



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

#### Reports of States parties due in 2009

#### Vanuatu\*

[Date received: 11 March 2016]

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\* The present document is being issued without formal editing.

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## Contents

	<i>Page</i>
List of Abbreviations.....	3
Introduction .....	4
I. General measures of implementation .....	4
II. Prevention (arts. 1, 2, 4; para.2, and art. 6; para. 2) .....	6
III. Prohibition and related matters (art. 1, 2, 4, paras. 1 and 2).....	10
IV. Protection, recovery and reintegration (art. 6, para. 3).....	13
V. International assistance and cooperation (art. 7, para. 1) .....	14
VI. Other legal provisions (art. 5).....	14
Annex .....	16

## List of Abbreviations

CBOs	Civil Based Organizations
CoM	Council of Ministers
CPWG	Child Protection Working Group
DWA	Department of Women's Affairs
ECCE	Early Childhood Care Education
MoJCS	Ministry of Justice and Community Services
MoIA	Ministry of Internal Affairs
MoFA	Ministry of Foreign Affairs
NCC	National Children's Committee
NGOs	Non-Government Organizations
OPAC	Optional Protocol on Armed Conflict
PMC	Private Military Companies
PSCs	Public Security Companies
OHCHR	Office of the High Commissioner of Human Rights
Ops	Optional Protocol
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
RRRT	Regional Rights Resource Team
VESS	Vanuatu Education Sector Strategy
VPF	Vanuatu Police Force
VPTC	Vanuatu Police Training College
VMF	Vanuatu Mobile Force
VNSO	Vanuatu National Statistics Office
UN-CRC	United Nations — Convention on the Rights of the Child
UNICEF	United Nations Children's Fund

**Treaty specific report to be read in conjunction with Vanuatu's Common Core Document 2012 and Vanuatu's Second, Third and Fourth Report under the Convention on the Rights of the Child**

## **Introduction**

The Republic of Vanuatu acceded to the Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict (OPAC) in 2005 and ratified it in 2006 under Ratification Act No. 26. It came into force under the laws of Vanuatu in 2007. As a state party to the Protocol, this report is Vanuatu's Initial Report to the Protocol, submitted in coordination with the Ministry of Justice and Community Services (MoJCS) and Ministry of Foreign Affairs (MoFA), with the approval of the Council of Ministers (CoM).

This Initial Report covers the period of 2008 to 2012 and is submitted in line with the reporting Guidelines issued by United Nations CRC Committee under CRC/C/OPAC, issued on 19 October 2007.

## **I. General measures of implementation**

### **Report preparation process**

1. The Department of Women's Affairs (DWA) under the portfolio of the Ministry of Justice and Community Services (MoJCS) through the Child Desk Officer had coordinated with the Regional Rights Resource Team (RRRT) the conduct of a two day seminar workshop (7 & 8 October, 2012) on the provisions and principles of the two Convention on the Rights of the Child (CRC) Optional Protocols (OPs: Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict (OPAC) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC). The workshop was participated by members of the National Children's Committee (NCC) who are representatives of various government ministries, departments, and line agencies, including non-governmental organizations (NGOs), civil based organizations (CBOS), the media, and other associations.
2. The objective of the workshop was to increase the knowledge of the NCC members relative to the provisions and principles of the OPs. As part of the seminar workshop, the OPs initial report guidelines were presented with the objective of familiarizing the NCC members and other key stakeholders with the specific report format and contents for submission of an initial report under the Protocol in order for key stakeholders to fully contribute in the drafting of the report.
3. Further, as part of Vanuatu's report preparation process, a technical consultant was hired to facilitate the writing of the report. The facilitation of the report writing involves developing of a report writing framework together with the NCC members and other key stakeholders who were tasked to identify which in the information requirements are applicable to Vanuatu and to identify the relevant data sources to be used as reference in the drafting of the report. The draft workplan was also presented and was finalized which serves as a guide for the drafting of the initial report. Furthermore, the six (6) regional governments/provinces in Vanuatu which are under the portfolio of the Ministry of Internal Affairs (MoIA) in coordination with the MoJCS, were requested to contribute in the drafting of the report through an official letter of request from the MoJCS.

