



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Seventy-sixth session

### Summary record of the 2238th meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 September 2017, at 10 a.m.

Chair: Ms. Winter

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*Initial report of Vanuatu on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports of States parties** (*continued*)

*Second periodic report of Vanuatu on the implementation of the Convention on the Rights of the Child (CRC/C/VUT/2; CRC/C/VUT/Q/2 and Add.1)*

*Initial report of Vanuatu on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/VUT/1; CRC/C/OPSC/VUT/Q/1 and Add.1)*

*Initial report of Vanuatu on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/VUT/1; CRC/C/OPAC/VUT/Q/1 and Add.1)*

1. *At the invitation of the Chair, the delegation of Vanuatu joined the meeting via video link.*
2. **Ms. Tevi** (Vanuatu) said that her Government was especially committed to implementing the Convention as children constituted 44 per cent of the population. While various legislative reforms had been undertaken to harmonize national laws with the Convention, further efforts were needed to bring all relevant standards into line with its provisions. Her Government was grateful for the ongoing support provided by non-governmental organizations, development partners and others in that regard. New laws and policies of relevance to children included the 2008 Family Protection Act, the National Child Protection Policy for the period 2016 to 2026, the Inclusive Education Policy for the period 2010 to 2020 and a policy and strategy on reproductive, maternal, neonatal, child and adolescent health for the period 2017 to 2020. The Ministry of Justice was working on an adoption bill aligned with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and a disability policy harmonized with the Convention on the Rights of Persons with Disabilities, which would include strategies targeted at children with disabilities.
3. Vanuatu continued to face many challenges in implementing the Convention and in reporting on the measures taken to that end, including limited human and financial resources and the country's geography. Those challenges notwithstanding, Vanuatu remained high on the Happy Planet Index. Her Government was committed to providing an enabling environment for the holistic development of all children in Vanuatu.
4. **Mr. Nelson** (Country Rapporteur) said that the Committee was aware of the challenges faced by Vanuatu, as a small island nation, in implementing the Convention. The purpose of the constructive dialogue was to discuss ways of addressing those challenges.
5. **Mr. Gastaud** (Country Rapporteur), commending Vanuatu for its progress in implementing the Convention, asked whether the Government was considering acceding to the Optional Protocol on a communications procedure. The Committee would appreciate an update on the implementation of the Family Protection Act, the reform of the 1994 Public Health Act and the enactment of a law on cybercrime. He would be grateful if the delegation could explain the Government's decision not to enact a comprehensive law covering all rights of the child. Information on the National Child Protection Policy, including its content, goals and funding, would also be welcome.
6. He asked whether there were mechanisms for coordinating the various plans, programmes and strategies in a given sector, such as health or education. It would be interesting to know whether the Government evaluated policies and strategies upon their completion and what follow-up it gave to them. To what degree were children involved in the design, implementation and assessment of the various undertakings concerning them?
7. He would appreciate it if the delegation could describe the roles of the two entities responsible for coordinating implementation of the Convention, namely the Ministry of Justice and the National Children's Committee. It was not clear whether the latter was operational and properly funded and staffed. He asked how the Government planned to improve its collection of data on children.

8. The Committee wished to know what amounts were allocated from the national budget for specific areas such as children's health and education. He asked whether the country's dependence on foreign contributions affected the allocations benefiting children and whether needs in the various areas were assessed before allocations were made.

9. He asked whether a national human rights institution had been established and to what extent the Convention was being disseminated. In particular, he wished to know the extent to which dissemination efforts focused on children and those working with them, including teachers, social workers, judicial workers and the police.

10. He enquired whether the Government intended to raise the minimum age for marriage for girls from 16 to 18 years, given that under the Convention all persons under the age of 18 were considered to be children.

11. Noting that the recent birth registration campaign had brought the proportion of registered births to 70 per cent, he asked how the Government intended to achieve universal birth registration. He asked whether there was a deadline for registering births and whether those wishing to register a birth after that deadline had to pay a fine. Did parents who registered a birth receive a certificate to that effect?

12. He asked whether children were free to establish clubs and other associations.

13. **Mr. Nelson** said that the Committee would like to know more about the situation of children with disabilities in Vanuatu. Although Vanuatu was party to the Convention on the Rights of Persons with Disabilities, there appeared to be no law on the protection and promotion of the rights of children with disabilities, or any related policy or plan. Information on measures for tackling discrimination against such children would be welcome. It would also be useful to know to what extent they had access to public spaces and facilities, and whether there were measures to support them during emergencies.

14. The State party's courts had issued a number of decisions recognizing the principle of the best interests of the child. He wondered whether the principle was enshrined in any law, especially with regard to adoption proceedings. Now that the customary practice of exchanging children in the context of settling tribal disputes had been discontinued, he asked whether the practice would be made an offence under the Penal Code. He would like to know whether, by law, children's views had to be taken into consideration in matters involving them and whether professionals dealing with children were trained to consider their views.

