



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-eighth session

Summary record of the 779th meeting

Held at Headquarters, New York, on Friday, 18 May 2007, at 10 a.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined initial, second and third periodic report of Vanuatu (CEDAW/C/VUT/1-3, CEDAW/C/VUT/Q/3 and CEDAW/C/VUT/Q/3/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Vanuatu took places at the Committee table.*

2. **Ms. Sikawonuta** (Vanuatu), introducing the combined initial, second and third periodic report, said that the Vanuatu Government was actively engaged in nation-building but found itself constantly at odds with traditional political and cultural systems dominated by male chiefs — although women contributed substantially to the traditional economy, on which most people depended for their livelihood. The Government was committed to strengthening women's participation in decision-making, but traditional systems could not be simply eliminated as they provided support and protection to women and children. Government priorities included improved access to health services and education, especially higher education. The Constitution guaranteed equal rights to men and women, but the Government constantly needed to encourage institutions to promote the advancement of women.

3. Vanuatu had ratified the Convention without reservations in 1995 and the Optional Protocol in December 2006. Her Government had convened the first National Women's Forum in August 2006, which had reviewed the Government's commitment to gender equality, in particular its implementation of the Beijing Platform for Action, and had produced the National Plan of Action for Women, 2007-2011. Despite slow progress in giving women decision-making roles in public life, there had recently been a few appointments to senior positions, including to that of Public Prosecutor. In anticipation of the 2008 elections, the Government was organizing voter education, leadership training and civic education programmes aimed at strengthening the participation of women. In April, a woman had been elected mayor in the municipal elections.

4. The Government supported the Vanuatu Women's Development Scheme, a microfinance institution

targeting women. The Family Protection Bill was expected to be adopted later in 2007 after the relevant parliamentary committee finished studying the public comments on the bill. The National Council of Chiefs had eliminated the monetary form of the bride price in 2005, although other traditional forms had been retained. In 2006, the Ministry of Education had launched a leadership training programme for women. The National Land Summit of 2006 had recommended that all landowners, including women, should be consulted in any decision on land issues. The Correctional Services Act of 2006 took into account the special needs of female detainees. Amendments relating to the rights of women had been proposed in the Citizenship Act.

5. The effort to improve the status of women was very challenging but she assured members of the Committee that Vanuatu would eventually empower women fully so that they could participate in all spheres of life on an equal basis with men. The process of preparing the report, involving both Government and civil society, had itself served to raise awareness of gender issues in her country.

Articles 1 and 2

6. **Ms. Begum** noted that, under the Constitution, land ownership was governed by customary law, which severely disadvantaged women. She asked when the Government would take steps to amend the Constitution so as to comply with its obligations under the Convention and eliminate that significant form of discrimination against women. Noting the need for a law reform commission to review and revise laws from a gender equality perspective and the findings of a study on gender discrimination in the laws, she asked when Vanuatu would take action in that regard.

7. **Mr. Flinterman** welcomed the ratification of the Optional Protocol by Vanuatu. He would appreciate additional information on the status of the Convention in the domestic legal order, in particular whether its provisions could be directly invoked and whether it prevailed over domestic legislation. In connection with the Optional Protocol, he asked what sorts of domestic remedies existed and how women could take advantage of them. What happened when the Constitution was in conflict with customary law — or even with the Convention?

8. **Ms. Tavares da Silva** pointed out, with reference to question 3 of the list of issues and questions, that the Convention insisted on equality of rights, which was objective and measurable, and not just equity or fairness, which was subjective and relatively vague. The report mentioned a number of measures that had been taken but showed little evidence of any evaluation of impacts, without which new policies could not be effectively designed. She also urged the Government to be more proactive in its approach.

9. **Ms. Shin**, noting that the process of preparing the report must have inevitably involved sensitization to gender issues, asked how various groups had reacted to those issues — for example men, women, Government entities, non-Government entities. Review of legislation was important but should not stop at gender-neutrality, as indirect discrimination could occur even when laws appeared gender-neutral.

10. **Ms. Saiga**, returning to the problem of the tension between the Convention, the Constitution and customary law, said that the Convention required States parties to modify laws and customs in order to eliminate discrimination against women. Vanuatu would need, for instance, to revise its laws on land ownership to eliminate that form of discrimination. She urged the national machinery that sought to improve the status of women to take the initiative and demand that discriminatory laws be amended.

