



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 2240th meeting

Held at the Palais Wilson, Geneva, on Friday, 22 September 2017, at 10 a.m.

Chair: Ms. Winter

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The meeting was called to order at 10.05 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 (continued) (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 (continued) (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 (continued) (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. **Mr. Waqanitoga** (Vanuatu) said that the Ministry of Justice and Community Services had developed a sectoral strategy on a mechanism to provide support for victims of violence in judicial proceedings. As part of that strategy, a victim support officer would be appointed in the office of the Public Prosecutor with responsibility for ensuring that victims, especially vulnerable groups such as women and children, received appropriate assistance. The family protection units established in police stations also provided support to victims, including during court proceedings.
3. **Ms. Tevi** (Vanuatu) said that, while a shelter had been established for women victims of domestic violence and women's centres existed in several regions, there were no such arrangements in place providing specifically for children.
4. **Ms. Mael** (Vanuatu) said that the 24-hour children's helpline was currently only available in the capital.
5. **Mr. Waqanitoga** (Vanuatu) said that, following amendments to the Penal Code in 2016 to increase the maximum penalties for sexual offences, including life imprisonment for incest in certain circumstances, the courts were imposing tougher sentences within that legislative framework, for example a prison term of 14 years in a recent case involving a minor.
6. **Ms. Mael** (Vanuatu) said that no data were currently available on children not living with either biological parent. However, family ties were strong in Vanuatu and, in most cases, extended families cared for such children. Although the Government had yet to establish a social welfare unit, the Ministry of Justice and Community Services had launched a community-based pilot project on child protection in one of the provinces and was working with local communities to raise awareness of parental responsibility and to evaluate existing resources, with a view to further developing the National Child Protection Policy.
7. **Mr. Waqanitoga** (Vanuatu) said that the number of adoptions had risen in recent years, with a total of 131 adoptions authorized between 2004 and 2016. In order to address the lack of adequate procedures and to amend outdated legislation on adoption, such as the Adoption Act 1958 of the United Kingdom, the Ministry of Justice and Community Services had established a task force to draft a bill on adoption, to be submitted to Parliament in November 2017.
8. **Mr. Nelson** (Country Rapporteur) asked why the number of adoptions had increased and whether the principle of the best interests of the child was applied in adoption cases.
9. **Mr. Waqanitoga** (Vanuatu) said that the expedited processing of cases by the office of the Master of the Supreme Court had contributed to the rise in the number of authorized adoptions. New legislation was being drafted following a consultation process with stakeholders with a view to ensuring that adoption procedures took full account of the best interests of the child.

10. **Ms. Tokon** (Vanuatu) said that, in order to promote breastfeeding and improve child nutrition, employment legislation provided for a daily one-hour break for breastfeeding mothers, while recently published maternal and child nutrition guidelines contained specific information on exclusive breastfeeding. Moreover, policies at hospital level included a ban on the promotion of breast-milk substitutes, which were only available on prescription.

11. Government policy on mental health included training for trainers on mental health issues, such as depression and suicide, and a range of professional development programmes. Although categories on data-collection forms included suicides, traffic accidents and overdoses, they did not explicitly cover eating disorders.

12. In order to reduce the incidence of diarrhoeal diseases and child morbidity, guidelines on water, sanitation and hygiene had been published and measures taken, in cooperation with the environmental agency, to address related chronic infections. Other measures had included the addition of parameters to record height for age in the child health booklet.

13. There were plans to implement a communication strategy targeting service providers and caregivers at the local level and to provide training for trainers on maternal and infant nutrition. Guidelines on the management of acute respiratory infections and on issues relating to malnutrition and obesity were being developed and progressively implemented in all health settings, including at the community level and in hospitals. A range of measures had been introduced to address policy gaps, including training to help service providers identify and tackle malnutrition and obesity. Moreover, a consultant would be engaged to assess the management of childhood diseases, including respiratory infections and diarrhoeal diseases, in order to address existing shortcomings and develop a strategy to strengthen health-care services. As far as child-specific coverage was concerned, paediatricians were not available in all the provinces.

14. Measures to address gaps in vaccination coverage included a programme, developed in cooperation with the civil aviation authorities and due to be implemented in 2018, to use drones to deliver vaccines to nursing staff.

15. Substance abuse was generally identified on the basis of clinical symptoms. Unfortunately, laboratory tests were only available for a limited range of substances. As part of measures to combat alcohol abuse, there were plans to introduce the use of breathalysers in cases involving alcohol-related accidents.

16. **Ms. Tevi** (Vanuatu) said that the programme on water, hygiene and sanitation was supported by the United Nations Children's Fund (UNICEF).

17. **Mr. Ben** (Vanuatu) said that climate change had been incorporated into the school curriculum and teachers received training on disaster risk reduction and management. The Ministry of Education had developed an emergency policy, focusing on the safety of children and disaster preparedness, and encouraged schools to establish emergency response plans.

18. **Mr. Gastaud** (Country Rapporteur) asked whether the emergency response plans mentioned by the delegation had been put in place in all six provinces and whether measures had been taken to assess children's understanding of emergency measures and disaster preparedness.

