**Hon Don Ken (MP), Minister of Justice & Community Services**

Mr President, I thank you for allowing me this opportunity to take the floor.

Excellencies, members of the UPR Working Group, representatives of the civil society, members of the secretariat, distinguished delegates. I bring you warm greetings from the Government and the People of the Republic of Vanuatu. It is with great honour that my delegation is taking the floor to present Vanuatu’s National Report on the Universal Periodic Review. I would like to take this opportunity to thank the OHCHR Secretariat for facilitating this process for us and all the Member States represented here today. Since 2014, the Government of the Republic of Vanuatu has directed limited resources to address the recommendations of the 2nd UPR Review. We look forward to your engagement in this review process

Vanuatu appreciates and believes that the UPR process creates a platform for all UN Member States to cooperate, collaborate and share experiences on areas of common interest in Human Rights.

For this 3rd UPR review, I as the Head of the delegation and Minister responsible for the Ministry of Justice and Community Services, am joined by His Excellency Ambassador Sumbue Antas of the Vanuatu Mission in Geneva, Mr. Marokon Alilee, First Political Advisor of the Ministry of Justice and Community Services, Ms Angelyne Glenda Dovo – Parliamentary Counsel from the State Law Office and Chairperson of the Vanuatu National Human Rights Committee, Mrs Roline Tekon – Head of Treaties and Conventions Division at the Ministry of Foreign Affairs, and Mr Setariki Waqanitoga – Policy Advisor at the Ministry of Justice and Community Services.

Mr President, I now invite Ms Angelyne Glenda Dovo, the Chairperson of the Vanuatu National Human Rights Committee to outline some key positive developments since 2014, as well as to flag some of our continuing human rights challenges.

Thank you Mr. President

**Ms Angelyne Glenda Dovo**

Mr President, thank you for allowing me the opportunity to take the floor.

The Government of Vanuatu acknowledges the technical assistance to support the UPR processes that has been provided to it by the Pacific Islands Forum States (PIFS), the Secretariat of the Pacific Community, the Regional Rights Resource Team (SPC/RRRT) in partnership with the Commonwealth, the Melanesian Spearhead Group (MSG) and the United Nations Office of the High Commissioner for Human Rights (OHCHR).The Government of Vanuatu also acknowledges the invaluable work of the civil society and appreciates their engagement in the process up to today’s dialogue.

Mr President, Vanuatu, with a population of 250,000 people scattered over 80 islands with cultural diversity, is prone to natural disasters such as cyclone and volcanic eruptions. Despite these challenges, the Government of Vanuatu is committed to the promotion and protection of human rights and has constructively engaged with the UN human rights system to ensure the implementation of the Human Rights Instruments that we have ratified. We believe that the protection and promotion of human rights are an essential component that pave the way for peace, security, freedom and dignity for all.

Vanuatu’s Constitution provides the legal framework for governance and the rule of law. The Constitution promotes and protects various fundamental rights and duties of all individuals in Vanuatu. The Constitution also guarantees the enforcement of fundamental rights by providing legal recourse to the Supreme Court in the event of an infringement of a protected right.

Mr President, the Government of Vanuatu has actively engaged with the UN human rights system, since our last UPR cycle in November 2013. To highlight a few of the mentioned engagements, the Government of Vanuatu has appeared before the Committee on the Elimination of all form of Discrimination against Women in February 2016, the Committee on the Right of Child in September 2017 and will be appearing before the Committee on the Rights of Persons with Disability in March 2019.

Since our last appearance before this Committee in 2013, we have progressed and implemented a range of human rights initiatives, building on the adopted recommendations.

As part of the implementation process of these recommendations, the Government of Vanuatu established a National Human Rights Committee in 2014 by Statutory Order, to provide advisory and monitoring capacity to the Government on the implementation of the 95 recommendations adopted in our last review and generally on all matters concerning Human Rights. With the assistance of the Pacific Islands Forum, the Secretariat of the Pacific Community through RRRT, the Regional Office of the High Commissioner for the Human Rights and the UPR Committee, the National Human Rights Committee has developed a UPR National Implementation Matrix 2014-2018. The Matrix was a simplified guide for the Government line agencies to implement the respective recommendations. Mr President, I am proud to highlight that the development and implementation of this matrix is regarded as one of the best practices in the Pacific Region as Vanuatu was the first country in the Pacific to develop a UPR Implementation Matrix.

