



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

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

**Consideration of reports submitted by States parties under
article 18 of the Convention**

Fourth and fifth periodic reports of States parties due in 2012

Vanuatu*

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* The present document is being issued without formal editing.



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List of abbreviations

ADB	Asian Development Bank
AIDS	Acquired Immune Deficiency Syndrome
AJC	Advisory Jurist Council
AP	Authorized Persons
ASCA	Accumulating Savings and Credit Associations
BRIDGE	Bridging Resources in Democracy and Gender Election
CAT	Convention against Torture
CBR	Crude Birth Rate
CDR	Crude Death Rate
CoM	Council of Ministers
CPR	Contraception Prevalence Rate
CRC	Convention on the Rights of Child
CRPD	Convention on the Rights of Persons with Disabilities
CRP	Comprehensive Reform Program
CPI	Consumer Price Index
DLA	Department of Local Authorities
DoC	Department of Cooperatives
DSPPAC	Department of Strategic Policy, Planning and Aid Coordination
DWA	Department of Women's Affairs
ECE	Early Childhood Education
ECo	Electoral Commission Office
FLE	Family Life Syllabus
FPA	Family Protection Act
FPO	Family Protection Order
GEPG	Gender in Political Governance
GER	Gross Enrolment Rate
GDP	Gross Domestic Product
GNI	Gross National Income
GPI	Gender Parity Index

HIS	Health Information System
IFC	International Finance Corporation
IUD	Intra Uterine Device
ILO	International Labour Organization
ITUC	International Trade Union Conference
KPHC	Kam Pusum Hed Clinic
MCA	Millennium Challenge Account
MoE	Ministry of Education
MoFEC	Ministry of Finance and Economic Management
MoFA	Ministry of Foreign Affairs
MoH	Ministry of Health
MoJCS	Ministry of Justice and Community Services
MOU	Memorandum of Understanding
MSG	Melanesian Spearhead Group
MSM	Men having Sex with Men
NAC	National AIDS committee
NCHS	National Centre for Health Statistics
NGO	Non-governmental Organizations
NPAW	National Plan of Action for Women
PAA	Priorities and Action Agenda
PCC	Pacific Council of Churches
PDIC	Pacific Directors Immigration Conference
PLWH	People Living with HIV/AIDS
PM	Prime Minister
PSC	Public Service Commission
RBV	Reserve Bank of Vanuatu
REDI	Rural Economic Development Initiative
RRRT	Regional Right Resource Team
SLO	State Law Office
SPC	Secretariat of the Pacific Community

TIV	Transparency in Vanuatu
TPO	Temporary Protection Order
UNICEF	United Nations Children's Fund
UN-WOMEN	United Nations for Women
UPR	Universal Periodic Review
VADB	Vanuatu Agricultural Development Bank
VANGO	Vanuatu non-governmental Organization
VBTC	Vanuatu Broadcasting and Television Corporation
VEMIS	Vanuatu Education Management Information System
VERM	Vanuatu Education Road Map
VESS	Vanuatu Education Sector Strategy
VFSC	Vanuatu Financial Services Commission
VCC	Vanuatu Christian Council
VCTU	Vanuatu Council of Trade Union
VLC	Vanuatu Law Commission
VMS	Vanuatu Meteorological Services
VNNS	Vanuatu National Nutrition Survey
VNSO	Vanuatu National Statistics Office
VNWU	Vanuatu National Worker's Union
VNPF	Vanuatu National Provident Fund
VTU	Vanuatu Trade Union
VWC	Vanuatu Women's Centre
WB	World Bank
WHO	World Health Organization
WISDM	Women in Shared Decision Making
WSB	Wan Smol Bag
USD	United States Dollars

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Acknowledgment

This second combined national periodic report has been produced by the Republic of Vanuatu in compliance with its reporting obligation as a state party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and produced for United Nations (UN)-CEDAW Committee in fulfilment of its mandate to review the Vanuatu periodic report to monitor the implementation of measures taken by Vanuatu government to improve the situation of women prescribed under the Articles of the Convention.

This combined fourth and fifth periodic report was prepared and reviewed by the National CEDAW committee and key stakeholders which has been spearheaded by the Department of Women's Affairs (DWA). The National CEDAW committee members are representatives of the government, civil society organizations, and non-governmental organizations of women's groups, and were appointed by the Minister of the Ministry of Justice and Community Services (MoJCS). The preparation of this periodic report was a collaborative effort of the different ministries, departments, and agencies of the government, non-governmental organizations, civil based organizations, and academic institutions.

