
Mr. Gehad MADI (OPAC)	Egypt

## Dialogue description

### i. Character of the dialogue

The atmosphere of the dialogue was constructive and honest. While the answers of the State to the Committee's questions on the CRC were elaborated, the answers given with respect to OPSC and OPAC were short and few. However, the delegation recognized the challenges faced by the State in realizing children's rights and was very open to discuss about practical and technical obstacles as well as opportunities in implementing the CRC and the two Optional Protocols.

### ii. General assessment made by the Committee

Due to limited resources of the State, the delegation representatives were not physically present but interacted with the Committee through video-conferencing. While the Committee members appreciated the constructive dialogue with the delegation, they regretted that they did not have the opportunity to have a direct dialogue with the delegation. The Committee held that it hoped that the review of children's situation in Vanuatu before the Committee would help the State to detect where there were gaps in the realization of children's rights.

### iii. Main issues discussed:

#### *Convention on the Rights of the Child*

- **Discrimination / child marriage for girls:** The Committee voiced its serious concerns about the fact that the minimum age for marriage for girls was at the age of 16 years under the Control of Marriage Act. The Committee was also concerned that girls could marry even prior to attaining 16 years of age. The delegation replied that the State was currently working on raising the minimum age for marriage for girls from the age of 16 to 18 years and that a proposal of amendment to the law in question would be submitted next year.
- **Corporal punishment:** The Committee inquired whether any progress had been made to ensure that corporal punishment was prohibited in all settings, and especially in the family environment. Committee members also asked whether there were any child-friendly complaint mechanisms for children who had been subject to this

kind of violence and whether perpetrators of this offence were brought to justice. The delegation replied that efforts were being undertaken to raise awareness amongst communities, parents and teachers about alternative, non-violent means of punishment. There were no cases of prosecution in relation to corporal punishment as corporal punishment had not yet been criminalized. Child friendly focal points, which could receive complaints from children, were in charge to ensure that children were protected in the school environment.

- **Sexual violence against children:** The Committee said it was seriously and particularly concerned about the high level of sexual violence against children. Committee members asked what legislative measures were undertaken to target and combat this kind of violence; if there were programs put in place; if efforts were undertaken to raise the public awareness, including in the family setting; if persons working for and with children were trained; if any assistance was given to child victims by way of recovery and rehabilitation services; and if there were any helplines available to children. The delegation replied that the Ministry of Education had recently launched the “Child Safeguarding Policy” in schools, which addressed both teachers and students and which included policies on a robust complaints mechanism for children. The delegation remarked that sexual abuse in the family continued to be one of the main issues in the State, and explained that it was progressively being addressed. Pilot studies were being undertaken and awareness raising activities were being conducted. Moreover, family protection units in the police stations provided counselling to victims in both urban and rural areas.
- **Children with disabilities:** The Committee remarked with concern that there was no domestic legislation in place for the protection of children with disabilities, although the State was also a party to the CRPD. Committee members inquired about measures to eliminate the stigma that could be lived by children with disabilities and what initiatives were taken to prevent discrimination of children with disabilities in the school environment. The delegation replied that a legislative bill which promotes a rights-based approach on the rights of persons with disabilities would be submitted before the end of the year. There was an ongoing consultation process on the inclusive disability policy which would be in conformity with the CRPD and include specific strategies concerning children with disabilities. Moreover, awareness raising activities were being carried out in most communities with a view to tackle societal attitudes and the stigma faced by children with disabilities.

*Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

- **Data collection:** The Committee raised its concerns about the fact that there was no data available in relation to child prostitutes. The delegation acknowledged this gap and said that the State had yet to gather the baseline data that would enable it to draw up a policy to address the issue of child prostitution.
- **Measures to prevent offences prohibited under the Protocol:** The Committee inquired whether the State, with the help of UNICEF, could undertake to conduct a study on the issues covered by the Protocol in order to enhance its understanding of the issues and help it to tackle them. In the same vein, the Committee asked whether the State was planning to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The delegation replied that support from UNICEF in consultation and training on the Protocol would be very welcome. Moreover, it said that it was unable to answer whether or not the State could commit to ratify the said Convention.

*Optional Protocol on the Involvement of Children in Armed Conflict*

- **Dissemination:** The Committee pointed out with concern that the State did not carry out wide awareness raising campaigns for the dissemination of the principles and provisions of the Protocol and asked whether the State intended to do so. The Committee also inquired whether relevant professionals working for or with children would be trained on the Protocol. The delegation said that general trainings, which included a human rights component, were being provided to police officers who are involved with children, however, such training did not include OPIC specifically.

- **Criminal legislation:** The Committee expressed concerns about the absence of legislations criminalizing the recruitment of children under 18 years of age by non-State armed groups and stressed the link to extraterritorial jurisdiction. The delegation replied that it had no information regarding the recruitment of children by non-State armed groups. It further said that extradition agreements had never been invoked in relation to offences under OPAC.

