



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
12 January 2007

Original: English

**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Thirty-eighth session

14 May-1 June 2007

**Responses to the list of issues and questions with regard
to the consideration of the combined initial, second and
third periodic reports**

Vanuatu



Government of Vanuatu CEDAW Committee

Response to the United Nations CEDAW Committee's list of issues and questions with regard to the consideration of the initial, second & third periodic reports

**Division for the Advancement of Women, United Nations,
8 January 2007**

General

1. Please indicate if the report was adopted by the Government and presented to the Parliament.

The Council of Ministers approved Vanuatu's Initial, Second & Third Report on 16 February 2005. Subsequently the Director-General of the Ministry of the Prime Minister advised that the Report was not required to be presented to Parliament.

Articles 1 and 2

2. According to the report, a study commissioned by Vanuatu Women in Politics in 2000, which reviewed all legislation to ensure gender equality, found that of the 208 Acts reviewed, 12 contained discriminatory provisions. The report also recognizes that "there are pieces of legislation and customs which contravene the laws of the country and which are in effect discriminatory against women". Please indicate what measures have been taken to amend or repeal such laws and regulations and abolish or modify such customs and practices, in line with article 2(f) of the Convention.

No instructions have been received by the State Law Office by Ministries or Departments responsible to initiate amendments for 11 of the 12 Acts – Maintenance of Family Act (CAP 42); Control of Marriage Act (CAP 45); Maintenance of Children Act (CAP 46); Marriage Act (CAP 60); Matrimonial Causes Act (CAP 192); Citizenship Act (CAP 112); Employment Act (CAP 160); Immigration Act (CAP 66); Rent Taxation Act (CAP 196); Chamber of Commerce and Industry of Vanuatu Act No.4 of 1995; Mental Hospital Act (CAP 38).

However, the Citizenship Commission has prepared the draft of the amendments to the Citizenship Act (CAP 112) – see Article 9 below.

In 2003 Section 96 of the Penal Code Act (CAP 135) was amended to replace *girl* with *child* so that it now reads *Section 96 Sexual intercourse with child under care or protection*. Section 97 was similarly amended, substituting *child* for *girl* wherever occurring.

In 2006 the Penal Code Act (CAP 135) was further amended – but, as yet, has not been assented to by the President. Amendments include:-

- Defining sexual intercourse (Section 89A) as follows:-

“89A *SEXUAL INTERCOURSE*

For the purposes of this Act, sexual intercourse means any of the following activities, between any male upon a female, any male upon a male, any female upon a female or any female upon a male:

- (a) the penetration, to any extent, of the vagina or anus of a person by any part of the body of another person, except if that penetration is carried out for a proper medical purpose or is otherwise authorized by law; or*
 - (b) the penetration, to any extent, of the vagina or anus of a person by an object, being penetration carried out by another person, except if that penetration is carried out for a proper medical purpose or is otherwise authorized by law; or*
 - (c) the introduction of any part of the penis of a person into the mouth of another person; or*
 - (d) the licking, sucking or kissing, to any extent, of the vulva, vagina, penis or anus of a person; or*
 - (e) the continuation of sexual intercourse as defined in paragraph (a), (b), (c) or (d); or*
 - (f) the causing, or permitting of a person to perform any of the activities defined in paragraph (a), (b), (c), or (d) upon the body of the person who caused or permitted the activity.”*
- Section 90 – defining consent by substituting all the words “*rape*” with “*sexual intercourse without consent*”. There is no longer an offence called rape. “*The offence is complete upon penetration*” has been substituted by “*sexual intercourse without consent*”.
 - Section 92 has been repealed and substituted by Abduction. *A person must not intend to cause another person to have sexual intercourse, either with him or her with any other person, take that person away or detain that person against that person’s will.*
 - The 2006 amendments broaden sentencing options so that *If an offender is convicted of an offence punishable by imprisonment, the court must in addition to other sentencing options it may impose, have regard to the possibility of keeping offenders in the community so far as that is practicable and consistent with the safety of the community.* (Section 37)
3. It appears that the terms “gender equality” and “gender equity” are used in the report. Kindly clarify the State party’s understanding and use of these concepts.

The Department of Women’s Affairs (DWA) defines these two concepts in its Gender Policy 2001-2003, which terms were used in the CEDAW Report, as follows:-

“Gender equity – refers to the process of being fair to women and men. Gender equity exists when there is fairness in government activities. Special measures may be necessary to compensate for historical and social disadvantages that prevent women from operating on an equal basis with men.”

“Gender equality – is about men and women being valued to the same extent and sharing equally and fully in the process of development. Men and women have equal conditions for realizing their human rights and potential to contribute to national, political, economic, social and cultural development and benefit equally. However, same treatment may not yield equal results, so the concept of equality must acknowledge differential treatments of women and men to achieve the same results and to compensate for past discrimination. This process of different treatments is called affirmative action.”

It is recognized that DWA needs to clarify these terms to all Government departments so that the difference between the two concepts is well understood and reflected in government policies.

Article 3

4. The report recommends that “a review of the annual budgetary allocation to the Department of Women’s Affairs” ... as well as supporting and strengthening the capacity within the Department for analysis of issues pertinent to women in the overall development of the nation would be key initiatives towards supporting Government’s overall efforts to mainstreaming gender equity and gender equality policies (see para. 3.5). Please provide information on the budgetary allocation to the Department of Women’s Affairs and explain what steps have been taken and/or are planned to support and strengthen the capacity of the Department and the time frames for doing so.