4. The draft initial report was disseminated to the NCC members and key stakeholders for comments and critiquing. All the comments were integrated into the final report. The final report was submitted to the Council of Ministers for approval prior to its submission to UN-CRC, this Committee.

### **Legal status of the Protocol**

5. The Constitution of Vanuatu under Article 26 provides for provision on the ratification of treaties (see annex). It provides that treaties negotiated by the Government should be presented to Parliament for ratification. The Protocol came into force under the laws of Vanuatu in 2007 after Parliament ratified it in 2006, following Article 26 of the Constitution. The ratification of the Protocol does not mean that it is ipso facto part of the laws of Vanuatu, unless, this is expressly legislated in Parliament. However, the government as a state party is bound by its provisions and has the obligation to report its implementation.

6. During the reporting period, there has been no reported case wherein the provisions of the Protocol has been directly invoked by the courts to ground its decision as there has been no reported acts or activities committed as enumerated in the Protocol that have been filed with the courts.

### **Jurisdictional implementation of the Protocol**

7. Upon ratification and gazetting of the Protocol, its implementation covers throughout the islands of Vanuatu and to all persons who are residing and are considered to be within its jurisdiction.

### **Withdrawal of reservation(s)**

8. Vanuatu had ratified the Protocol without any reservations.

### **Minimum age for voluntary recruitment**

9. Vanuatu upon ratification to the Protocol had declared that the age for voluntary recruitment in its armed forces must not be under the age of 18 and not more than 30 years (see annex).

### **National coordinating bodies**

10. The government ministry primarily responsible for the implementation of the Protocol is the MoJCS. As a result, a Child Desk Officer was appointed to coordinate all activities relative to the Convention and the Protocol. Further, the CoM had established the NCC whose members had been appointed by the Director General of the MoJCS. The NCCs main responsibilities are to liaise, coordinate, monitor and report the implementation of the CRC and the Protocol (see annex).

### **Public awareness and training**

11. There has been many human rights training activities conducted which were participated by police officers, social workers, teachers, and media professionals. However,

since the Protocol was signed in 2007, there has been no dissemination of its provisions and there has been no public awareness conducted. In this regard, the DWA has indicated plans to conduct dissemination campaign and further training activities on the provisions of the Protocol.

### **Data collection**

12. The government has been strengthening its data collection system (CRC combined periodic report, 2012). Several ministries of the government have developed its own method of data collection. However, as far as data collection relative to information under this Protocol, there is no data system yet in place due to lack of financial resources and lack of capacity to establish a database.

13. The following required information are not applicable in Vanuatu, to wit:

- (a) The number of children under the age of 18 voluntarily recruited into national armed forces (please refer to section II on minimum safeguards for voluntary recruitment);
- (b) The number of children recruited and used in hostilities by armed groups;
- (c) Information on children who have been charged for war crimes committed while recruited or used in hostilities;
- (d) The number of child victims of practices prohibited by the Protocol among refugee and asylum seeking children within the jurisdiction of Vanuatu.

### **National human rights institutions**

14. There is no existing independent national human rights institution in Vanuatu. The establishment thereof is however subject of a pending discussions between the MoJCS, the Ministry of Foreign Affairs (MoFA) and the Office of the High Commissioner of Human Rights (OHCHR) in Suva, Fiji (CRC combined periodic report, 2012).

### **Analysis of the factors and difficulties**

15. There has been no consultation done prior to the signing of the Protocol to determine as to whether Vanuatu has the resources to implement before ratifying the Protocol. Since the signing of the Protocol in 2007, there has been no awareness campaign done relative to its provisions and principles. The government has not yet taken measures to design its implementation, hence, no budget has been allocated. As a result, there has been no programs and plan of actions taken by the government which directly involve the implementation of the Protocol. Apart from the lack of financial resources to fund programmes.