In taking ownership of the UPR process, the recommendations adopted were divided into thematic areas for incorporation into existing national development plans such as the Vanuatu Government’s Priority Action Agenda (PAA) and the Planning Long, Acting Short Strategic Framework (PLAS) as well as various ministry annual and corporate plans as it relates to human rights, poverty reduction, education, social protection, health and the SDGs among others.

Further the Government’s National Sustainable Development Plan 2016-2030 or the People’s Plan and its monitoring and evaluation framework reflects the Government’s commitments towards realizing basic human rights in the form of sustainable development goals and priorities.

Mr President, from 2014-2018, the Government of Vanuatu has enacted the following laws that provide for the protection of rights including laws on education, health, movement, access to information:

* The Right to Information Act No 13 of 2016 provides a legal basis for the right of any person to request and access information held by the Government,
* The Public Health (Amendment) Act No. 11 of 2018 providing for sanitation standards,
* The Education Act No. 9 of 2014 provides for the representation of women in the national Education Advisory Council and the elimination of educational disadvantages arising from the gender or ethnicity of a child,
* The Penal Code (Amendment) Act No. 15 of 2016 increasing sentencing penalties for the offence of abduction and sexual offences,
* The Custom Land Management Act No. 33 of 2013 which commenced in 2014 enables women to participate in decision making processes in cultural settings (nakamal),
* The Penal Code (Amendment) Act No 15 of 2016 establishes the offence of abduction of person under 18 years of age,
* The Water Resources Management (Amendment) Act No 32 of 2016 provides for responsibilities of water resources, customary rights and rights of occupiers to water resources, and
* The Water Supply (Amendment) Act No 31 2016 provides for the national drinking water quality standards and drinking water safety plans.

Mr President, the Government of Vanuatu has also formulated policies that set out the strategic priorities for the Government and our development partners in addressing human rights at all levels of our Society.

As part of the implementation process of the CEDAW, CRC, and CRPD recommendations,

The Department of Women’s Affairs has developed the key gender policies, having given due consideration to the CEDAW and the CRPD. These include the Vanuatu National Gender Equality Policy 2015-2019; the National Disability Inclusive Development Policy 2018-2025; the Vanuatu Child Online Protection National Strategy Framework for the Republic of Vanuatu 2014 –2021; the Vanuatu National Child Protection Policy 2016-2026 and the Strategy for the Justice and Community Services Sector 2018-2021.

Mr. President in combating one of the maternal health issues which Vanuatu has as the highest rate in the Pacific, which is cervical cancer, the Ministry of Health in collaboration with the Asian Development Bank (ADB) commenced its vaccine programmes for cervical cancer in Vanuatu this year. So far, this programme has reached more than 10,000 women out from a total population of 63,120 women throughout Vanuatu.

The Ministry of Health has developed the following key health policies and frameworks to reflect Vanuatu’s commitments to ensure the right to health under CEDAW, CRC and CRPD are being implemented. These include; Health Sector Strategy (HSS) 2017-2020; Vanuatu National Nutrition Policy & Strategic Plan 2016-2020; Vanuatu Non-Communicable Disease Policy and Strategic Plan 2016-2020; Tobacco Control Act of 2008 as amended in the Statute Law (Miscellaneous Provisions Act) Act No. 6 of 2016; National Strategic Plan of HIV and STI 2017-2021; National Policy and Strategy for Healthy Islands 2018-2020; Healthy Vanuatu School Food Guidelines/Gudfala Kakae Policy 2017-2030; Vanuatu Reproductive, Maternal, New Born, Child and Adolescent Health Policy and Implementation Strategy 2017-2020; Draft Digital Health Strategy Information for Action 2019-2021; A Comprehensive Violence against Women, Children, Vulnerable and Marginalized groups Training Manual for Health Care Professionals and Participants Guide 2017.

The appointment of registered counsellors and authorised persons under the Family Protection Act in 2017, has made it possible for women to have access to Protection Orders from authorised persons and to counselling by registered counsellors, under the Act.