The DWA is part of the Ministry of Justice & Social Welfare. In 2005 the total budget for the Department of Women’s Affairs (DWA) was Vt 9,438,325. In 2006 this rose to Vt 12,795,956. In 2007 the budget is Vt 24,295,956. However, this includes a grant to the Vanuatu Women Development Scheme (VANWODS) of Vt 7,500,000. Therefore the total budget for DWA for 2007 is Vt 16,795,956.

New initiatives for 2007 included in this budget are the SANMA Savem Fastaem Scheme (a microfinance scheme for women on Santo) (Vt 1,000,000) and the appointment of five DWA Women’s Officer’s in five other provinces.

For all programmes or activities DWA must approach donors for funding as there are no operational costs included in the budget. As examples, donors contributed Vt 9,922, to the writing of the combined initial, second and third CEDAW report in 2003/04, Vt 2,579,458 towards the National Women’s Forum 2006 (with the Government contributing Vt 2,000,000), Vt 493,000 for the writing of the National Plan of Action 2007-2011, and Vt 1,660,000 for the consultation with MPs on the Family Protection Bill.

The Department of Women’s Affairs has been well supported by volunteer agencies in “supporting and strengthening the capacity within the Department for analysis of issues pertinent to women in the overall development of the nation”, particularly in the areas of policy writing, moving in recent years towards some community action.

New Zealand’s Volunteer Service Abroad (VSA) placed a volunteer 2001-2003, June-December 2004 and another volunteer 2004-2006. A third volunteer is due to start her two-year assignment with DWA in February 2007.

CUSO (Canada) funded two local researchers to undertake the Gender, Kastom & Domestic Violence research and write their report in 2003/04. CUSO also placed a volunteer for six months in DWA to train staff in IT, particularly the Communication & Planning Officer, in 2005.

The National Women’s Forum was held 27 August-1 September 2006 to review and update *Working Together for Women*, a basic Plan of Action written in 1996 that highlighted the 12 Critical Areas of

¹ \$US1.00 = Vatu (Vt) 103.53

Concern of the Beijing Platform for Action that were of particular concern to Vanuatu women. This Forum was a major initiative of the Minister of the Comprehensive Reform Programme (now Ministry of Justice & Social Welfare) to get input/recommendations by women from around the country to develop a National Plan of Action 2007-2011 with strategies to develop for future work in advancing the status of women. It also meshed with the Director of DWA's intention of formulating a national women's policy, whereby existing (draft) policies become strategies of the overall national women's policy.

Over 400 recommendations were approved by participants at the Forum, to which 100 women were invited. Key recommendations include the establishment of a stand alone Ministry of Women's Affairs, restructure DWA into a policy unit plus an operational unit with DWA Women's Officers in all six provinces and two municipalities, establish a Women's Advisory Committee, and a Gender Analyst position in the Department of Economic & Sector Planning.

At the time of writing, the National Plan of Action 2007-2011 is in the process of being completed. It is expected that budget estimates will be prepared for inclusion in the 2008 budget round so that the 2008 budget will include provision for programmes and development of the National Plan of Action.

Article 5

5. Throughout the report reference is made to deep-rooted traditional and customary social patterns, norms, attitudes and stereotyped roles that contribute to continued gender discrimination in all areas of society and that severely disadvantage women (see paras 0.54, 0.65, 2.18, 2.24, 2.26, 7.9, 7.12, 15.4, 16.19). Please indicate the concrete measures in place, or planned, to modify or change the social and cultural patterns of conduct of men and women in line with article 5(a) of the Convention, as well as any progress achieved in their implementation.

The Report noted that *no differentiation is made in relation to assaults which take place within the domestic sphere and practice shows that an assault within the domestic sphere is usually treated differently from an assault outside it.* (see para. 0.54).

The Family Protection Bill – see Issue 9 - defines the meaning of domestic violence as:

- *A person commits an act of domestic violence when he or she intentionally does any of the following acts against a member of his or her family:*
 - (a) *assaults the family member (whether or not there is evidence of a physical injury);*
 - (b) *psychologically abuses, harasses or intimidates the family member;*
 - (c) *sexually abuses the family member;*
 - (d) *stalks the family member so as to cause him or her apprehension or fear;*
 - (e) *behaves in an indecent or offensive manner to the family member;*
 - (f) *damages or causes damage to the family member's property;*
 - (g) *threatens to do any of the acts in paragraphs (a) to (f)*
- *To avoid doubt:*

a single act may amount to an act of domestic violence; and

a number of acts that form part of a pattern of behaviour may amount to domestic violence even though some or all of those acts when viewed in isolation may appear to be minor or trivial.

Since the CEDAW Report was written some major progress has been made by Vanuatu to recognize and address the exclusion of people with disabilities. Of importance is the endorsement by government of the Biwako Millennium Framework for Action towards an Inclusive, Barrier Free and Rights-Based Society for Persons with Disabilities, a framework for action for the decade 2002-2012 adopted in 2002 by the Heads of Government in Asia and the Pacific. Within this document, issues concerning women with disabilities are given prominence and ranked as Priority No.2 out of seven priorities that were identified. In 2004 the Government, through the Council of Ministers, approved the national disability policy framework where Women with Disabilities is Priority No.3 out of nine priority areas.