## **II. Prevention (arts. 1, 2, 4; para. 2, and art. 6; para. 2)**

### **Preventive measures on compulsory recruitment**

16. In Vanuatu, the process of recruitment into the Force (meaning, the Vanuatu Police Force) is voluntary, hence, the process of compulsory recruitment is not applicable in Vanuatu. The Police Act [Cap 105] which provides for the establishment, organization, discipline, powers and duties of the Vanuatu Police Force and other matters related thereto,

provides under section 12 of the Act, the form of application into the Force. The section provides that candidate for appointment to the Force shall make application in writing in such form as the Commissioner of Police may determine. The Act also provides that members (meaning, any member of the force regardless of rank) shall be subject to the same terms and conditions of service as may apply to members of the public service. The Public Service Act does not provide provisions for recruitment of children in the government service. Hence, Vanuatu laws prohibit the compulsory recruitment of children into the police force (see annex).

17. Further, section 4 of the Police Act provides that members of the Force may be engaged outside of Vanuatu with the approval of the CoM on the recommendation of the Prime Minister and the Minister of Foreign Affairs as a military force in operations involving hostilities or war; or a military, police or internal security force for operations involving peace-making, peace-keeping or truce and cease fire operations (see annex). Hence, children do not take direct part in hostilities.

18. The following required information are not applicable in Vanuatu, to wit:

(a) The documents considered reliable to verify potential recruits' age prior to their acceptance into *compulsory* military service as compulsory recruitment does not exist in Vanuatu.

(b) Legal provision enabling the age of conscription to be lowered in exceptional circumstances (e.g. state of emergency).

(c) Reactivation of compulsory military service as mentioned under letter a above.

### **Minimum safeguards for voluntary recruitment**

19. As provided for under section 12 of the Police Act, a candidate to the Force must apply in writing to the Commissioner of Police. The Act also provides that successful candidate shall be appointed as probationary constable for a period of 2 years by a letter of appointment signed by the Commissioner. Section 15 provides that the name of the candidate shall be enrolled in Register of Police which includes the "enrolment number of the member, the date of enrolment, his date of birth and the date when he is taken off the strength of the Force" (see annex).

20. Further, under section 16 of the Act, it provides that every probationary constable shall be required to complete a period of training in such form and of such duration as shall be determined by the Commissioner. Upon completion of the training, the probationary constable shall make and sign before a senior officer a declaration to obey the officers placed in command in all matters concerning the service and in the performance of duties, only to use the powers for the maintenance of public order and the enforcement of the law. Furthermore, a police identity card signed by the Commissioner or a senior officer so authorized by the Commissioner shall be issued to every member at the time the member is sworn in and shall be evidence of the appointment of such member. Under section 19, upon satisfactory completion of the probationary period, a probationary constable shall be re-engaged for continuous service (see annex).

21. As part of the voluntary recruitment process, medical examinations foreseen before volunteers can be recruited is done once the recruit starts his or her police physical training.

22. As regards to the documentation which are considered reliable to verify the age of the volunteers, the Force sue birth certificate authenticated by the Civil Registry office.

23. The Police Act provides that any member from the Force if found guilty of committing an offence against discipline; or convicted of an offence against any written law, is not eligible for re appointment. The Act also provides for discharge from the force of a member, subordinate officer or senior as the case maybe, if the member is mentally or physically unfit for further service as certified by a Government medical board; or in cases of redundancy or reorganization; or if the Commissioner considers the member to become unlikely an efficient member of the Force.

24. With regard to information on the application of military justice or discipline to recruits under 18, it is not applicable in Vanuatu.

25. Further, recruits in the Police Force undergo induction wherein their parents are invited to join. The induction process includes, orientation of the duties in the Police Force, the explanation of the rules and regulations in the Force for both the recruits and the parents, such as the allowable visiting time and day, among others (see annex for the copy of any materials used for induction).

26. As to the information regarding the benefits provided for the Force, the Police Act provides that member of the Forces are entitled to monthly salary and allowance, official headquarters, including uniform and equipment. In case of retirement, the retiree is entitled to a severance pay (see annex).