The preparation of this combined fourth and fifth periodic report was funded by the government through the office of the MoJCS and partly funded by UN-Women.

1. Implementation of the concluding observations on the combined fourth and fifth periodic report

1. This section of the Report provides information on the measures adopted for implementation of concluding observations (particularly ‘concerns’ and ‘recommendations’) to the combined fourth and fifth periodic report and explanations for the non-implementation or difficulties encountered.

Concluding Observation 11. The Committee urges the State party to proceed without delay with the full incorporation of the Convention into the domestic legal system. It also calls on the State party to clarify the primacy of the principle of equality of women and men and the prohibition of discrimination, over customary law. It calls on the State party to include in domestic law a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages the State party to sensitize the judiciary, lawyers and prosecutors to the provisions of the Convention and to the Optional Protocol.

Measures adopted for its implementation

2. The Vanuatu Law Commission (VLC) as a statutory body under the portfolio of the Ministry of Justice and Community Services (MoJCS) was established under Law Commission Act [Cap 115] to advise on law reform and legislation proposals. In August 2011, the Commission has recently appointed a woman Secretary whose primary role is to manage and administer the secretariat of the Law Commission. This is the first time that a Secretary was appointed although the Law Commission was already established since Independence (1980). The first members of the Commission were appointed in 2010. However, there is a proposed amendment of the Law Commission Act, pending approval in Parliament, to expand the members and functions of the Commission. The proposed amendment ensures that women are represented in the Commission, thus, a woman representative of the civil society to be nominated by the Director of the Department of Women’s Affairs is among the members under the proposed amendment. At present, one of the Commission’s key priorities is to identify legislations in Vanuatu that needs to be reviewed and reformed subject to the existing procedures of the Law Commission, i.e., proposal should come from any government or private institution, individual, or group or associations which serves as the Commission’s reference for review.

3. In 2010, the government has undertaken a national review of legislations to determine which of the domestic legislations have complied with the Convention. As a result, a handbook entitled, “Protecting Women’s Human Rights in Vanuatu Law” has been developed which will be used as a tool to advocate for legislative changes in order to fully incorporate CEDAW into the domestic legal system. However, the handbook is pending review with UN-Women.

4. The Constitution of Vanuatu provides for an anti-discrimination clause under article 5 as mentioned under section III of the common core document report under non-discrimination and equality section. The definition of discrimination is also provided under article 1 of the Employment and Occupation Ratification Act No. 41 of 2005. However, Article 5 of the Constitution does not provide for a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. The Constitution under

chapter 2, paragraph 4 provides for an anti-discrimination clause that covers old people, people living with HIV and people with disability, however, on the ground of sexual orientation, the country is not ready to address this issue.

5. The principle of equality of women and men and the prohibition of discrimination over customary law is provided under article 51 of the Constitution, and section 10 of the Island Courts Act of 1983. The provisions of article 51 of the Constitution and section 10 of the Island Courts Act are provided below:

“Article 51. Parliament may provide for the manner of the ascertainment of relevant roles of customs, and may in particular provide for persons knowledgeable in customs to sit with the judges of the supreme court or the court of appeals and take part in its proceedings”.

“Section 10. Island courts can administer customary law that is not in conflict of any written law and not contrary to justice, morality and good order”.

Explanations for the non-implementation or difficulties encountered.

6. As provided for under section 84 of the Constitution in conjunction with articles 85 and 86, a bill for amendment of the Constitution may be introduced by a Prime Minister or any other member of the Parliament. In 2001, the government appointed a Constitutional Review Committee to review necessary amendments to the Constitution of Vanuatu which final report was submitted in November 2001. However, there has been no bill for amendment to the constitution although there were public announcements made by the Minister of MoJCS of a proposed constitutional review; and by the President of Vanuatu during the celebration of Constitution Day of Vanuatu (August 5, 2011).

Concluding Observation 13. The Committee requests the State party to complete without delay its legislative reform so as to ensure that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It encourages the State party to set a clear timetable for such reforms, in particular for the passage of the family protection bill and the revision of the Citizenship Act, and to raise awareness of legislators on the need to achieve de jure and de facto equality for women.

Measures adopted for its implementation.