In February 2006 the National Disability Committee was established. On this Committee are two people with disability – one male, one female.

The National Disability Policy is currently being drafted. This is expected to be approved by the Council of Ministers in February 2007.

From 27 August to 1 September 2006 the National Women's Forum was held in Port Vila, organized and coordinated by the Department of Women's Affairs. One hundred active women from all provinces were invited to participate in updating the 1996 *Working Together for Women*, a document that highlighted the 12 Critical Areas of Concern of the Beijing Platform for Action that were of particular concern for the advancement of the status of women in Vanuatu. These, plus Women and Disability and the government's Gender Equity Policy, formed the basis of discussions at the National Women's Forum 2006. A National Plan of Action for Women 2007-2011 is in draft for completion early in 2007.

The revocation of the 80,000 Vatu cash bride price – see Issue 7 - will impact positively on the treatment of women. Bride price is now back to an exchange of kastom gifts in appreciation and for relationship-building between the families, and husbands will not now be able to say that they "bought" their wife.

The Department of Education drafted the Special Education Policy in May 2006.

No other concrete measures have been implemented, or are planned, to modify or change the social and cultural patterns of conduct of men and women.

6. The report recognizes that "one of the barriers blocking the advancement of women is the practice of bride price" (see para. 5.4), and that the "placement of a material value on human beings is a violation of human rights and a breach of Article 5(a) of CEDAW". This practice also contributes to women's inability to leave abusive relationships (see para. 12.54). Please indicate what measures are being taken or planned to address this issue?

On 21 April 2005 the Malvatumauri National Council of Chiefs announced that the 1998 policy of Vt 80,000 bride-price was revoked. The new policy is that all kastom payments or exchanges (for marriage, grade-taking, funerals) must be made by using kastom gifts only.

All Chiefs of Island Councils, Area Councils, sub or ward Councils and Village Councils were encouraged to promote this new policy and were advised by the Malvatumauri National Council of Chiefs that they must observe the new policy.

The Department of Women's Affairs will ensure that the repeal of the Vt 80,000 bride price policy will be frequently highlighted in *Sistas Toktok*, the weekly women's page of the local daily newspaper.

7. Please provide an impact assessment of the Department's Plan of Action 2003-2006 on discriminatory practices and attitudes and stereotyping of gender roles.

There has not been an impact assessment done of DWA's Plan of Action 2003-2006.

Violence against women

8. According to the report, the Family Protection Bill initiated under the Comprehensive Reform Programme was expected to be presented in Parliament by 2004. (see para.4.14). Please indicate whether the Bill has been adopted and provide information on its scope, including whether a provision for criminal and civil remedies on domestic violence has been included.

The Family Protection Bill, drafted in 1997, was tabled in Parliament on 9 November 2005. It was referred to an Ad Hoc Committee for further consultation and review. The Ad Hoc Committee was due to report to Parliament in March 2006 but in fact it was not established until March 2006.

On 11 December 2006 a workshop for all Members of Parliament was organized and coordinated by the DWA to help MPs understand the Bill and the issues surrounding it – 32 out of 52 MPs attended. A further two days training was then held for the Ad Hoc Committee members following the workshop.

The Explanatory Note to the Family Protection Bill explains that the Bill *aims to preserve and promote harmonious domestic relationships. Men and women are given equal treatment under this Bill. Family protection orders may be obtained by the victims of domestic violence and provision is made to punish those who commit domestic violence.*

The Act applies only to family members, including any person who is treated as a family member, who commit acts of domestic violence against other family members. It is a criminal offence for a family member to commit an act of domestic violence. The Bill does not apply to same sex couples. For an act to be an act of domestic violence it must be done intentionally. Domestic violence includes assault as well as other forms of abuse, whether done directly or indirectly. The maximum punishment is five years imprisonment or a fine of 100,000 Vatu, or both.

There are two types of family protection orders – a protection order and a temporary protection order. It is a criminal offence for a defendant to breach a family protection order. The maximum punishment is two imprisonment or a fine of 50,000 Vatu, or both. A victim of an act of domestic violence may seek compensation from the defendant.

A Magistrates Court or an Island Court has power to make protection orders and temporary protection orders. Authorised persons (a person recommended by the Minister to the Judicial Services Commission and appointed by the President as an authorized person) can only make temporary protection orders in limited circumstances, for example, where there is no access to a court. A victim who is granted a temporary protection order by an authorized person and who wants to be protected after the order expires must apply to a court for a family protection order. By giving power to authorized persons to make temporary protection orders, people in remote communities will also be protected against domestic violence.

It is a condition of every order that the defendant must be of good behaviour and must not commit acts of domestic violence.

The police must investigate domestic violence and must charge or arrest the defendant if there are reasonable grounds for believing there has been domestic violence. They are also given special entry and search powers in respect of premises where there is or has been domestic violence.

Authorised persons must have undergone training and know how the Act works. In each area of the country there are to be an equal number of men and women who have been declared authorized persons. There is also provision for the Minister to declare persons to be registered counselors.

An application for a family protection order may be made by the victim or a person on behalf of the victim, including a lawyer, friend or family member if the victim has given his or her consent. An application may be made orally, in writing or by various other means, for example, by telephone or radio.