### **Schools operated by or under the control of the armed forces**

27. In Vanuatu, there is only one existing Force, which is composed of the following: 1) Vanuatu Mobile Force (VMF); 2) Maritime Unit; and 3) Vanuatu Police Force (VPF). There is only one existing school for the force, i.e., the Vanuatu Police Training College (VPTC). The VPTC provides basic policing to police recruits with seven modules for the entire recruit program for five months. The academic training is followed by physical training.

28. The minimum age of entry in the Police Force is 18 years and above but not more than 30 years of age.

29. With regard to disaggregated data on the number, the type of education provided and the proportions of academic education and military training in the curricula; length of the education; academic/military personnel involved, educational facilities, etc.

30. As regards to school curricula, the Police Training College provides human rights and humanitarian principles as part of the training modules. However, relative to measures taken to ensure that school discipline is administered in a manner consistent with the child's human dignity and the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the College does not recruit children, and it provides its own disciplinary measures for recruits.

31. During the reporting period, there are 30 males and 8 females recruited. This number has been constant since 2007, as this is the annual quota for recruitment. In 1997 to 2006, the Force stopped their recruitment due to lack of funding and resumed it in 2007. Recruitment in the police Force is done based on merits, and is opened to all qualified applicants in Vanuatu. However, data regarding their provinces and social and ethnic origin are not available for reporting. Upon graduation, they are considered police constable with a probationary period of two years.

32. As regards to information regarding the existence of an independent complaint mechanisms that are accessible for children attending military schools, it is not applicable in Vanuatu.

### **Preventive measures on recruitment of children by armed forces**

33. There are no existing armed groups in Vanuatu, hence, no reported cases of recruitment of children by armed forces.

### **Identification of vulnerable children**

34. The government with funding and technical assistance from UNICEF has conducted in 2009 a child poverty and disparity study using the multiple measures of poverty in the analysis. There were seven key deprivations methods used in the analysis. As a result, it was found that the more remote parts of the country such as Torba and Tafea provinces were the worst deprived in terms of shelter, education and water, whereas in Port Vila which is the main capital, was the most deprived in terms of food and health. However, the methods used in the study has not indicated whether it was used to identify children or in relation to children who are vulnerable to practices contrary to the Protocol (CRC combined periodic report, 201).

35. With regard to children belonging to the minority and indigenous group, the Vanuatu National Statistics Office (VNSO) as part of its national survey (every 10 years) has conducted in 2009 the existing numbers of minority and indigenous children living in Vanuatu. However, the survey conducted was to determine the existing numbers and is not in directly related to identifying whether they are vulnerable to practices contrary to the Protocol.

36. As regards to identification of refugee and internally displaced children, the Immigration Office deals with identifying refugee children through the assistance of the Office of the High Commissioner of Human Rights (OHCHR).

### **Preventive measures on civilian attacks**

37. The Police Act provides for a provision regarding the employment of the Force for defence or internal security. The Act provides that the Prime Minister may direct that the whole or any part of the Force be employed as a military or internal security force; and comply with the orders of any military or other specified authority, if there is a grave threat to the defence or the internal security of Vanuatu. However, there is no existing specific information on measures taken to prevent attacks on civilian objects protected under international humanitarian law and other international instruments, including places that generally have a significant presence of children, such as schools and hospitals.

### **Public awareness and information campaign**

38. The government has not yet taken measures that specifically aimed at making children aware of the harmful consequences of involvement in armed conflict. There is no existing allocation of resources and sources of assistance intended to prevent children from falling victim to recruitment.

39. However, with regard to Vanuatu's efforts taken to include peace education in the school curricula, this has not yet implemented. The Ministry of Education has taken efforts to include the development and delivery of human rights in its Early Childhood Care Education (ECCE) programmes and services. The provision of human rights is also one of the key strategies for implementing the policy of Vanuatu Education Sector Strategy (VESS).

40. During the reporting period, there are no existing programmes targeting specific groups other than children and the general public, such as the armed forces and members of international peacekeeping forces, law enforcement and immigration officers, judges, social workers, teachers and legislators in relation to the Protocol.