11. **The Chairperson**, speaking as a member of the Committee, asked for more information on the legal position of the Convention in Vanuatu. Could the Convention be directly invoked or would it have to be domesticated? She urged the delegation to ensure that all relevant Government departments and Parliament were involved in monitoring compliance with the Convention and in preparing the report. Gender issues must have high visibility.

12. **Mr. Aru** (Vanuatu) said that various amendments to the Constitution had been proposed and submitted to parliamentary committees for study, but no reports had been received from them as yet. A body charged with legal reform law had been established but no members had been appointed as yet. Proposed amendments to the Citizenship Act had also been studied but thus far, no action had been taken. The Convention had been ratified but its provisions would need to be incorporated into domestic legislation before they could be applied. On the subject of legal remedies, he

said that those who felt that their rights had been violated could apply to the courts for remedies and, ultimately, to the Supreme Court. The Constitution was the supreme law of the land and prevailed over legislation, even legislation that might eventually apply the provisions of the Convention. The Constitution did not define discrimination but prohibited discrimination on the basis of sex, race or religion.

13. **Ms. Taleo** (Vanuatu) said that, with regard to progress made in advancing the status of women, the 2006 National Women's Forum had reviewed critical areas of concern, leading to a second Plan of Action. All ministries were required to prepare annual reports, although there was room for improvement in that process. With regard to discriminatory laws, work was going ahead on the 12 laws that had been identified. Efforts were also being pursued to encourage a change in attitudes among both State and non-State actors, focusing especially on civic education and the formal educational system generally.

14. **Mr. Aru** (Vanuatu) said that the process for amending laws in Vanuatu involved several steps. If a specific law required amendment, the underlying policies had to be considered by the relevant ministry and then referred to the Cabinet for approval. Next, instructions were given to the Attorney-General to begin drafting. The draft law was then referred back to the Cabinet for approval, then to Parliament for debate. If the law was adopted, it took effect upon its publication in the Official Gazette.

15. **Ms. Tahi** (Vanuatu) said that Vanuatu's judiciary had begun holding meetings concerning property rights of women.

Article 3

16. **Ms. Dairiam** said that a holistic action plan regarding the Convention was needed, providing normative standards and a framework for achieving women's right to equality. After adopting its action plan in 1996 for the 12 critical areas of concern under the Beijing Platform for Action. Why had the State party felt the need to establish the nine benchmarks and targets in 1997 in order to come up with a clear gender equity policy? Plans under the Beijing Platform, plans for the achievement of the Millennium Development Goals, and plans for implementation of the Convention all appeared in the report as parallel commitments rather than commitments within a unified human rights

framework based on the legal normative standards provided in the Convention. She expressed concern that the information given in the report was couched in very general terms such as “equity” and “neutrality”, rather than language that reflected the principles and framework of the Convention and the very specific benchmarks and targets the State party had established for itself. She hoped those goals would be implemented with a view to promoting equality, eliminating discrimination and reforming discriminatory structures.

17. **Ms. Neubauer** said that despite Vanuatu’s political commitment to full and equal participation by women in domestic and national matters and its adoption of the nine benchmarks for measuring progress, it clearly lacked the necessary resources and capacities to take appropriate action. How could Vanuatu overcome its reliance on voluntary contributions in order to meet the financing requirements spelled out in the Beijing Platform for Action?

18. **Ms. Chutikul** urged to build in systematic monitoring and evaluation of progress under the nine benchmarks, which it had apparently not done for its National Plan of Action 2007-2011. She would appreciate further information about the substantive topics under the National Plan of Action. Further details on the proposal to establish a separate Ministry of Women’s Affairs would also be useful. Welcoming the State party’s plans to establish a women’s advisory committee and the position of Gender Analyst, she sought assurances that the necessary resources would be available for that purpose. What were the local remedies that had to be exhausted before women could file complaints with the Ombudsman?