Civil remedies exist throughout the Bill. Clause 10 provides criminal remedies, as follows:

Domestic violence offence

A person who commits an act of domestic violence is guilty of an offence punishable on conviction by a term of imprisonment not exceeding 5 years or a fine not exceeding 100,000Vatu, or both.

It is not a defence to an offence under subsection (1) that the defendant has paid an amount of money or given other valuable consideration in relation to his or her custom marriage to the complainant.

An offence under subsection (1) is in addition to and not in substitution for any other offence constituted by an act of domestic violence.

If a person (in this subsection called “the instigator”) counsels or procures another person to commit an act that, if done by the instigator, would be an act of domestic violence, then the instigator is taken to have committed the act and subsection (1) applies in relation to the instigator.

If a person is convicted of an offence against this section, a court may, in determining the penalty to be imposed on the person, take into account any compensation or reparation made or due by the person under custom.

If under custom such compensation or reparation has not been determined and a court is satisfied that a determination is likely to be made without delay, the court may postpone sentencing pending the determination.

9. According to the report, the Department of Women's Affairs established an inter-agency working committee to coordinate the implementation of its five strategies on reducing and eventually eliminating violence against women (see paras 0.60/0.61). Please provide information on the activities of this committee and their impact, and indicate how these activities address the needs of rural women.

The inter-agency working committee established by the DWA, to coordinate the implementation of its five strategies was very short-lived and didn't achieve anything.

10. Please detail the procedure applicants must go through to obtain a protective order under the Domestic Protection Rule no. 67 of 2001 and please comment on the effectiveness of the mechanism.

The procedure applicants must go through is as follows:-

- (a) Complete the Domestic Violence Protection Order application form for Non-Violence, Exclusive Occupation, and/or Non-Molestation, together with a sworn statement form.
- (b) Produce a medical certificate certifying injuries received. If no physical injuries, the applicant must produce a written record of the incident.
- (c) Pay Vt 3,000 to the Court on submitting the application forms.
- (d) As it is an *ex parte* Order (for 14 days), the applicant must appear before a Magistrate in their Chamber who will approve the Order or not. The Magistrate will also set a date for the review of the Order 15 days later.
- (e) Police are given a copy of the Order to serve on the defendant.
- (f) The defendant has the right to apply for an early review of the Protection Order.
- (g) Otherwise the claimant and defendant appear in Chambers on the 15th day for the review of the Protection Order.
- (h) The Magistrate may extend the Order.

It is considered that the Domestic Protection Rule is very effective, although only where the Magistrate's Court sits. Although the Magistrate's Court sits regularly in Port Vila, there are irregular sittings in only five other islands. Claimants are given security from their abusive partner for at least 14 days, sometimes longer. Some claimants have commented that, after taking out a Protection Order, their husband has stopped his abusive behaviour.

Support for victims is, however, somewhat limited. Only the Vanuatu Women's Centre and the South Asia Native Missionary Alliance Counselling Centre provide assistance – the Police and Courts refer victims to these NGOs.

Article 6

11. The report recognizes that “economic reasons such as low income, inability to pay school fees, unemployed husband, debts and changing life styles in towns push many women and girls to prostitution” (see para.6.7). What efforts have been taken to address the economic difficulties faced by women in order to provide them with alternatives to prostitution?

No study has been undertaken in this area to address the economic difficulties faced by women in order to provide them with alternatives to prostitution.

Articles 7 and 8

12. The report recognizes the very low representation of women in the political arena, noting that in 2004 women’s representation in Parliament stood at only 4 per cent (see para. 0.23) and that there are only a small number of women holding senior positions in government (see para. 4.8). Please indicate whether temporary special measures, such as quotas or incentives, have been adopted to improve the participation of women in decision-making positions, in the light of article 4, paragraph 1, of the Convention and the Committee’s general recommendation 25 on temporary special measures and general recommendation 23 on women in public life.

No temporary special measures, such as quotas or incentives, have been adopted to improve the participation of women in decision-making positions in Parliament or government.

However, the Department of Women’s Affairs organized a Quotas Forum on 15 November 2006 to examine measures in which women’s political representation could be increased. Presidents of all the nine political parties were invited to attend, along with interested members of the public.

At the end of the Forum both short-term and long-term resolutions were reached:

Short-term: 2007

- (a) Political parties to send out ‘scouts’ to the rural areas to look for potential women candidates in big constituencies for the 2008 election, provide support to these candidates and urge women to affiliate and identify themselves to political parties.
- (b) A policy on this subject is to be submitted to the Council of Ministers in 2007.

Long-term: 2007-2012

A committee is to be formed to draft a Memorandum of Agreement for political parties and women to work together to investigate a quota system for female representation in Parliament.

13. According to the report, the Department of Women’s Affairs Statement of Intent for the period 2001-2006 documented its priority areas and strategies on women’s participation in political and public life (see para. 7.6, 7.7). Please provide detailed information on these strategies, including their implementation and effectiveness.

As explained in the CEDAW Report (see para. 7.6) the following priority areas were detailed for action during 2001-2006:-

- Ensuring women’s equal participation in Government by 2006

- Meeting Vanuatu's obligations under its Constitution, the Comprehensive Reform Programme and the CEDAW, and
- Ensuring that practical and workable strategies are in place so women can take their rightful place in the decision-making processes of Government at the national, provincial and municipal levels.

From November 2004 to April 2005 the 2002 Women in Government draft Policy was updated by a Working Group formed by the DWA for this purpose. Six strategies were recommended.