41. During the reporting period, there have been no existing design and awareness measures implemented under the Protocol. The non-governmental organizations, the media, the private sector and the community play a very important role in the implementation of CRC, however, with regard to public awareness measures and information campaign relative to the provisions of the Protocol, plans are still under way.

42. Further, as a result, there has been no measure taken to evaluate the effectiveness of the design and awareness measures, hence, no results were obtained.

### **III. Prohibition and related matters (art. 1, 2, 4, paras. 1 and 2)**

#### **Legislations and regulations**

43. There is no existing information on criminal legislation in force, which cover and define the acts enumerated in articles 1 and 2 and of the OP. There is however, a General Order under the Police Service Commission which prohibits the recruitment of children in the Police Force (see annex). The law does not provide for the material elements of all such acts and offences enumerated in articles 1 and 2 of the Protocol. There is no existing legislation that defines compulsory recruitment and the use of children in hostilities. Further, the Penal Code does not define what constitutes direct participation relative to the acts enumerated under the Protocol.

44. Since the Penal Code does not provide for a criminal liabilities for the offences under the Protocol, there is also no existing imposition of the maximum and minimum penalties for the offences. Further, there is no existing data or information concerning the number of prosecutions and convictions for such offences.

45. There is no specific guarantees in place to ensure that superior orders cannot be invoked as justification for acts contrary to the Protocol and whether any defences and aggravating or attenuating circumstances can apply to these offences.

46. The Penal law does not provide for the statute of limitations for each of the offences under the Protocol. Further, the Penal Code of Vanuatu does not provide sentences for attempts to commit and complicity or participation in the offences covered by the Protocol (refer to paragraph 56).

47. With regard to any other offences recognized by the laws of Vanuatu that it considers relevant to implementation of the Protocol, there has been none so far.

#### **Criminal legislations in force**

48. In Vanuatu, there are no existing armed groups distinct from its armed forces, hence, there are no indications of recruitment and use of children in hostilities by armed groups. The Penal Code of Vanuatu does not provide any provisions covering and defining the recruitment or use in hostilities of persons under the age of 18 years.

## Laws, decrees, etc., and jurisprudence

49. The following are the relevant laws, policies, modules, adopted by Vanuatu in order to give effect to the Protocol:

- (a) The Police Act [Cap 105] which provides for the establishment, organization, discipline, powers and duties of the Vanuatu Police Force and for matters incidental thereto;
- (b) The Penal Code [Cap 135] which provides for criminal offences and the punishments therefore, principles of criminal law, criminal responsibility and matters connected therewith;
- (c) Extradition Law [Cap 287] which provides for extradition and matters relating to the Act;
- (d) The Policy for handling Young People in Conflict with the Law;
- (e) The Policy for Young Victims and witnesses;
- (f) The Standard Operating Procedures and Modules for investigations involving children and youth.

50. There are no existing jurisprudence with regard to the Protocol or other related international instrument, however, the following are the significant jurisprudence adopted by the courts of Vanuatu that applies to CRC:

- (a) *Molu v. Molu*, Supreme Court Civil Case of 1988;
- (b) *Kong v. Kong*, Civil Appeal Case of 1999;
- (c) *Public Prosecutor v. Andrew Kuao and Therese Sasia*, Criminal Case No. 131 of 2009;
- (d) *Public Prosecutor v. Nalin Nawia*, Criminal Case No. 39 of 2010.

51. All copies of the principal legislative, administrative and other relevant texts, judicial decisions and relevant studies and reports are attached (see annex).

## Legislations which impedes implementation

52. There are no existing legislations currently in force which Vanuatu are considered as an obstacle to the implementation of the Protocol.

## Parties to other treaties

53. With regard to the following treaties mentioned below, Vanuatu had:

- (a) In 1985 ratified the Additional Protocols I and II to the 1949 Geneva Conventions, (1977);
- (b) In 2011, Vanuatu ratified the Rome Statute of the International Criminal Court (1998);
- (c) In 2006, Vanuatu acceded to the International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

### **Criminal liability of legal persons**

54. There is no existing provisions in the criminal legislation concerning the criminal liability of legal persons, such as private military and security companies (PMCs and PSCs), for the acts and activities enumerated in the Protocol. During the reporting period, the Child Protection Working Group is reviewing the Penal Code with regard to existing discriminatory provisions in the Code which do not serve to protect the interest of children. However, the issue of criminal liability of legal persons has yet to be look into.