19. **Mr. Ben** (Vanuatu) said that training programmes for teachers had only been rolled out in two of the six provinces, owing to limited funding.

20. **Ms. Tevi** (Vanuatu) said that support staff responsible for distributing supplies following the recent cyclone had also helped to raise awareness and provide information on disaster preparedness.

21. **Mr. Ben** (Vanuatu) said that the Government had extended free education to include secondary school pupils. Parents were, however, required to pay indirect costs associated with their child's education, such as uniform and transportation costs. The Education Act stated that children had the right to attend school, but it did not explicitly specify that education was mandatory. However, a national campaign encouraging parents to send their children to school on a regular basis had recently been conducted.

22. **Ms. Ayoubi Idrissi** asked what policies had been adopted to tackle the high dropout rate among girls of secondary school age and to lower the indirect costs associated with attending school, particularly the disproportionately high transportation costs. She also wished to know what efforts had been made to identify, prosecute and prevent cases of sexual violence against children in schools.

23. **Mr. Ben** (Vanuatu) said that the Government had taken a number of steps to encourage boys and girls to attend school. One of the reasons identified for the high dropout rate among girls was the cost of schooling, but it was hoped that with the introduction of free secondary education more girls would complete their studies. Measures had been adopted to lower some of the indirect costs of education borne by parents, but more work was required in that area.

24. **Ms. Mael** (Vanuatu) said that the Ministry of Education had recently launched the Child Safeguarding Policy, which aimed to address sexual violence against children in schools, and had established a robust complaints mechanism for children to report any acts of that nature. Under the policy, teachers could also report other individuals who committed acts of sexual violence or abuse against children.

25. **Ms. Ayoubi Idrissi** asked what action had been taken to raise awareness among children and parents of the mechanism for reporting acts of sexual violence in schools and ensure that complaints were handled in a confidential manner. She also requested information on the support services available for child victims of sexual abuse.

26. **Mr. Ben** (Vanuatu) said that information campaigns had been conducted in the six provinces to ensure that children and their parents were aware of the resources and support available in cases of sexual violence or abuse. Child protection focal points responsible for receiving children's complaints under the reporting mechanism would also soon be appointed in every school. They would submit the information received from child victims to the provincial authorities for follow-up and prosecution, where appropriate.

27. **Ms. Aho Assouma** asked what measures had been adopted to support pregnant girls of school age and encourage them to complete their school education. What strategies had the State party adopted to reduce the number of early pregnancies and prevent malaria?

28. **Mr. Ben** (Vanuatu) said that numerous efforts had been made to encourage pregnant girls to complete their education following the birth of their child. There were currently two schools that accepted teenage mothers wishing to continue their education. Distance learning and vocational programmes were also available. Education on family life was part of the national school curriculum and included modules on sexual and reproductive health.

29. **Ms. Tokon** (Vanuatu) said that the Ministry of Health and the Ministry of Education worked closely to prevent early pregnancies and had recently taken the decision to include modern contraceptive medicines on the national essential drugs list. Schools in four provinces had also set up youth clubs where sexual and reproductive health matters were discussed as part of wider discussions about issues affecting adolescents and young adults.

30. **Mr. Ben** (Vanuatu) said that steps had been taken to incorporate human rights lessons into the national school curriculum and make children aware of their rights under the Convention. English and French were the main languages of instruction in primary and secondary schools. Bislama was only used in preschool and during the first few years of primary education. The Government had taken numerous measures to improve the overall education system, including through the introduction of free secondary school education and the training of literacy and numeracy advisers. However, significant challenges remained and additional resources were required to make further progress.

31. **Mr. Nelson** asked what reasons had been identified for the high school dropout rate among girls and what action had been taken to address those issues. He also wished to know whether efforts had been made to tackle drug and alcohol abuse among adolescents.

32. **Ms. Tevi** (Vanuatu) said that the delegation would provide further information regarding the high school dropout rate among girls in writing at a later date. Owing to a lack of resources, no awareness-raising campaigns had been conducted in schools to tackle drug and alcohol abuse among adolescents.

33. **Ms. Tokon** (Vanuatu) said that treated mosquito nets had been made available in the six provinces and treatment had been offered to pregnant women with malaria to prevent the transmission of the disease to their unborn child. The Government had also introduced a national programme to prevent mother-to-child transmission of HIV and had established a national HIV committee that provided specialized support to children living with the illness.

34. **Ms. Aho Assouma** asked what mechanism had been established to record the use of treated mosquito nets across the country, particularly in rural areas. Had malaria awareness campaigns been conducted at the local level? She also wished to know what financial and human resources had been made available to prevent mother-to-child transmission of HIV and to support children affected by the disease.