19. **Ms. Arocha Domínguez** said that while financing for the national mechanism had been growing over the past three years, substantial participation came from other countries. Did that funding fall under fair cooperation agreements responsive to the needs and priorities of the country? Did not such dependence on donors prevent certain programmes from becoming sustainable? Expressing concern that support from developed countries might not always coincide with national priorities, she enquired about the situation in Vanuatu. What were the real prospects for the Plan of Action 2007-2011? How did matters stand in different areas of the country with respect to the 12 critical areas of concern identified by the Beijing Platform for Action?

20. **Ms. Shin** asked about the main contents of the National Plan of Action and how they would be implemented. Inter-agency or inter-ministerial committees had in the past not been successful. The Office of the Ombudsman should be encouraged to provide gender-disaggregated data and data should be requested from other ministries. How much was allocated to the Plan of Action from the regular state budget, and what percentage of the total budget did it represent? Were operational funds solicited from donor agencies on a yearly basis, or was it possible to obtain funding for multi-year projects?

21. **Ms. Taleo** (Vanuatu) said that the National Plan of Action had emerged from a forum involving women from all over the country. Although the Plan of Action was complete, training materials were not expected until June, at which time information would be disseminated to ministries, non-State actors and provincial governments, soliciting their assistance for implementation of the Plan, which contained some 400 recommendations. Different ministries, having examined the Plan of Action, would have an opportunity to make their funding requirements known.

22. **Mr. Aru** (Vanuatu) said that the Ombudsman received complaints from both men and women against Government action affecting them, and had powers to investigate complaints and issue reports about them. He did not have at hand the data as to how many complaints were received from women and how many from men. Vanuatu did not have a national human rights commission, only an Ombudsman.

Article 4

23. **Ms. Schöpp-Schilling** said that Vanuatu was to be commended for its constitutional provision on temporary special measures; however, there seemed to be some misunderstanding about the nature of such measures. Vanuatu should examine general recommendation No. 25, which was focused more on how temporary special measures could be used to address and overcome past discrimination, than on general policies or programmes. In that connection, were political parties nominating more women candidates? Could more specific figures be provided regarding scholarships in the area of education? Temporary special measures should also be applied for girls in technical and vocational schools and rural training centres.

24. **Ms. Taleo** (Vanuatu) said that the introduction of voluntary quotas had been discussed informally with the leadership of political parties, a quota awareness workshop had been held in 2006, and a committee had been constituted to work on the matter and was collecting information. For the longer term, consideration was being given to some form of legislation.

25. **Mr. Nirua** (Vanuatu) said that comparisons showed that not all scholarship applicants actually graduated. In 2004, 26 male and 17 female scholarship recipients had completed their studies. In 2005, 29 male and 27 female scholarship recipients had finished. Once a large volume of data collected in April became available, a better picture of recent trends would emerge. Under an ongoing programme aimed at increasing the number of females in technical areas, some 28 scholarships per year were offered to women to pursue technical and vocational training at the Vanuatu Institute for Technology. Under the Vanuatu Education Sector Strategy, all Ministry of Education policies in all provinces had to promote gender equity. The Strategy included measures to support both students with special needs and girl students. The Ministry of Education was to monitor equity of access, remove practices that promoted inequality and take other appropriate action to that end.

26. **The Chairperson** recalled the position of the Committee regarding the terms “gender equity” and “gender equality”, the Convention being focused on gender equality, i.e. equal rights and equal opportunities for women in all fields. She urged the delegation of Vanuatu to consider using the term “gender equality”.

Article 5

27. **Ms. Simms** said that Vanuatu was to be commended for the many progressive changes that were occurring. By ratifying the Convention, Vanuatu had undertaken to modify social and cultural patterns of conduct in order to achieve the elimination of prejudices against women based on notions of inferiority. Although the State party had stressed “the constant need to reconcile tradition and progress”, in its introductory statement, she said that most traditional practices throughout the world had been developed by men to promote men and it was therefore very important to identify which traditional practices inherently promoted women’s rights. For example, the

practice of bride price, or the exchange of cash for women, had been revoked, but traditional forms of the practice, e.g. the exchange of cattle for women, had been retained. The women of Vanuatu would have to decide whether such a practice truly enhanced their dignity. She respectfully suggested that it was necessary to go further and abolish not only payment in cash but also other forms of payment. NGOs had a key role to play in that process. Did the Government give them any subvention for their efforts to raise awareness among civil society?