The Ministry of Education and Training has developed a number of policies with a view to promoting and implementing the Convention on the Rights of the Child (CRC). These policies govern child protection, rights to education and related issues such as the Child Safeguarding Policy 2017; Revised Gender Equity in Education Policy 2018; Sweet Drink Policy 2014; Revised Early Childhood Care and Education (ECCE) Policy 2017; Education Authority and School Registration Policy 2017; Information Management in the Education Sector Policy Statement 2014; Interim Vanuatu Education Sector Strategy 2017-2018; Open Vanuatu Education Management Information System (VEMIS) Policy 2017; WASH in Schools – Call to Action 2016; Draft Education and Training Sector Analysis 2019-2030; Post-Secondary and Tertiary Education Policy.

Furthermore Mr. President, we are proud to inform you that the Government has maximized its commitment to implement its universal access to education for all children. In 2018, the Government subsidized school fees by providing school grants for Early Childhood Education and for Year 6 to Year 7 students in our primary school level. And In December 2018, the Parliament passed a budget to cater for school grants allowing free access to education for students from Year 8 to Year 10 in our secondary school level.

Mr President, the Government in its efforts to address the rights of People with Disability has, through the Ministry of Justice and Community Services, undertaken a review of all legislations in 2016 and provided recommendations for amendments to be made to legislation to ensure compliance with the CRPD.

The Government has lodged with Parliament in December last year, the Correctional Services Amendment Bill which has provisions in it to ensure that the needs of detainees with Disability are considered in the Correctional Centres.

The Government through the Ministry of Justice has begun consultations in Vila in 2018 and to other Provinces in Vanuatu this year on a proposed new legislation for People with Disability.

Some of the achievements for People with Disability:

1. The opening of a new Office for the Vanuatu Society for People with Disability in Port Vila
2. The development of a National Disability Inclusive Policy
3. The recruitment of disability officers at Provincial Headquarters
4. The inclusion of the employment of People with Disability in the Government Ministries and the Private Sector
5. Improved collaboration between the Disability Desk and stakeholders
6. The participation of people with disability in the Para Olympic games

**CLIMATE CHANGE**

Mr President, as a Small Island Developing State, Climate change is a factor that affects the Government’s development plans. The Government established a fully fletched Ministry of Climate Change in April 2013 as part of its efforts to streamline Vanuatu’s responses to the effects of climate change. The Ministry’s primary mandate is to address and deal with the effects of climate change and impacts of natural disasters in Vanuatu. The Ministry of Climate Change is now implementing the National Policy on Climate Change and Disaster Risk Reduction 2016 – 2030, purposely developed to map out all Government agencies and non-Governmental stakeholders in ensuring that our communities, environment and economy are resilient to the impacts of climate change and disaster risks. The policy ensures that risks are identified, assessed, reduced and managed. It was formulated following a risk governance assessment to analyse Vanuatu’s climate change and disaster risk governance capacity and needs at both national and local levels. It seeks to strengthen existing capacity at national, provincial and area council levels, drawing on the country’s rich heritage, traditional knowledge and the lessons learned from the broad range of initiatives regarding climate change and disaster risk reduction.

Moreover, the People’s Plan, addresses Climate change policies under Environment Pillar 2, encouraging Blue-Green Economic Growth for an economy which fosters sustainable growth and development through low impact industries and modern technologies to ensure the well-being of future generations.

In 2018, the Government has carried out a mass evacuation of the entire population of people residing on the whole island of Ambae due to serious volcanic activities on that island. The Government also has a National Displacement Policy of 2018 to better manage and coordinate such process in future disasters.

**LABOUR**

Vanuatu has made a number of progress in terms of its implementation of the ILO Convention and acknowledges that there are still room for improvements and a number of outstanding implementations that need to be undertaken.

Recently Vanuatu has faced some issues related to forced labour and human trafficking. While section 7 of the Employment Act of Vanuatu prohibits forced labour, Vanuatu is committed to review and develop specific legislation to better address this issue on human trafficking and forced labour.