Recommendation 1 in the 2002 policy was that 8 seats in Parliament be reserved for women, one from each of the six provinces and one each from the two municipalities. Because of feedback against this recommendation, and advice that it would require a change to the Constitution (which would require a national referendum), this was replaced by Recommendation 4 of the draft 2005 policy calling for the Department of Women's Affairs to establish a Committee, including Ministers of the Comprehensive Reform Programme [now Justice & Social Welfare], Youth & Sport, Education, Internal Affairs and Finance (along with other interested people) to investigate the appropriateness and feasibility of quota systems for Vanuatu – to report back to the Social Development Standing Committee by 30 June 2006. Unfortunately this committee was not established by 30 June 2006. However, the concept was resurrected at the Quotas Forum as a long-term resolution for action beginning in 2007.

The five other strategies recommended are:-

- That the Department of Women's Affairs initiate research that explores the custom decision-making practices between men and women in Vanuatu and the impact of colonization on those practices.
- That the Department of Women's Affairs initiate and/or support women's grass roots actions at village and community level that identify needs and implement the best ways of meeting these needs [to develop women's leadership at village/community level].
- That the Electoral Office develops and conducts a voter education programme for women and men and members of political parties throughout Vanuatu, including how to register and the importance of voting, quota systems and proportional representation, and the purpose and process of a national referendum.
- That political parties are urged to nominate a minimum of 30% women candidates as in the rule of "every second seat a women" also known as the "zebra rule".
- That Vanuatu's electoral system is reviewed and considers proportional representation taking into consideration proposals from the Electoral Observer Group of 2002 and 2004.

In 2004, the Department of Women's Affairs initiated, and provides ongoing support for, *Sistas Toktok*. This is a group of women who publish a full page of women's news and views – *Sistas Toktok*, 'the voice of Vanuatu women' – each week in the local daily newspaper. It provides information on women's activities and the developments for women in Vanuatu. DWA also started the process of establishing a Haos Gels Association in 2005. The proposed DWA Women's Officers, to be established in all six provinces in 2007, will assist in the development of women's leadership at provincial, village and community level.

Vanuatu Women in Politics (VANWIP) conducted voter education in Luganville in 2001. The Department of Women's Affairs ran voter education training of trainers in Port Vila, also with Luganville participants, at the end of 2001, and training for potential candidates in Port Vila and Luganville in 2002 with some voter education in Port Vila in 2004.

Project proposals are in the process of being submitted to donors by the DWA for another round of voter education for 2007, this time in the provinces.

The recommendation of political parties nominating 30% women candidates will be further looked at in the long-term resolution from the Quotas Forum by the committee of political parties and women in drafting the Memorandum of Agreement to work together to investigate a quota system for female representation in Parliament.

The SHEFA Provincial Council, which adopted CEDAW as its platform for action in 2004, has continued to campaign to have women stand in the 2008 Provincial Council elections. As part of its efforts to ensure participation of women in the development of the province, a Women's Officer was appointed in 2005. Development of links between the Women's Desk in the Provincial Council and DWA office has to be strengthened to ensure that support is given to the Women's Desk to promote increased participation in the Council.

Article 9

14. According to the report, no amendments have been made to the Citizenship Act (Cap 112), which, following an Ombudsman's review in 1999, was found to be discriminatory on the basis of sex (see para. 9.6). Please indicate measures being taken to amend this Act and indicate the time frame anticipated for such reform.

The Citizenship Commission has prepared the draft of the amendments to the Citizenship Act (Cap 112) to address the discrimination on the basis of sex as follows:

- A. Membership of the Commission (consisting of not less than four nor more than seven members all appointed by the President on the advice of the Prime Minister).

This subsection (4) is to be added to Section 3: At least two of the members of the Commission must be women, and so far as practicable there must be an equal number of Francophone and Anglophone members.

- B. *Application for citizenship by a man married to a citizen – this is a new Section.*

Any man who is married to a citizen shall be entitled on making application in the prescribed manner to be registered as a citizen.

The Citizenship Commission Office assures that, in 2007, this draft amendment will go to the Council of Ministers for approval before requesting the State Law Office to action the amendment for tabling in Parliament.

Article 10

15. In reference to the Education for All National Plan of Action, please indicate the specific strategies, and quantifiable indicators that are in place to monitor progress and timelines for completion, as well as specific divisions of responsibility for carrying out the plan (see para. 10.50) in regard to priority 6 (on gender disparities).

The problems identified in achieving priority 6 of the Education for All National Plan of Action – *eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality* – were as follows:

- Lack of a Gender Equity in Education Policy
- Lack of counseling services
- Low carrying capacity of secondary schools
- Not enough senior secondary schools and lack of secondary school teachers
- Lack of teaching and learning materials

Reforms/actions were proposed to address these problems.

- The Gender Equity in Education Policy and Action Plan 2005-2015 has been completed with the following 13 objectives.
 1. Establish an effective gender equity implementation and monitoring system.
 2. Reduce girls' drop/push out rates in years 11, 12, 13.
 3. Provide a safe learning environment for all students.
 4. Increase the number of females applying for and being awarded scholarships including post-graduate scholarships.
 5. Increase the number of females taking science, mathematics and technical subjects.
 6. Increase the number of female students in technical education.
 7. Provide career guidance and subject choice advice for both males and females. that does not limit student's employment/work options on the basis of their sex.
 8. Develop curricula, resources and courses that are gender inclusive.
 9. Increase the number of female principals and females in other senior positions.
 10. Increase the number of females employed in the Ministry of Education administration, particularly in senior positions.
 11. Increase women's representation on committees; including the Teaching Service Commission (TSC).
 12. Recruit more women to train as secondary teachers.
 13. Accurately track the progress towards achieving gender equality in education.