28. **Ms. Coker-Appiah**, noting that adoption of the Family Protection Bill had already been delayed for a number of years, asked what assurances could be given that the Bill would finally become law in 2007, particularly given the climate of public scepticism referred to in the report. She also wished to know whether the procedure for applying for a protection order under the Bill was easily accessible to ordinary women and whether free legal aid was available to those who needed it. Lastly, she endorsed the comments of previous speakers about the need to reconsider the use of customary forms of bride price. Any form of payment for a bride served to reinforce the subordinate position of women.

29. **Ms. Tavares da Silva** expressed grave concern that the notion of the inferiority of women was deeply ingrained in Vanuatuan society, as demonstrated by the entrenched attitude that women were to blame for gender-based violence, the fact that rape and sexual assault were regarded as “crimes against morality”, the lenient sentences imposed on the perpetrators of such offences and the delay in the adoption of the Family Protection Bill. A comprehensive strategy, including a system of family education and awareness-raising campaigns involving the media, was urgently needed in order to accelerate cultural change. She wished to know what measures the Government planned to take to that end.

30. **Ms. Gaspard** echoed the concerns expressed about negative stereotypes of women that served to perpetuate discrimination. She had heard that it was difficult, if not impossible, for a woman to criticize a man in Vanuatuan society, and she asked whether the head of the State party delegation, as a Government Minister, ever criticized her male colleagues if they made mistakes. Noting that no studies had been conducted on the impact of negative images of women in the media, she said that it was vital to take action to

stop the portrayal of images that were degrading to 50 per cent of the population.

31. **Mr. Aru** (Vanuatu) said that the Constitution of Vanuatu recognized that traditional Melanesian values had existed as a way of life and a system of government prior to independence in 1980. It was inevitable that there would be conflicts between those traditional values and the new system of government introduced since independence. Although the practice of paying bride prices in the form of cash had been abolished, the exchange of gifts between families as a form of bride price was a custom that lingered as part of Vanuatu's culture. It remained to be seen whether that practice, too, would be abolished.

32. **Ms. Tahi** (Vanuatu) said that an active campaign was under way to boost public support for the Family Protection Bill with a view to ensuring that it was adopted by Parliament in 2007. Protection orders were issued by magistrates' courts; the procedure for applying for such orders was therefore more accessible to women living in towns than to those living in more remote areas, since not every province and island had a magistrates' court. It was also true that illiteracy could be a barrier to access for some women. Women could apply through women's groups for legal aid to cover the court fees associated with applications for court orders.

33. **Ms. Sikawonuta** (Vanuatu) said she was confident that the Family Protection Bill would be adopted in 2007. Referring to a question posed by Ms. Gaspard, she said that women in Vanuatu had to criticize men if they wanted to advance in politics.

Article 6

34. **Ms. Chutikul** asked whether a study had been conducted on the situation with regard to trafficking in human beings, particularly women. If not, it was to be hoped that such a study would be conducted in the near future. If the State party had not already acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, it should consider doing so. It should also consider making use of the guidance issued by the Office of the United Nations High Commissioner for Human Rights on dealing with trafficking in human beings, in particular the need to ensure that victims were protected and placed in

special shelters. Trafficking was linked with a host of other human rights issues affecting women, such as poverty, violence, health and gender discrimination, all of which needed to be addressed in order to deal with the problem of trafficking effectively. The Government should also consider working in partnership with local organizations in order to tackle the problem.

35. **Mr. Flinterman** said it was regrettable that the report contained little information on the extent of prostitution, the health of sex workers and the number of prosecutions for soliciting or procuring sex. He was also disappointed that no study had been conducted on the economic difficulties faced by women that forced them into prostitution. He wished to know whether the Government was taking any action on that front, for example whether it planned to collect data with a view to elaborating a proper policy on the exploitation of prostitution.

36. **Ms. Taleo** (Vanuatu) said that the Government planned to tackle the problem of trafficking in human beings in the future, but that its resources were currently focused on other priorities. No specific measures were currently in place with regard to prostitution, but a strategy for the economic empowerment of women through microfinancing had been established to help disadvantaged women in general. It was hoped that it would be possible eventually to focus on specific groups of women such as prostitutes.