7. The Family Protection Act (FPA) had been approved in 2008. The implementation of the act was reported under section III of the common core document on non-discrimination and equality section and is discussed under Article 2 of this document report.

8. The Law Commission has drafted an issue paper for a comprehensive law reform program which includes among others the proposed amendment of discriminatory provisions under the Citizenship Act. This is discussed under article 2 of this document report.

Explanations for the non-implementation or difficulties encountered.

9. The implementation of the FPA will be done in Port Vila to pilot test the effectiveness of the Act and also to determine the cost for its implementation.

However, the implementation may not yet be done throughout the islands of Vanuatu due to lack of financial resources. Further, the FPA does not provide provisions on the administrative and operational aspects of the Act, hence, there is lack of specific mechanisms for its implementation. Meanwhile, the Family Protection National Task force is finalizing the operation manual for the implementation of FPA vis-a-vis the guidelines for the authority of the Authorized Persons (APs) to issue Temporary Protection Order (TPO).

Concluding Observation 15. The Committee requests the State party to take note that the terms “equity” and “equality” are not synonymous or interchangeable, and that the Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party expand the dialogue among public entities, civil society and academia in order to clarify the understanding of equality in accordance with the Convention.

Measures adopted for its implementation.

10. The term “equality” instead of “equity” has been adopted by the government in the implementation of its plans, programs and policies. Although various gender equality training has been conducted by DWA, no specific dialogue has been undertaken to clarify the understanding of equality in accordance with the Convention.

Explanations for the non-implementation or difficulties encountered.

11. Due to lack of financial resources and lack of capacity to initiate training awareness.

Concluding Observation 17. The Committee requests the State party to base its efforts to achieve gender equality and the advancement of women on the comprehensive scope of the Convention. It encourages the State party to reflect the scope of the Convention in appropriate legislation and in all Government plans and policies, across all sectors and levels.

Measures adopted for its implementation.

12. The Priorities and Action Agenda (PAA) of the government has been reviewed to ensure that gender equality and the advancement of women are reflected in all government plans and policies. Gender focal persons have been established in the various ministries and departments of the government such as among others the Ministry of Health, Ministry of Education and in the local regional government of Tafea province, Sanma, and Malampa province.

13. In order to ensure that gender activities are implemented and monitored in the country, the DWA with support from UN-Women, holds a quarterly gender development meeting which is participated by different government ministries, departments, agencies, nongovernmental organizations, and women’s groups.

14. A National Plan of Action for Women (NPAW) (2007-2011) had been developed by DWA as an outcome of its 2006 first national forum for women. The NPAW identified strategic objectives under the 12 areas of concern as described under Beijing Platform of Action, the 1996 Working Together with Women, together with Women and Disability and the Gender Equality Policy. The NPAW serves as a

mechanisms for all the identified implementing agencies to focus actions and resources vis-a-vis the 12 critical areas of concern. The NPAW 2007-2011 outcomes are under review which results will serve as a basis for developing NPAW for the period of 2012-2016.

15. The DWA has developed a National Women's Policy to serve as a guideline in the implementation of all women's programs and activities in Vanuatu, however, this has yet to be finalized. During the reporting year of this report, a final draft on Gender policy paper has also been proposed. As a result, policy training workshop has been conducted through the assistance of RRRT to finalize the gender policy paper, however, the proposal is still pending with DWA. The DWA has a current proposal to integrate the National Women's Policy and the Gender Policy proposals into an integrated National Gender Policy paper to be adopted by all government sectors in the implementation of their policies and programs. However, the proposed National Gender Policy has yet to be drafted.

Explanations for the non-implementation or difficulties encountered.

16. The performance of NPAW of 2007-2011 as far as the recommended activities by the implementing agencies have been done, has not been monitored and evaluated due to lack of performance indicators of the plan and the lack of capacity of DWA staff to assess and review NPAW performance.

Concluding Observation 19. The Committee recommends that the State party expeditiously strengthen the national machinery, namely the Department of Women's Affairs, by providing it with the necessary authority and adequate human and financial resources that are necessary to coordinate and work effectively for the promotion of gender equality and to use a gender mainstreaming strategy in all policies and programmes across all sectors and levels of Government. It also requests the State party to strengthen its impact assessments of measures taken so as to ensure that such measures achieve their goals and targets.

Measures adopted for its implementation.