35. **Ms. Tokon** (Vanuatu) said that the national malaria unit was responsible for distributing treated mosquito nets in the six provinces and worked in close partnership with the provincial authorities to raise awareness among local populations of the importance of using the nets regularly during the mosquito season. Up-to-date statistics regarding the usage of treated mosquito nets would be provided in writing at a later date. Focal points had been appointed in the six provinces to support children with HIV. Small hubs had also been piloted in two provinces in an attempt to improve the level and standard of care offered to persons with HIV. They had so far provided specialized support to one adolescent and one infant with HIV.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

36. **Ms. Tevi** (Vanuatu) said that, under the country's labour law, the minimum age for admission to employment in Vanuatu was 18. It was her understanding that there were still children carrying out what could be considered child labour, but the Government had no data on the subject. Similarly, no data were available to help answer the questions surrounding teenage prostitution raised at the previous meeting.

37. **Ms. Ayoubi Idrissi** said that she would appreciate confirmation that the minimum age of employment was no longer 12. She also wished to verify the minimum age of access to hazardous work, which she understood was 15.

38. **Ms. Tevi** (Vanuatu) said that the legal minimum age of employment was 18, while 15 was the minimum age for performing light work, not hazardous work.

39. **Mr. Waqanitoga** (Vanuatu) said that prostitution was an offence under the Penal Code. The Government had yet to gather the baseline data that would help it to draw up a policy to address teenage prostitution.

40. The Government was moving towards adoption of specific legislation on a juvenile justice system. One concern was to ensure that the budget allocations of the Ministry of Justice were sufficient to permit it to implement the various areas of juvenile justice. Funding for the construction of facilities for the administration of juvenile justice was currently being negotiated, and a bill would be submitted to Parliament once funding was available. There was a small unit that would hold a limited number of minors awaiting charges; however the courts preferred not to charge juveniles under the criminal law, instead ordering community work. Vanuatu was still awaiting development funds that would enable it to provide separate pretrial and post-trial detention facilities for juveniles.

41. Support for victims was a priority for the Ministry of Justice, and the Government was committed to following up on the recommendations made by various international bodies. Assistance was nevertheless provided to child victims both before and after court proceedings.

42. **Mr. Nelson** said that he would be interested to know whether there were currently any minors in pretrial detention, or whether the policy was to release minors on bail to await trial with their families. If the latter was not the case, he would like to know where they were held pending their court appearance.

43. **Ms. Tevi** (Vanuatu) said that the legal age of criminal responsibility for minors was 10 but the courts did not apply that provision, preferring to release children on bail and order community work, where appropriate.

44. Turning to the Optional Protocol on the involvement of children in armed conflict, she said that the delegation was unable to say what consultations had taken place during the preparation of the State party's report (CRC/C/OPAC/VUT/1), as it had not been involved in that process. That situation was an example of the reporting challenges she had referred to in her opening statement.

45. General human rights training was provided, in cooperation with the Regional Rights Resource Team, to all police officers and others who dealt with children as part of their work. She was not aware of any specific training provided in connection with peacekeeping operations.

46. The delegation had no information concerning the recruitment of children by non-State groups. Extradition agreements had never been invoked in connection with offences under the Optional Protocol.

47. Turning to the Optional Protocol on the sale of children, child prostitution and child pornography, she said that the Monitoring and Evaluation Unit in the Office of the Prime Minister had no data on child prostitution. Human trafficking was an offence under the Penal Code, but no prosecutions under the relevant provisions had yet taken place.

48. **Ms. Mael** (Vanuatu) said that the policy on cybercrime and child online protection had been submitted to the Council of Ministers but had not yet been approved as there had been only limited consultation to date.

49. **Ms. Tevi** (Vanuatu) said that the courts were able to deal with sexual offences against 15 to 18-year-olds only where a case had been reported or brought before the magistrates' court. Unreported cases were not heard.

50. The Government worked with the Telecommunications and Radio-communications Regulator to control schoolchildren's access to inappropriate information on the Internet.

51. The Government had worked with the International Organization for Migration (IOM) for the past two years to collect data and monitor migration. Vanuatuan nationals were participating in regional seasonal worker schemes, which brought not only benefits but also risks, including the risk of trafficking.

52. **Mr. Nelson** noted that, under the Penal Code, sexual intercourse with a minor aged under 13 was a criminal offence, as was sexual intercourse with a minor aged from 13 to 15. However, the latter offence incurred a lighter sentence, a situation that needed reviewing. Moreover, there was no mention of sexual intercourse with 15 to 17-year-olds, which implied that that was not a criminal offence. He would like to know what measures the State party proposed to fill that gap.

53. **Ms. Ayoubi Idrissi** enquired whether it would be possible for the State party, with the help of its main partner, the United Nations Children's Fund (UNICEF), to make a study of the issues covered by the Optional Protocol in order to improve its understanding of the problems and help it to resolve them. She also wished to know whether the State party planned to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

54. **Ms. Tevi** (Vanuatu) said she was unable to commit the Government to ratification of a given instrument. Support from UNICEF in consultation and training on the Optional Protocol would be very welcome.

55. **Mr. Nelson** (Country Rapporteur) said that he had appreciated the dialogue with the State party's delegation. It was unfortunate that no ministers had been able to attend, to enable the Committee to speak directly to political decision makers. Nevertheless such reviews represented an opportunity for the State party to take stock and determine what improvements were needed.

The meeting rose at 12.25 p.m.