**ACHIEVEMENTS**

Mr President, I wish to highlight some further achievements that the Government of Vanuatu has accomplished after the last UPR review in 2013 with the generous support of our bilateral and multilateral partners. These achievements are:

* The establishment of the Vanuatu Embassy in Geneva,
* The submission of the initial and combined periodic CRPD Report in 2015 and dialogue is scheduled for March this year,
* The completion of the 2nd and 3rd CRC Report and constructive dialogue,
* The completion of the 4th and 5th Report on CEDAW and reported to the Committee in 2016,
* The establishment of a Gender Officer in the Department of Women’s Affairs and the Ministry of Health,
* The endorsement of the National Child Protection Policy 2016 – 2026;
* The Child Safeguarding Policy 2017-2020,
* The Establishment of an External Inspection Team to inspect and report on the conditions of and treatment in correctional centers,
* The Establishment of the Ministry of Climate Change and a Gender and Protection Cluster which ensures the inclusion of gender and protection issues in natural disasters,
* The completion of reproductive health awareness on Tafea and Malampa provinces with the assistance from UNFPA 2013 – 2017 cycle,
* The Establishment of a Right to Information Unit under the Right to Information Act,
* The National Disability Inclusive Development Policy 2018-2025; and
* The National Anti- Corruption Policy Framework 2018-2022.

Mr. President, as Vanuatu is an archipelago comprising of more than 80 islands, access to Government services and the lack of appropriate infrastructure has been a major issue for Vanuatu. However, through the generous assistance of our key economic partners such as the People’s Republic of China, Japan, Australia, New Zealand, the ADB and the World Bank, Vanuatu has now upgraded a couple of its, roads, its feeder roads, its wharfs and its airports. The upgrade of the mentioned infrastructure not only meet international standards but also pave the way to a decent living standard and economic prosperity for all and in particular women and children.

Vanuatu has also increased its mobile coverage and telecommunication services in order to ensure that its population have access to the information they need, especially information relating to disaster warnings, health issues etc. It was estimated that by 2018, 98% of the population would have access to telecommunication services. One of the highlights, is the dissemination of Cyclone Warnings, health and education awareness through mobile phone text messages. Vanuatu has also adopted a Right to Information Act in 2016 and established a Right to Information Unit under the Prime Minister’s Office in 2017. As part of the implementation of the RTI Act requirements, RTI officers have been included in all Government Ministries’ structures and should appointed in the coming months. Additionally, the Government through the Ministry of Health has established the Public Health Information System which is used to collect critical information about illness being treated around the country.

**Constraints and Challenges**

Mr. President, natural disasters and climate change have been the core challenge affecting the Government and the people of Vanuatu. These climate change impacts and hostile natural calamities continue to impede national development and progress. Given these challenges we will continue to appeal for continued assistance both financial and technical to assist the Government in addressing these challenges.

In 2015, a Category 5 Cyclone, known as Cyclone Pam struck the country and the total economic value of the effects is estimated to be approximately VT 48.5 billion (US$449 thousand) which is equivalent to 64.1% of the GDP of Vanuatu. In March 2018, a Category 4, Cyclone Hola also hit Vanuatu and affected many schools in the Northern Provinces of Vanuatu. A total of VT 92 million or 807 thousand US Dollars has been allocated for costs associated with tropical cyclone Hola.

Additionally in 2017 and 2018, due to volcanic activities on the island of Ambae, the Government of Vanuatu has evacuated the whole population of Ambae comprising of 11,000 people and re-settled them on the Island of Maewo. In this exercise the Government has committed itself financially to secure land for the evacuees so it can be their second home. Along with the assistance of International NGOs, donor partners and the civil society, the government has been able to provide food, water, shelter and education to the evacuees. Recently, the evacuees have returned to Ambae to continue their living. A total of VT 532 million or over 5 million US Dollars is being spent on costs associated with the Ambae evacuation.

In December 2018-January 2019, the Island of Ambrym which is located in one of the Northern Provinces of the country, has also experienced severe volcanic activities which caused some villages to be relocated. As we speak, a total of 687 people from 163 households have been related temporarily to other nearby villages. The Government is currently finalizing its assessments and once completed it will deploy the necessary assistance to the Island. Mr. President may I take this opportunity to thank the International Organization for Migration for assisting the Vanuatu Government in registering the evacuees.

While the Government has increased its efforts on its intervention to provide assistance to those in need during natural disasters, we invite technical assistance to assess the loopholes and how Vanuatu could better address the human rights issues in such disasters.