Articles 7 and 8

37. **Ms. Zou Xiaoqiao**, welcoming the progress made with regard to increasing the participation of women in political life, noted that certain policies and plans had not yet been fully implemented and asked what measures were being taken to evaluate means of implementation and adjust them where necessary. She also wished to know whether the Government planned to provide officials with training in gender equality issues and to take steps to increase the willingness of women themselves to get involved in political life. Noting that discrimination still prevented women from occupying positions of leadership in politics, she asked what measures were being taken to eliminate such discrimination and to create an environment in which women felt able to participate.

38. **Ms. Belmihoub-Zerdani** said that much more needed to be done in Vanuatu in order to accord women

their rightful place in society in accordance with the Convention. The country's main asset was its land, yet under customary law women's access to land was severely limited. It was therefore imperative for more women to enter Parliament so that they were in a position to change the laws that discriminated against them. To that end, quotas should be established to ensure that a minimum of 30 per cent of parliamentarians were women. It was to be hoped that substantial progress would have been made on that front by the time the State party submitted its next periodic report.

39. **Ms. Taleo** (Vanuatu), referring to the training of government officials in gender equality, said that the current focus was on educating women about their rights with a view to creating demand for change from women themselves.

40. Land in Vanuatu had traditionally been community-owned. Where land was sold to private owners, men usually acquired ownership. However, in 2006 the National Land Summit had recommended that all stakeholders, including women, should be consulted when land was sold.

41. With regard to participation in political life, the Quotas Forum established in November 2006 had concluded that it was not culturally appropriate to enact legislation on quotas at that time. The current policy was to encourage political parties to establish voluntary quotas and to encourage women to take up leadership positions. The question of enacting legislation would be considered once the voluntary approach had been fully implemented.

Article 9

42. **Ms. Saiga** requested more information on the planned amendments to the Citizenship Act. The report mentioned four aspects of the Act which the Ombudsman had identified as discriminatory, yet the amendments mentioned in the responses to the list of issues and questions seemed to address only those aspects which related to the citizenship rights of men. She wished to know whether the provisions that discriminated against women were also to be amended.

43. **Ms. Gaspard** said the question of the autonomy of women with regard to the acquisition, change and retention of nationality and the transmission of nationality to children was a long-standing problem in many countries. The discriminatory provisions of the

Citizenship Act had been identified as far back as 1999, yet the Act had still not been amended. She wished to know what obstacles were preventing the completion of that work and sought assurances that the draft currently under consideration was fully compatible with article 9 of the Convention.

44. **Mr. Nirua** (Vanuatu) said that the proposed amendments to the Citizenship Act would require the approval of the Council of Ministers, as did all amendments to existing legislation, before being submitted to Parliament. However, the Government had its own legislative agenda and tended to give greater priority to development issues.

Article 10

45. **Ms. Simms** stressed how important it was for the achievement of development goals that girls should be given the opportunity through education to realize their full potential. More needed to be done to prevent them from being confined to traditional roles, however, in particular through reference to role models of women who had broken out of the mould. Poor children especially had to be exposed to the living example of women in the real environment and not just to classroom theory.

46. **Ms. Arocha Domínguez** said that she understood the difficulties in ensuring universal education for dispersed populations; however, since education was an essential means of improving the position of women, it was imperative to step up action to that end. Noting that the State party intended to set up separate boarding facilities for girls in order to enable them to attend school, she asked why segregated schools were also planned, since that would reinforce stereotypes. What concrete measures were being taken to increase the number of women teachers, notably in the area of training? The Committee would also like to know whether anything was being done to encourage all teaching staff to incorporate a gender perspective into education.

47. **Ms. Zou Xiaqiao** noted that, according to the report, one of the goals of the National Plan of Action in Education launched in 2001 was to provide free and compulsory primary education for all by 2015 and, by the same date, to bring about a 50 per cent improvement in adult literacy levels (CEDAW/C/VUT/1-3, paras. 10.48 and 10.49). She enquired about practical measures already taken or

envisaged to achieve those goals, whether any evaluation had been made of progress to date and whether a monitoring system was in place. Regrettably, the report gave no information on curriculum reform to eliminate gender stereotypes in education. Were there were any plans for a comprehensive review of textbooks and curricula to that end, or for the development of gender-sensitive materials and policies in education?