15. He asked what measures were being taken to promote forms of discipline other than corporal punishment. While the prohibition against its use in schools was a step in the right direction, the Committee would like to hear about progress in enacting legislation to outlaw corporal punishment in all settings, including within the family. It would also like to know whether any teachers or others had been prosecuted for administering corporal punishment.

16. Given that sexual violence, including against children, was a particular problem in Vanuatu, the State party was to be commended for having established family protection units in police stations, even in rural areas. He wondered whether those units, which seemed to focus on domestic violence, would in the future also handle cases of sexual violence. He would like to know what legislative measures were in place to target sexual abuse of children, especially in the family setting, whether police officers would be trained to deal with such cases and whether awareness-raising campaigns were conducted in that connection.

17. He asked what assistance was provided to victims of sexual and domestic violence, including children. The penalties for sexual offences against children had been increased; it would be useful to have examples of court cases that had resulted in the imposition of such penalties. It would also be interesting to know whether child-friendly complaint mechanisms were in place for violence and other mistreatment encountered by children, whether 24-hour hotlines, staffed by appropriately trained professionals, were available for children and, if so, whether residents of remote islands could access them.

18. **Ms. Sandberg** asked why as many as 16 per cent of children in Vanuatu did not live with either biological parent, although, in many cases, both parents were still alive; who

cared for those children; and how their welfare was ensured. For example, if they lived with members of their extended family, was support provided by the community? In that connection, it would be useful to know what specific support was provided to parents to ensure they were able to care for their children themselves, including measures to raise awareness of parental responsibilities and encourage the active participation of both fathers and mothers. On a more general note, she asked what progress had been made with regard to the Government's plans to establish a social welfare services unit.

19. **Ms. Todorova** said that she would welcome information on the legislative changes that would be introduced under the proposed adoption bill. In particular, it would be helpful to know whether the Government planned to establish a formal adoption procedure, including an assessment of children put up for adoption and of potential adoptive parents, based on the best interests of the child, and whether it planned to introduce intercountry adoption, including through accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. She would like to know the reasons why children were put up for adoption and how many children were currently available for adoption.

20. **Ms. Skelton** asked whether the illicit transfer and non-return of children was a problem in the State party and, if so, whether the Government was considering acceding to the Hague Convention on the Civil Aspects of International Child Abduction. On the issue of children whose parents were deprived of their liberty, she asked whether the courts took into account the best interests of the child when deciding whether or not to imprison a parent who was the main caregiver.

21. **Mr. Rodríguez Reyes** said that he would welcome information on any action taken to foster breastfeeding, including giving advice to women immediately after delivery, promoting an enabling environment for breastfeeding mothers — including adequate maternity leave — and providing access to breastfeeding advice in hospitals.

22. As the State party report (CRC/C/VUT/2) had provided little information on mental health among children and adolescents, data on issues relating to mental health, including behavioural problems, depression, substance abuse, eating disorders, self-harm and suicide, would be appreciated. He asked what procedures existed for children and adolescents requiring psychiatric care and whether priority was given to inpatient or outpatient care.

23. **Mr. Nelson** asked what measures the State party was taking to address problems such as the high under-5 mortality rate, low vaccination coverage on the outer islands, and stunting and malnutrition in children. More generally, it would be useful to know whether specific children's health facilities, such as children's wings in hospitals or paediatric units, existed in Vanuatu, including in remote areas, and whether there were trained paediatricians and, if not, what measures the Government was taking in that regard.

24. As the State party report did not cover the issue of substance abuse, further information would be appreciated, including on legislation adopted in that field, programmes implemented in schools and treatment centres for children with drug or alcohol problems. It would also be helpful to have information on the impact of HIV/AIDS on children and adolescents in Vanuatu and the role of the National AIDS Committee in that regard.

25. Further information would be useful on how and in what context the concepts of climate change adaptation and disaster risk management were taught in schools, including with regard to early warning systems for possible natural disasters, such as cyclones. In that connection, he would like to know whether special measures were in place to protect and, where necessary, safely evacuate children with disabilities and those living in remote areas.

26. Given that, in some rural areas, housing and access to water, food and health and education services were inadequate, it would be useful to know whether any measures were being taken to address the needs of remote communities.

27. **Mr. Gastaud** asked whether primary education was compulsory and free of charge. Further information would be helpful on why the Government had developed so many strategies in the field of education, including on the coordination, assessment and funding of those strategies. Additional information would be welcome on efforts to tackle the low

literacy rate and ensure access to education on remote islands. In that connection, he asked what measures the Government was taking to address the shortage of trained, skilled teaching staff and reduce the high school dropout rate. He asked what the languages of instruction in primary and secondary schools were and whether human rights featured on the school curriculum. With specific regard to the education of girls, he asked whether they had sufficient time for play or leisure activities outside of the time devoted to learning and domestic chores.