In terms of the CRPD, Vanuatu does not have accurate statistics of People with Disability in the country and this is one area which we need assistance on to ensure that we gather the correct information on the ground to better address the need of our people living with disability.

Vanuatu NSDP provides the strategy for addressing challenges and constraints to improve human rights situation in the country. Under the heading of “Society 4, Social Inclusion”, the Plan provides for an inclusive society which upholds human dignity and where the rights of all Vanuatu including women, youth, the elderly and vulnerable groups are supported, protected and promoted in our legislation and institutions. Various other policies and frameworks discussed in this report by Government Ministries and Department are written in alignment to the NSDP. As a priority framework for Government, the national budget is mirrored to implementing the priorities identified in the Plan. Further development assistances is sought towards realizing the NSDP.

The Government of Vanuatu recognizes the importance of building a strong capable workforce and therefore is committed to ensuring capacity building and training of its officials across Ministries and Departments. In this regard, the Government seeks further technical training support and resources from technical agencies, funding institutions, regional and international organizations and development partners. Further training on human rights and thematic issues need to be held with all relevant stakeholders particularly police, correctional officers, teachers, health workers etc.

Further the Government recognizes the need to raise awareness on a range of issues particularly climate change and its relationship with human rights.

The Government of Vanuatu recognizes the added value of the Universal Periodic Review process in highlighting key challenges and measures to address these challenges. While the challenges are many, the Government will continue within its resources and capacity to try and implement them. The NSDP provides the framework for the Government to advance its development priorities and seeks collaborative partnerships particularly with its development partners to ensure that their programs are aligned to the national vision, goals and policy objectives in the Plan. Such partnerships will strengthen the Government’s commitment to better protecting and promoting human rights of its people.

Mr. President, while being cognisant of the fact that Vanuatu will graduate from its LDC Status in 2020, the Government has established an LDC Steering Committee to oversee the smooth transition of this process. We would like to seize this opportunity to thank the relevant organisations within the United Nations for their continuous support in preparing the country towards this transition process.

Mr. President, let me now provide our responses to the Advance Questions put forward by:

Germany; the United Kingdom of Great Britain and Northern Ireland; Portugal on behalf of the Group of Friends on NMIRF’s; Liechtenstein; Belgium and Spain.

The Ministry of Justice has planned to carry out a scoping study in 2019 for the Establishment of a National Human Rights Institution. The Ministry has received confirmation for technical assistance with this scoping study from the SPC, the RRRT and the Regional Office of the High Commission of Human Rights.

Access to Justice is one of the core objectives of the Ministry of Justice & Community Services Sector Corporate Plan. In partnership with the Australian Government funded Project ‘Vanuatu Law and Justice Partnership under the Policing and Justice Support Program is assisting the Judiciary in dealing with backlog of court cases.

Assistance received by Government involve the designing of the Case Management System for Courts, State Law Office (SLO), Vanuatu Police Force (VPF) and Public Solicitor Office (PSO), Public Prosecution Office and capacity development of staffs and officials.

The Case Management System was being used commencing in mid-November 2015 to date.

File management has been improved by Court appearance forms and introduced to improve file management.

A legal retainer form has been introduced, to be signed by each new client. This allows the office to close a file where the client has not contacted the office for more than 6 months.

This form should facilitate the closure of stale files, many of which are not closed because of difficulty in gaining client consent. All lawyers are now aware of limitation periods and are

more vigilant in filing civil cases before they are statute barred. In 2015, 253 criminal files were opened and 332 were closed. This reduced the backlog of stale criminal files.

Approximately 1300 civil files and 400 criminal files need to be closed.

The updated Case Management System will make it easier to ascertain the status of each criminal case and therefore facilitate file closure.

The appointment of authorised persons under the Family Protection Act provides an avenue for access to justice for vulnerable groups on matters related to domestic violence at the community levels.

The Office of the Public Solicitor is being established to provide legal aid to needy persons and is accessible by vulnerable groups.

Parliament has enacted legislation that provides a quota system for women to be elected to Municipal Councils. This has been effective since 2013.

The Government is considering a similar system for female participation at the Provincial Government Council level.