48. **Ms. Pimentel** asked about education programmes for young people on issues relating to reproductive health and HIV/AIDS, particularly in view of the dramatic change in their sexual behaviour noted in the periodic report. She wondered whether any strategy was being developed for that purpose, which would incorporate a gender perspective. The Committee would also welcome information about skills training for girls in rural areas outside the formal education system and measures planned by the Government to provide universal access to free education.

49. **Mr. Nirua** (Vanuatu) said that a report was being prepared on single-gender schools, but no substantive discussion of the issue had yet taken place. Thus far, no concrete decisions had been taken on the issue, or on that of girls in remote areas, both of which were covered by the Plan of Action. As for the recommended increase in the number of women teachers, there had been some improvement, particularly at primary level; further efforts were still required. A task force had recently been set up on curriculum reform and its findings would likewise be reflected in the Plan of Action. Lack of both financial and human resources limited Vanuatu's capacity to produce its own textbooks, which was another area covered by the Plan of Action, but it was hoped that donors and stakeholders would be working together to resolve that issue. The development of a suitable curriculum would also be a leading concern. On the question of compulsory free education for all, including girls, there had been some progress, in 2006, basic education, which had previously gone up to sixth grade, had been extended to eighth grade; for the time being, further progress was beyond the State party's financial possibilities, particularly in view of the high cost of secondary education. A strategic plan on the issue was expected by the end of 2007.

50. **Ms. Abel** (Vanuatu), responding to the question on HIV/AIDS awareness in the schools, said that the Ministry of Health was working with the Ministry of

Education and development partners in that area and had undertaken a number of awareness-raising activities to that end. Discussions were also ongoing on the introduction of sex education and reproductive rights instruction in schools.

Article 11

51. **Ms. Patten** requested details on the amendments to be made to the Employment Act in 2007 (CEDAW/C/VUT/Q/3/Add.1, p. 16), in order to impose penalties on employers who discriminated against pregnant or nursing mothers. It would also be interesting to learn about any provisions in the current Act to prevent discrimination on grounds of marital status and family responsibilities. Information or further clarification on action to develop awareness of labour rights, mechanisms to ensure private-sector compliance with legislation, provision of legal aid and means of legal redress for female victims of discrimination, access to and conditions of employment for women and protection against sexual harassment would also be helpful. She urged the State party to amend the Act, where necessary in order to ensure adequate regulation of those areas. In conclusion, she asked what action was being taken to promote the upward occupational mobility of women.

52. **Ms. Halperin-Kaddari** said that it was not clear from the State party's written submissions whether there was effective protection against gender-based discrimination in the workplace, in both the private and the public sectors. The Committee would welcome information about any provision on equal pay for equal work. It would also be useful to know whether the workplace inspection programme referred to in the responses under article 11 had actually started. Lastly, she asked whether the workers' compensation bill would cover the informal sector and whether any special temporary measures were planned to improve the rank and position of women in the government sector.

53. **Mr. Aru** (Vanuatu) stressed that the Employment Act covered all employment issues in the country. It prohibited gender-based discrimination in the workplace and provided for maternity leave, including compensation during such leave. He said that he had taken note of all the concerns raised about the Act and the proposed amendments thereto and would respond to them in full after the session.

54. **Ms. Taleo** (Vanuatu) said that a number of organizations were engaged in adult literacy programmes in the country, for men and women alike. On the question of the relative position of women in the public sector, human resources officers had been appointed in the various ministries to monitor and improve the situation in that regard. One third of current Government employees were women. In-house procedures were being developed to protect them against sexual harassment, and efforts were being made to help them to advance their careers.

55. **Mr. Aru** (Vanuatu) said that the workers' compensation bill was still at the discussion stage and that, once all outstanding issues had been resolved, the draft would be finalized for parliamentary enactment. It was hoped that it would become law by early 2008. The Office of Commissioner of Labour had been set up to ensure that all employers, including in the private sector, complied with the provisions of the Employment Act. Any complaints by employees were lodged with that Office, which was able to resolve most cases through mediation with employers.

The meeting rose at 1 p.m.