The Gender Equity in Education Policy 2005-2015 proposes that the Director General establishes a Gender Desk by June 2005 with Gender Officers appointed.

The Ministry of Education (MoE) is in charge of directing schools to stop the expulsion of pregnant girls and allow girls who have given birth to return to school by December 2005. Principals, School Guidance Teachers and School Councils are in charge of developing and implementing awareness programme to promote the value of girls continuing with their education including pregnant girls and girls who have given birth by December 2006. By December 2010 the MoE, Principals, and School Councils are to provide secondary schools with enough boarding facilities for girls. A feasibility study is due to be completed by the MoE by December 2008 of establishing single sex senior secondary schools, with research completed by December 2007 on the causal factors of girls high drop/push out rate at all levels. The MoE and School Councils were to develop a comprehensive harassment and safety policy covering students and staff in all schools by December 2007. Professional development on harassment for principals and inspectors will be provided by December 2008, with the harassment policy implemented in all schools by December 2010 and implementation progress monitored by Gender Desk Officers December 2012.

The Scholarship Office (SO) and National Education Commission (NEC) are to provide guidance teachers with professional development on scholarships to ensure that 50% of scholarship applications are made by females by December 2008. School Guidance Teachers and the SO will carry out scholarship awareness in all secondary schools on an annual basis so that 50% of scholarships are awarded to females by December 2009.

The MoE, NEC and School Guidance Teachers will develop and implement an awareness programme to promote the value of girls taking science, mathematics and technical subjects to ensure that there is a 50% increase in the number of females taking these subjects by December 2011.

The MoE, School Guidance Teachers, and Provincial Guidance Officers will develop and implement an awareness programme to encourage girls to study technical education at the tertiary level so that there is a 50% increase in the number of females in technical education and an increase in the number of males and females employed in non-traditional areas of work by December 2010. Technical Vocational Education and Training (TVET) and the MoE will develop and implement an awareness programme to encourage employers to employ males and females on merit in non-traditional areas by December 2012. Principals will ensure all technical subjects are available to both males and females in secondary schools by December 2008. The MoE, NEC and TVET will provide pathways for students from formal to non-formal systems through TVET by December 2008.

A career guidance handbook will be developed by the Gender Desk Officers by December 2008. The Vanuatu Institute of Teacher Education (VITE) will train all secondary pre-service teachers in the use of the handbook by December 2011. Gender Desk Officers will develop a system for evaluating the career guidance handbook and programme by December 2009, and along with VITE and MoE will provide in-service training for School Guidance Teachers on the use of the handbook by December 2010.

The Curriculum Development Unit (CDU) will provide professional development for CDU and VITE staff on developing gender inclusive curricula, provide in-service and pre-service training on the

implementation of a gender inclusive curricula from 2007-2012. VITE, CDU and all teachers will implement a gender inclusive curricula by December 2014.

As at December 2005, all leaders of primary and secondary schools were to be called *Principal*. By December 2006, an Equal Employment Opportunity Policy was to be developed by the MoE. By December 2008, 40% of primary principals and 20% of secondary principals will be women, with selection criteria for principal's positions reviewed and amended for gender equity, by the MoE and Teaching Service Commission (TSC).

Following a recruitment drive to encourage women with relevant experience and qualifications to apply for positions in the MoE, it is expected that there will be a 50% increase in the number of women employed in the MoE by December 2006.

It is proposed that, by December 2006, the Director General/Minister of Education will have changed the Teaching Service Act no.15 of 1983 to allow for the appointment of two women and two men to the TSC, the fifth member to be either a man or a woman. It is also proposed that, By December 2006, the MoE and State Law Office will have revised the Act so that it is written in gender inclusive language.

By December 2008, VITE, MoE and School Guidance Teachers will have developed and implemented an awareness programme to encourage females to apply for secondary teacher education so that a minimum of 50% of applicants for secondary teacher education are women.

The Director of Policy and Planning, MoE, will have developed a policy that covers the collection and reporting of sex disaggregated data, and that donor funding will be obtained for a Technical Assistant to work with MoE statisticians on developing consistent systems and processes for the collection of such data. Between December 2007-December 2009 systems will be developed, statisticians trained and professional development for principals on reporting sex disaggregated data to the MoE will be completed.

Funding must be sought to implement the Gender Equity in Education Policy and, at the time of writing this response report, it is not known how successful the MoE has been in attracting funding or what aspects of the Policy have been implemented.

- Training of career counselors was proposed for 2004-2010. A counselling/career development centre was proposed to be established in 2004.
- To address the low carrying capacity of secondary schools, it was proposed to review the design capacities of school specification by 2003, and publish the secondary school infrastructure plan in 2004.
- From 2003-2007 it was proposed to increase Junior Secondary School Teacher Initial Training, with posts gradually localized by 2008. A document specifying training achievement was due to be written in 2007.
- It was planned to have a library established in each province by the end of 2003 and review distribution policies and procurement process for teaching and learning materials in 2003.