The 16 Days of Activism Campaign is being coordinated by the Department of Women’s Affairs.

The Penal Code Act has been amended to increase the penalties for sexual offences.

The Department of Women’s Affairs has continued to carry out awareness in the Communities on the rights of women and children.

The Government has established the Family Protection Unit within the Vanuatu Police Force to assist women and children particularly in getting protection Orders under the Family Protection Act.

The Government is developing policy for a Child Protection Bill to give effect to the provisions of CRC.

The Family Protection Act is the Government’s first attempt to give effect to the provisions of CEDAW.

With the assistance of our bilateral partners trainings have been conducted for Police officers, magistrates, lawyers on the implementation of the Family Protection.

The National Gender Equality policy was approved by the Council of Ministers (COM) on Friday, 06th July, 2015. As part of its decision and approval of the policy, the COM agreed under point 4 of its decision minutes, to allocate financial resources needed to the Ministry of Justice and Community Services and the Department of Women’s Affairs to effectively implement the policy over its life time, (2015 –2019).

Policy has set the platform for the Pacific Partnership to End Violence against Women and Girls (Pacific Partnership) brings together governments, civil society organisations, communities and other partners to promote gender equality, prevent violence against women and girls (VAWG), and increase access to quality response services for survivors. The program is a five year program from 2018-2022 in recognition of the importance of gender equality for achieving sustainable development, that directly contributes to the achievement of the Sustainable Development Goals (SDGs), in particularly SDG 5 to ‘achieve gender equality and empower all women and girls’, of the 2030 Agenda for Sustainable Development.

The Government is currently finalizing its internal consultation before the Policy Paper on the Ratification of the Optional Protocol is submitted before the Council of Ministers for endorsement and passed by the National Parliament.

Section 7 of the Employment Act of Vanuatu prohibits forced labour.

The Government is currently addressing the issue of lack of resources and capacity in order to comply with timely reporting and implementation of ratified treaties.

The Government has established the National Human Rights Committee in 2014 for coordinating the implementation of accepted UPR recommendations and monitoring of progress and impacts.

This committee comprises of key agencies such as the Attorney General’s Office, the Department of Women’s Affairs, the Prime Minister’s Office, the Ministry of Foreign Affairs, International Cooperation and External Trade.

The Government has established the National Human Rights Committee to undertake this role.

The UPR Implementation Matrix has been developed to assist the Government in implementing the UPR Recommendations.

The Government will be undertaking internal consultations for the ratification of the Kampala amendments to the Rome Statute on the crime of aggression and the Palermo Protocol.

Vanuatu has currently carrying out consultation on the ratification of mention legal instrument, once this process is completed, then the Government will proceed with the ratifications.

The Ministry of Justice and Community Services will be carrying out consultation and minor amendments to legislation in 2019 for the alignment of the age of minor, child, Juvenile and age of marriage as reflected in the CRC and CEDAW Recommendations.

A Protection Order may be obtained under the Family Protection Act to protect women against domestic violence.

Traditional justice systems would be meetings held at the traditional meeting venues that impose fines on people who violate women’s rights especially for violence cases.

Family Life Education (FLE) is a long-term intervention strategy aimed at delivering age appropriate information and education on sexual reproductive health in schools. This has commenced in Schools in 2013.

Parliament has enacted legislation for the quota system for the election of women to Municipal Councils. The Government is now considering a similar policy for the election of women to Provincial Government Councils.

I thank you Mr President.

**CLOSING STATEMENT**

Vanuatu has done its best to Thank you Mr President and the group for the lively dialogue of the human right issues of Vanuatu.

I would like to express my sincere gratitude to all member states for having participated and provided constructive and valuable assessments, questions and comments.

We also appreciate the contributions of the Troika. Angola, Iraq, Croatia.

Improvement of the human rights situation cannot be realized overnight; it is a process that requires unceasing efforts and perseverance by all countries. In that context I believe that the UPR is a valuable opportunity to review our own human rights situation and measures for its improvement.

faithfully respond to the views from other countries within the allotted time.

To conclude, I reiterate Vanuatu’s continued commitment to cooperate constructively with the UPR mechanism and make further efforts for the protection and promotion of human rights in Vanuatu and the international community.

Thank you Mr. President