*The meeting was suspended at 11.05 a.m. and resumed at 11.45 a.m.*

28. **Ms. Tevi** (Vanuatu) said that the Government would consider acceding to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; it would include information on that issue in its next periodic report.

29. **Mr. Waqanitoga** (Vanuatu) said that the Vanuatu Law Commission's recommendations relating to the Family Protection Act had yet to be implemented within the framework of a legislative review. The absence of a proper consultation process had prevented the bill on cybercrime from being passed into law. However, the Office of the Prime Minister was currently looking into organizing consultations on that issue.

30. Further to the development of the National Child Protection Policy, the Government was currently working with the United Nations Children's Fund (UNICEF) on a legislative bill on child protection. Children's involvement in policy development depended on the capacity of ministries. For example, while consultations were held in all provinces on certain policies, such as the Child Protection Policy, children were not involved in the development of other policies.

31. There was some coordination between ministries and the National Statistics Office on the issue of data collection. For example, a pilot project had been launched on statistics relating to persons with disabilities, and measures were being taken to develop the capacity of the Office to assist ministries in their data-collection activities. The Department of Strategic Policy, Planning and Aid Coordination under the portfolio of the Office of the Prime Minister coordinated and assessed the viability of government policies, consulted with ministries and implemented monitoring mechanisms. It also worked with the Ministry of Finance on the funding of government projects.

32. **Ms. Mael** (Vanuatu) said that the Ministry of Justice and Community Services was responsible for coordinating the implementation of the Convention and had used a proportion of its overall budget to conduct such activities. Efforts had been made to raise the awareness of public officials about the provisions of the Convention, including through the introduction of standard operating procedures on working with children for police officers and the holding of training sessions on children's rights for teachers.

33. **Mr. Waqanitoga** (Vanuatu) said that the Government had not ruled out the possibility of establishing a national human rights institution and had held several interministerial meetings to discuss the issue in more depth. The National Child Protection Policy was aimed at creating a safe, child-friendly environment and contained numerous provisions designed to combat violence and abuse against children.

34. **Ms. Tevi** (Vanuatu) said that the Family Protection Act and the National Child Protection Policy contained definitions of a child in line with article 1 of the Convention.

35. **Mr. Waqanitoga** (Vanuatu) said that the Government intended to amend the legal age of consent for marriage from 16 to 18 in the near future. Birth registration was mandatory and offered free of charge. Mass birth registration campaigns had been conducted by the Civil Registry Office with the support of UNICEF, which had resulted in a significant increase in the amount of births registered in recent years. More work remained to be done, however, in order to make further progress in that area, in large part due to the isolated nature of some of the islands that made up the country and the distances involved in travelling to registration centres.

36. The National Disability Policy had recently come to an end, and consultations were under way to devise a new rights-based plan of action to address the issues facing persons with disabilities, including children with disabilities. Special provisions for children with

disabilities had been included in the various national disaster risk reduction plans and programmes.

37. **Ms. Tevi** (Vanuatu) said that the Government had introduced a new building code so that all new schools and public buildings were accessible to persons with disabilities. Awareness-raising campaigns had been conducted to raise the general public's awareness of disability issues and measures adopted to reduce the stigmatization faced by persons with disabilities. Efforts had also been made to promote inclusive education for children with disabilities and to support their inclusion in society.

38. **Mr. Waqanitoga** (Vanuatu) said that national legislation, judicial decisions, policies, action plans and programmes took into account the best interests of the child. The adoption process was also founded on the principle of doing what was best for each child. As to customary practices affecting girls, the courts had taken a strict approach to cases involving harmful, traditional practices in an effort to eliminate such customs. While children had not been involved in the development of environmental and national development policies, they had been consulted about landownership issues as part of wider consultations with community groups.

39. **Ms. Mael** (Vanuatu) said that child protection officers had received extensive training, particularly in regard to the provisions of the Convention.

40. **Mr. Waqanitoga** (Vanuatu) said that judges, magistrates and public prosecutors also received in-depth training on children's rights and the Convention.

41. **Mr. Nelson** asked whether the training was carried out by a regional body such as the Regional Rights Resource Team (RRRT), or with help from, for example, UNICEF. He wondered whether implementation of the National Child Protection Policy was funded by the Government, by donors or by both.

42. **Mr. Waqanitoga** (Vanuatu) said that the training was funded both locally and by the Secretariat of the Pacific Community (SPC). It was hoped that judicial staff would receive training the following year under a Ministry of Justice development project.