### **Jurisdiction over acts and offences**

55. There are no existing legal provisions that establish jurisdiction over the acts and offences specifically referred to in articles 1, 2, and 4 of the Protocol.

### **Extraterritorial jurisdiction**

56. The provisions of the Penal Code of Vanuatu provides for an extraterritorial jurisdiction. The criminal laws of Vanuatu applies to offences which elements partly taken place within Vanuatu or wholly taken place abroad. It also applies to complicity or attempt in relation to an offence against the criminal law of the Vanuatu beyond its territory or for any such act or omission beyond its territory in relation to an offence or intended offence within its territory.

57. Further, for offences abroad, any citizen may be prosecuted within Vanuatu for an offence against the criminal law of Vanuatu in respect of any act or omission committed by him beyond the Vanuatu which had it been committed within the Vanuatu would have constituted an offence against such law, if such act or omission constituted a corresponding offence under the law of the place where it was committed.

58. Furthermore, with regard to international offence, the criminal law of Vanuatu applies to piracy, hijacking of aircraft, traffic in persons, slave trading and traffic in narcotics committed within or beyond the territory of the Republic (see annex). However, the law is silent with regard to jurisdiction over child recruitment as a war crime.

### **Extradition and proceedings**

59. In Vanuatu, there is an existing Extradition Law [Cap 287] which was created for the purpose of codifying the law relating to the extradition of persons from Vanuatu, to facilitate the making of requests for extradition by Vanuatu to other countries, and to enable Vanuatu to carry out its obligations under extradition treaties. The extradition law provides for the extradition offence, and extradition objections. The act also provides for extradition to Vanuatu and extradition from Vanuatu, extradition from Vanuatu to Commonwealth countries, to South Pacific, to treaty countries, and to comity countries. Further, the Act provides for provisions regarding arrest, and extradition proceedings (see annex).

60. With regard to criminal legislations, it does not provide provisions for offences and acts referred to in the Protocol, hence, no provisions for imposition of penalties. Under the extradition law, an offence constitutes as an extradition offence only if it falls within the extradition offence as provided for under section 3 of the Act.

## **IV. Protection, recovery and reintegration (art. 6, para. 3)**

### **Implementation of article 6, para 3**

61. The rights and best interests of children in criminal investigations whether they are victims or witnesses are fully recognized, respected, and protected. The organizational policies of the Vanuatu Police force had been developed. As a result, the Standard Operating Procedure and Modules have also been developed and implemented by the Police Force. However, with regard to recognizing and protecting the rights and best interest of children who have been the victims of the practices prohibited under the Protocol, including protection at all stages of demobilization process as well as in criminal investigations and proceedings where they are victims or witnesses, the government has not yet taken any measures for its implementation.

### **Legal, psychological and training**

62. There has been no measures taken to ensure legal, psychological or other training for those who work with victims of the offences prohibited in this Protocol

### **Demobilization programmes**

63. Since recruitment of children under the Protocol does not exist, there has been no existing demobilization programmes provided for child victims, and no budgetary allocation. In this regard, there has been no existing cooperation between public entities and civil society. Further, there has been no programme designed and implemented, hence, children were not involved in any manner.

### **Protection of child's identity**

64. In accordance with article 16 of the CRC, on the protection of privacy and protection of image, the government has taken several measures to protect child's identity. The protection of child's identity is provided for under the Family Protection Act of 2008, the Censorship of Films Act [Cap 72], the Health and Safety Work Act [Cap 195], the SOP of the VPF, and under the Code of Ethics of the Media Association in Vanuatu (see annex). However, the mentioned legislations do not have direct reference to the protection of child's identity in order to maintain confidentiality and prevent media exposure and stigmatization of victims who are victims of offences and acts under the Protocol.