Article 11

16. Please indicate what steps have been taken to encourage and enable women to enter non-traditional occupations, including the provision of training.

At the time of writing, it is not known what steps have been undertaken to encourage and enable women to enter non-traditional occupations or what training is provided.

17. The report states that discriminatory practices on the grounds of pregnancy include refusal to hire (see para. 11.18) and that “whilst the Employment Act contains generous maternity provisions, many employers in the private sector continue to disregard these provision and discriminate against women on the ground of maternity” (see para. 2.11). Please describe measures taken by the Government to enforce the Employment Act so as to prevent discrimination against women on the grounds of maternity.

Until now the Labour Department has been understaffed and unable to conduct inspections of workplaces. However, the Labour Department has recently reinforced its inspections capacity and, in early 2007, plans to start a programme to inspect all workplaces – Government and in the private sector. This inspection programme will include ensuring that new mothers are given the time they are entitled to (half an hour twice a day during working hours) to nurse their baby. It will also encourage employers – Government and private sector – to provide space for mothers to nurse – a staff-room and/or private room.

There has been a problem in Vanuatu for some time now where many private sector businesses dismiss their employee when she presents her medical certificate entitling her to maternity leave.

Therefore, it is planned to amend the Employment Act in 2007 to impose penalties on employers who don't give nursing time to new mothers and to ensure against unlawful dismissal when pregnant.

Article 12

18. The report states that “problems of accessibility to health facilities is a factor that continues to restrict access to communities which are located in the remotest parts of the country and where women find it difficult to obtain advice as well as contraceptives” (see para. 12.10). Please provide data disaggregated by sex on access to health services, including those related to family planning and mental health, especially for rural women.

The Mental Health Act is currently being reviewed with the possibility of repealing it and replacing it with a new Act. The draft 2004 Mental Health Policy has not yet been approved by the Council of Ministers.

In 2002 Ministry of Health (MoH) records show that 2,613 women in the country were using some form of contraception, the most common methods being Depo-Provera and the oral contraceptive pill.

There is no sex disaggregated data available on access to health services especially for rural women. The MoH is currently developing a policy on a National Health Management Information System.

Family Planning attendance figures for all provinces, including Vila and Luganville for 2004 was 8,079. In 2005 the attendance was 7,153.

19. The report states that contraceptive usage remains low, is largely determined by men and that the use of condoms is problematic among young women, who have reported considerable male resistance to their use (see para. 12.16). Please describe what actions are being taken by the Government to promote access to family planning services and raise awareness about sexually transmitted diseases, including HIV/AIDS, with particular attention to the needs of young people.

The MoH works in collaborative partnership and through technical and financial support with relevant stakeholders, NGOs and development partners to provide access to health services, as follows:-

- Ongoing vigorous awareness on reproductive health, family planning, and sexual health by NGOs, MoH and Wan Smol Bag and KPH and Peer educated programmes/counseling services.
- Foundation for Peoples of South Pacific (FSP) Drop in Centre (in Vila and Luganville).
- Production and dissemination of information education and communication materials (posters, leaflets, brochures, video cassettes).
- Provision and distribution of contraceptive methods (Pills, IUD, Depo-Provera, condoms).
- Reproductive health medical kits for all Health Centres.
- Awareness raising on reproductive health concepts to all stakeholders – chiefs, churches, women, youth.
- Clinical checks on women throughout all the provinces.
- Stock-take of medical equipment appropriate for reproductive health services.
- Training for remote dispensaries staff on sexually transmitted infections and reproductive health.

20. The report refers to an increase in teenage pregnancy. What concrete steps does the Government plan to take to address this trend? The response should include information about sex education available through the regular curriculum.

Vanuatu does not have a population policy and, at the time of writing, there is no plan to address the trend of increasing teenage pregnancy.

In the primary school health course, human reproduction is taught in year 6. The Vanuatu Family Health Association also produced a book for year 6 students that deals more widely with sex education, covering emotional and biological aspects. This has been tried out in some schools, but with the coming change in primary school structure (when primary schools will cover years 1-8) it is considered that this book will be more suitable to be used at year 8 level, before students leave primary school.

For secondary students, there is provision for sex education within the science syllabus at year 10. There is also a related topic book on STIs that can be used in science or social studies during Junior Secondary School.

Article 13

21. Please indicate whether a gender-impact review has been carried out of the Vanuatu National Provident Fund (VNPF) and whether any discrimination based on sex exists in the scheme. Also indicate whether workers in the informal sector, many of whom are women, are eligible to participate in the scheme.

There has not been a gender-impact review carried out of the VNPF.

The VNPF advises that there is no discrimination based on sex existing in the scheme – the VNPF is a national scheme which encourages membership from both genders. Operationally, VNPF has made significant efforts to improve gender equality by employing both sexes in the organization where 46% of its employees are females, including three holding senior managerial positions out of nine managerial positions. From 2005 to November 2006 the Chairperson of the VNPF was a woman. She resigned as Chairperson to accept a position with the Asian Development Bank in Manila.

In August 2006 the VNPF and VANWODS Microfinance Incorporation signed a Memorandum of Understanding to enable the VANWODS clients to become voluntary members of VNPF.

A number of workers in the informal sector, including some “haos gels” are voluntary members of VNPF. VNPF provides awareness to secondary schools with the hope of extending coverage to them as well.