43. **Ms. Mael** (Vanuatu) said that there was no specific budget allocation for the National Child Protection Policy. However, the Ministry of Justice had held discussions with development partners with a view to obtaining support for the implementation of certain policies.

44. **Ms. Aho Assouma** said that the Committee understood that, in urban areas, there were problems with the health infrastructure, with a lack of health workers, poor quality of sanitation and inadequate access to drinking water. She therefore wondered what the situation was in rural areas. The child mortality rate was still high, at 16 per thousand live births. Given that the main cause of such deaths was malaria, she would be interested to know what prevention programmes were in place and whether the State party was supported in its efforts by the World Health Organization (WHO) or UNICEF. She would also like to know what programmes were in place to prevent deaths from acute respiratory infections and diarrhoeal diseases.

45. She would welcome some information on the situation with regard to adolescent health, particularly with regard to suicide, violence, alcohol consumption and tobacco use, and also on any programmes to prevent teenage pregnancy, which accounted for 92 per thousand live births. Lastly, she enquired whether any measures were in place to help prevent obstetric fistula.

46. **Mr. Nelson** enquired whether the delegation could provide statistics on child labour in the State party. Given that, according to the report, 9 per cent of sex workers were aged between 14 and 19, he would like to know whether there were any programmes in place to tackle child prostitution as part of the State party's child protection policy.

47. The Committee had for many years been urging the State party to establish a juvenile justice system. Directives and guidelines on practice were no substitute for legislation, and he wished to know whether any legislation was in the pipeline.

48. He would like to know whether there were any children in pretrial detention and, if so, where they were held. Were there separate facilities for children in detention? If so, did such facilities exist only in the capital or also elsewhere? He enquired whether there were any special procedures for taking evidence from child victims or witnesses, and whether they were set down in guidelines, regulations or legislation.

49. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict), noting that the State party had taken no action to disseminate or raise awareness of the Optional Protocol on the involvement of children in armed conflict, asked whether the police received training in the Optional Protocol. He enquired whether the State party sent personnel to assist in United Nations peacekeeping operations and, if so, whether they received training in the Convention and the Optional Protocol.

50. The Committee would appreciate the State party revisiting the question of criminalization of recruitment of children under 18 years old by non-State armed groups. The State party had extraterritorial jurisdiction over certain offences but not over offences under the Optional Protocol, which prevented it from prosecuting perpetrators regardless of their nationality. The same applied to the Optional Protocol on the sale of children, child prostitution and child pornography. It was also important for extradition treaties signed by the State party to cover offences under the optional protocols.

51. **Mr. Nelson** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) enquired whether the Monitoring and Evaluation Unit in the Office of the Prime Minister collected data on child prostitution and sexual exploitation in the tourism and travel sector. Noting that the Penal Code criminalized trafficking but not the sale of children, he suggested that the State party could easily remedy that oversight. He wondered whether there were any plans to raise the age of sexual consent, which was currently 15, to meet international standards.

52. Noting that the State party was looking into the possibility of introducing legislation on cybercrime, he said he would be interested to know what programmes were in place in schools, pending the enactment of such legislation, to draw children's attention to the dangers of online pornography. He understood that the State party was considering requiring Internet service providers to block inappropriate material and he would be interested to know whether that had been done and with what results.

53. Lastly, he enquired what measures had been taken to disseminate the Optional Protocol.

54. **Mr. Ben** (Vanuatu) said that, since the introduction of the National Child Protection Policy, corporal punishment had been the subject of awareness-raising sessions with teachers, parents and communities. A system for reporting and following up on corporal punishment was in place. Incidents were treated as disciplinary matters under Ministry of Education policy. No teachers had yet been prosecuted as corporal punishment had not yet been criminalized. Child protection focal points in schools offered a child-friendly mechanism for reporting. Cases were referred to the provincial education officer and were then dealt with by the Ministry of Education central office.

55. **Mr. Nelson** asked whether awareness-raising campaigns drew attention to alternative disciplinary methods.

56. **Ms. Tevi** (Vanuatu) said that, in the home, parents were being encouraged to ask children to perform additional household tasks, for example.

57. **Mr. Nelson** enquired whether that idea represented a one-off project or part of an ongoing programme aimed at the wider community.

58. **Ms. Tevi** (Vanuatu) said that such measures were part of a strategy of slowly educating parents and persons who dealt with children to see that corporal punishment was not acceptable and to consider adopting other measures.

59. As to sexual violence against children, the Family Protection Unit had a presence in police stations in both the capital and the provinces. In addition, the health services provided training in the problem of sexual violence, both in urban and rural settings. As to sexual abuse of children in family settings, a number of pilot studies had been completed

with success and, as a result, educational measures were being taken within communities, using a variety of modes of communication. The use of sports as a vehicle for promotion of awareness of sexual violence had not yet been adopted but would be worth considering.

*The meeting rose at 1 p.m.*