### **Unaccompanied foreign children**

65. In Vanuatu, there are no existing unaccompanied foreign children who have been involved in armed conflict.

### **Remedies and reparations**

66. There are no information available regarding existing remedies and reparations that may be sought by child victims of recruitment as described under the Protocol.

## **V. International assistance and cooperation (art. 7, para. 1)**

### **International cooperation**

67. During the reporting period, there is no information on measures to strengthen international cooperation regarding the implementation of the Protocol, including in the prevention and investigation of any activity contrary to the Protocol. Further, there has been no case on child victim of acts contrary to the Protocol, hence, no technical cooperation and financial assistance extended regarding the recovery and reintegration of children victims of acts contrary to the Protocol. Furthermore, Vanuatu has not cooperated with international tribunals on the matter as there has been no case acted upon.

### **Prohibition on trade and export of small and light arms**

68. In Vanuatu, the Firearms Act No. 7 of 1987 is the existing legislation that provides for the regulation and control of the purchase, manufacture, sale, and import of firearms, and ammunition and any other matter related thereto. Under section 4 of the Act, it provides for the prohibition on persons under the age of 18 to possess, purchase or acquire any firearm or ammunition. It also prohibits the selling, gifting, letting, lending or hiring of any firearm or ammunition to any other person whom the person knows or has reasonable ground for believing to be under the age of 18.

69. Further, the Act has no specific provision on small and light arms weapon, however, it provides for a definition of firearm, which is “any lethal barrelled weapon of any description from which any shot, bullet, cartridges, shells or other missile can be discharged, and includes any air weapon, nay prohibited weapon, any component part of such lethal barrelled weapon, air weapon or prohibited weapon and any accessory to any such weapon designed or adopted to diminish the noise or flash caused by firing the weapon” (see annex).

### **Cooperation with the Office of Special Representative**

70. During the reporting period, Vanuatu has not cooperated with the Office of the Special Representative of the Secretary General for Children in Armed Conflict as there has been no case acted upon in relation to the offences under the Protocol.

### **Identified situation reports**

71. During the reporting period Vanuatu’s situation has not been identified in reports of the Secretary-General to the Security Council in accordance with resolution 1612 (2005).

## **VI. Other legal provisions (art. 5)**

### **Domestic legislations, international laws, and international instruments**

72. With regard to existing domestic legislations, see section three on guideline regarding laws, decrees, etc., and jurisprudence, this report.

**International law**

73. During the reporting period, there are no existing provisions of international law binding on Vanuatu that it considers more conducive to the realization of the rights of the child than the provisions of the Protocol, or that it takes into account in applying the Protocol.

**Ratification of main international instruments of humanitarian law**

74. During the reporting period, there is no information regarding the status of ratification by Vanuatu of the main international instruments of humanitarian law which relate to the recruitment of use of children in hostilities as well as any other international or regional commitments undertaken by Vanuatu concerning these issues.

## Annex 1

**Legislative, Judicial, Administrative, and other texts** (*separate copies attached in compliance with Guideline III: Prohibition and other related matters (arts. 1, 2, 4 paras. 1 and 2) under paragraph 51, this report*)

<i>Page/Paragraph Reference</i>	<i>Text Reference</i>
p. 5/para. 5	Article 26, Vanuatu Constitution
p. 6/para. 16	Section 12, Police Act [Cap 105]
p. 7/para. 17	Section 4, Police Act [Cap 105]
p. 7/para. 19	Section 15, Police Act [Cap 105]
p. 7/para. 20	Section 16, Police Act [Cap 105]
p. 8/para. 26	Section 29, Police Act [Cap 105]
p. 10/para. 43	Police General Orders
p. 12/para. 56, 57, 58	Article 5, Penal Code [Cap 105]
p. 12/para. 59	Extradition Law
p. 13/para. 64	Family Protection Act of 2008 Censorship Films Act [Cap 72] Health and Safety Work Act [Cap 195] Standard Operating Procedures (SOP), Vanuatu Police Force Media Association of Vanuatu, Code of Ethics
p. 14/para. 68, 69	Firearms Act No.7 of 1987