Article 14

22. The report states that “in the rural economy, access to land and land usages is determined primarily by men” and that rural women are “still largely in a position of economic dependency” (see para. 14.6). Please indicate what measures are being taken and/or planned to increase women’s access to and control over land and land usages, along with other efforts to increase rural women’s access to opportunities to enhance their economic independence.

Women’s access to and control over land is based on custom where the land belongs to everyone. Customary rights and practices prevail. Women have rights to use the land to feed their family and some input, usually through their brothers, over succession of ownership.

The issue of women’s lack of control over land and land usages is beginning to be recognized as indicated by the recommendation from the September 2006 National Land Summit (involving Chiefs, Vanuatu Cultural Centre and NGOs) that when land is being sold, all stakeholders, including women, must be consulted.

VANWODS assists those women who live on the periphery of Port Vila to enhance their economic independence. Each of the six provincial governments has its own Rural Economic Development Initiative (REDI) programme. They make provision for assistance to rural women in their province to improve their economic situation. However, no data has been collected by the Department of Provincial Affairs as to how many women/women’s groups have been assisted, or for what type of economic activity.

23. The report states that the Vanuatu Women’s Development Scheme (VANWODS), the microfinance scheme initiated by the Government in 1996, was owing to be expanded into rural

areas from 2005 (see para. 14.18). Please describe how this expansion has proceeded and provide statistical data on its operation. Also indicate what efforts are being made to raise awareness among women, particularly rural women, about access to loans and credit opportunities.

VANWODS has not been expanded into rural areas, apart from the periphery villages of Port Vila.

There is no coordinated approach in creating awareness among women about access to loans and credit opportunities. Individual agencies, eg the Chamber of Commerce & Trade, credit unions and the Ministry of Cooperatives & Ni-Vanuatu Rural Business Development Services run their own awareness programmes.

Articles 15 and 16

24. The report indicates that a recent review revealed that “serious conflicts exist between women’s human rights and customary law” (see para. 15.2). Please describe what steps are being taken to address this issue, including law reform efforts, implementation of legal literacy programmes and awareness-raising. Also indicate whether the court rulings noted in paragraphs 15.3 and 15.4 have been widely disseminated.

No action has been taken to address this issue. The court rulings are in the Judgments at the Law Faculty and online from the Pacific Legal Information Institute (PACLII) at the University of the South Pacific (USP) - www.vanuatu.usp.ac.fj However, this information is only available to people with education, skills and access to a computer (and electricity!). The court rulings have not otherwise been widely disseminated.

25. The report indicates that Vanuatu sets different minimum legal ages for marriage, which are 18 years for boys and 16 years for girls (see para. 16.8). Please provide statistical data, disaggregated by sex and age, of persons who marry before 18 years of age and indicate whether the Government intends to raise the minimum age of marriage for girls to 18 years in order to bring it in line with article 1 of the Convention on the Rights of the Child, and article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, as clarified in the Committee’s general recommendation 21, paragraph 36.

“The definition of ‘married’ in the 1999 Census was married by law, custom ceremony or in a church. It is important to note that those in de facto relationships should also be taken into consideration when looking at marital status in Vanuatu as it covers those who live together as husband and wife but have not been through any civil, custom or religious ceremony.” (*1999 Census Report*)

Female Population Age and Marital Status (1999 Pop Census)

Age	Defacto	Married	Separated
15	4	22	1
16	17	33	
17	50	45	4

Male Population Age and Marital Status (1999 Pop Census)

Age	Defacto	Married	Separated
15	3	16	2
16	4	22	1
17	3	31	

These statistics provide interesting reading as under the Control of Marriage Act (CAP 45) *No person of the male sex being under the age of 18 years and no person of the female sex being under the age of 16 years may lawfully marry.*

The (draft) National Plan of Action for Women 2007-2011 includes a recommendation from the National Women's Forum 27 August-1 September 2006 to develop legislation whereby the minimum age of marriage for both males and females is 18 years. However, to date, the State Law Office has not been instructed to amend the legislation accordingly.

Optional Protocol

26. Please indicate any progress made with respect to the ratification of, or accession to, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Ratification) Act no.28 of 2006 was passed by Parliament at its 2nd Extraordinary Session in November 2006.

This has not yet been assented to by the President, Head of State. The Act will commence on the day on which it is published in the Gazette.

Members of the Vanuatu CEDAW Committee**Chair**

Hilda Taleo Director, Department of Women's Affairs

Vice-Chair

Myriam Abel Director-General, Ministry of Health

Members

Hon. Isabelle Donald	Minister of Justice & Social Welfare
Nadine Alatoa	Secretary-General, Council of Ministers
Blandine Boulekone	Women's Rights Advocate
Morris Kaloran	Director, Correctional Services Department
Patricia Kalpokas	Ombudsman's Office
Jenny Ligo	CEO, Vanuatu National Council of Women
Danielle Masoe	AusAID
Gregoire Nimbtik	Department of Strategic Policy Coordination & Corporate Services
Andonia Piau-Lynch	Coordinator, Disability Promotion & Advocacy Association
Jean Sese	Director-General, Ministry of the Prime Minister
Merilyn Tah	Coordinator, Vanuatu Women's Centre
Viran Molisa Trief	State Law Office

Consultant

Elizabeth Mortland, New Zealand

17-29 December 2006