## Recommendations of the Committee

### *Convention on the Rights of the Child*

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **The Committee's previous recommendations:** The Committee recommended the State to take all measures to address its previous recommendations of 1999 which had not been sufficiently implemented and in particular, the recommendations concerning budget allocation, training and dissemination and corporal punishment.
- **Allocation of resources:** Echoing its previous concluding observations, the Committee recommended the State to increase its budget allocated for children to the maximum extent possible
- **Definition of the child:** The Committee urged the State to revise the Control of Marriage Act with a view to ensure that the minimum age for marriage is set at 18 years of age for both girls and boys and that the State take all necessary measures to eliminate child marriages.
- **Corporal punishment:** The Committee urged the State to amend existing legislation, especially the Family Protection Act, and the Penal Code and explicitly prohibit corporal punishment in all settings. The State should also immediately and effectively implement the Education Act prohibiting corporal punishment in schools, develop Guidelines for the implementation of the prohibition of corporal punishment in accordance with this act, and enhance training of teachers on alternative forms of discipline. The State should also provide programmes for parents, teachers, the police and professionals that work with children to encourage the use of alternative non-violent forms of discipline. Children should have access to a complaints mechanism in schools so that they can safely and confidentially report teachers, and the efforts to carry out awareness raising programmes and trainings should be strengthened.
- **Abuse and neglect and sexual exploitation and abuse:** The Committee urged the State to encourage community-based programmes designed at preventing and combating domestic violence, child abuse and sexual exploitation. Strong emphasis should be placed on the gender dimension of violence. The State should furthermore take all necessary measures to introduce special court procedures to take evidence of child victims of violence and ensure that they receive services for their recovery, that they are aware of the existence of protection orders and the special court procedures, and that they understand reporting procedures and are encouraged to report instances of violence. The State should reinforce its efforts to carry out awareness-raising activities to combat stigmatization of child victims and ensure accessible, confidential, child-friendly and effective reporting mechanisms. The State should also ensure sufficient resources, particularly specialized personnel, for handling cases of violence, and in particular sexual abuse and exploitation of children.
- **Children with disabilities:** The Committee urged the State to adopt a human rights-based approach to disability and to establish a comprehensive strategy for the inclusion of children with disabilities. Moreover, the State should strengthen the legislative framework by adopting the Disability Bill and implementing the National Disability Inclusive Development Policy, conduct and support community campaigns and programmes to address discrimination and stigma against children with disabilities. The State should also provide specialized teachers and

professionals; improve access to all public buildings and spaces; expand community based rehabilitation and early identification; and provide the necessary support to service providers and families of children with disabilities.

*Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **Measures adopted to prevent offences prohibited under the Protocol:** The Committee recommended the State to reinforce its preventative measures. In particular, the State should adopt administrative and legal measures, social programmes and policies in the area of health and education with a view to protect children from offences and with reference to the recommendations made to the State under the CRC, the State should also speed up the scaling-up of birth registrations in health facilities, the use mobile registration structures and the creation of registration at the community level to ensure that birth registration is available to all. The State should also expedite legislation criminalizing child exchange between tribes, establish specialized mechanisms and procedures for the identification of children at risk, particularly among children in vulnerable situations, and strengthen prevention programmes and the protection of potential victims, especially girls. In addition, the State should strengthen its efforts to ensure that prevention efforts also target children in vulnerable situations, such as asylum-seeking and refugee children, unaccompanied migrants and undocumented children.
- **Existing criminal or penal laws and regulations:** The Committee recommended the State to continue to revise and bring its Penal Code and other relevant legislation into full alignment with Articles 2 and 3 of the Optional. To this aim, the State should clearly specify that a child that has not yet attained the age of 18 years, irrespective of the legal age of consent to sexual activity, is unable to consent to any form of sexual exploitation, including child pornography and child prostitution. Moreover, the State should define and criminalize all forms of “sale of children”, in compliance with articles 2 and 3 of the Protocol, and adopt additional legislative, administrative and practical measures to eliminate exploitation of children for prostitution.
- **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol:** The Committee recommended the State to set up mechanisms and procedures for the early identification of child victims of offences under the Protocol and ensure that personnel working for and with children are trained in children’s rights, child protection and child-friendly interviewing skills. The State should also consider revising its Criminal Code with provisions regarding criminal proceedings and special protection measures for children, and seek bi-lateral, multi-lateral, regional and international assistance in implementing those recommendations.

*Optional Protocol on the Involvement of Children in Armed Conflict*

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **Dissemination:** The Committee urged the State to broadly disseminate the principles and provisions of the Protocol and to conduct training for all relevant professionals working for or with children.
- **Criminal legislation and regulations in force:** The Committee recommended the State to explicitly criminalize in its penal code the recruitment or use in hostilities of children under the age of 18 by non-State armed groups.
- **Protection, recovery, reintegration:** The Committee recommended the State to establish mechanisms to identify refugee, asylum-seeking and migrant children, including unaccompanied children, coming from countries with past or present armed conflicts, and who may have been involved in hostilities. The State should also ensure that relevant personnel are trained in children’s rights, child protection and interviewing skills, and develop protocols and specialized services to ensure that such are provided with appropriate assistance for their physical and psychological recovery and social reintegration.



## Sustainable Development Goals

Throughout its Concluding Observations, the Committee referred to the following targets:

- Target 16.2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children;
- Target 3.2, on ending preventable deaths of newborns and children under 5 years of age;
- Target 13.5, on promoting mechanisms for raising capacity for effective climate change-related planning and management;
- Target 1.3, on implementing nationally appropriate social protection systems and measures for all.

## Next State report

CRC	
No. of report	3 <sup>rd</sup> – 7 <sup>th</sup>
Due date	5 February 2022

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.