17. The DWA is currently proposing for the conversion of the Department into a Ministry. It has reviewed its organizational structure and has increased the total number of recruited staff from 6 to 15. It has currently employed a Gender Officer and a Governance Officer who are coordinating and effectively assisting in the promotion of gender equality. As part of DWA's staff development program, its current Gender Officer is on a scholarship grant undertaking a study in Australia on policy development while the Governance Officer recently finished her study also in Australia for building the capacity of national women's machinery for gender sensitivity and good governance. Further, DWA has entered into a partnership with Pacific Regional Rights Resource Team (RRRT) for a placement of staff to assist DWA in the implementation of its program of activities, and currently, one RRRT's staff is now working and based at the office of DWA.

18. In terms of financial resources, the DWA has an annual budget of Vt 38,483,059 allocated for its Personnel budget (salary, allowances) and Goods and Services (operational budget) for the year 2011. There is no budget provision for funding of its program of activities.

Explanations for the non-implementation or difficulties encountered.

19. The DWA has to request for additional recurrent funding to implement any of its activities with the Ministry of Finance and Economic Management (MoFEM) which budget request is subject for parliamentary approval. The DWA also seek for various international funding from donor agencies to provide support in the implementation of its activities, however, the funding is not sufficient to cover its program of activities. Further, the staff lack the capacity to implement activities for the promotion of gender equality and the use of gender mainstreaming strategy.

Concluding Observation 21. The Committee recommends that the State party draw up a concrete plan for the application of temporary special measures in various areas, particularly in education and women's participation in political and public decision-making, in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation 25. Such a plan should contain concrete goals, such as quotas and timetables, in order to accelerate the realization of women's substantive equality with men.

Measures adopted for its implementation.

20. During the reporting period of this report, there has been no specific Temporary Special Measures (TSM) legislated or any proposed legislation relative thereto.

Explanations for the non-implementation or difficulties encountered.

21. The Vanuatu Constitution does not provide provisions allowing the adoption of TSM. The DWA as a national women's machinery responsible for policy direction still lacks human and financial resources, and expertise such as to conduct research or study in order to propose for the application of TSM.

Concluding Observation 23. The Committee requests the State party to view its specific culture as a dynamic aspect of the country's life and social fabric and therefore subject to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include awareness-raising efforts targeting women and men at all levels of society, including traditional leaders, and be undertaken in collaboration with civil society and women's organizations. The Committee encourages the State party to effectively use innovative measures in targeting young people and adults through the educational system to strengthen understanding of the equality of women and men, and to work with the media so as to enhance a positive and non-stereotypical portrayal of women. It also requests the State party to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect.

Measures adopted for its implementation.

22. The MoJCS has recently (January 2012) conducted a National Law and Justice Summit participated by employees and staff of government agencies under the portfolio of MoJCS and by civil societies. One of its objectives is "to review the model of service delivery and explore existing traditional systems". It aims to

integrate the formal and the informal system; reconcile the customs governance system with other forms of governance in Vanuatu. During the reporting period of this report, a discussion paper has been drafted and steering group has been appointed.

23. The DWA has been working with a daily newspaper for a free publication of news articles called Sistas Toktok (Sisters Talk) which is published once every week. This was reported under paragraph 120 of the common core document report.

Explanations for the non-implementation or difficulties encountered.

24. Resources available for this work are very limited and the diversity of culture and tradition makes it very resource intensive.

Concluding Observation 25. The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19. It requests the State party to raise public awareness, through media and education programs, that all forms of violence against women, including domestic violence, are a form of discrimination under the Convention and unacceptable. The Committee calls on the State party to enact legislation concerning all forms of violence against women, including sexual abuse and sexual harassment, as soon as possible, so as to ensure that violence against women and girls constitutes a criminal offence. It calls on the State party to ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection and that perpetrators are prosecuted and punished. The Committee requests the State party to remove impediments women face in gaining access to justice, and recommends that legal aid be made available to all victims of violence, particularly in rural/remote areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims.

Measures adopted for its implementation.

25. The FPA of 2008 had been approved which provides mechanism for the prevention of domestic violence at all levels of society in Vanuatu. This is discussed under article 1 of this document report. There were amendments made on certain provisions in the Penal Code as discussed under article 1 of this report, however, violence against women as a specific criminal offense is not provided for under the Penal Code.

26. The FPA provides for legal protection of victims of domestic violence and provides punishment to all persons who commit the act of domestic violence. Under this Act, the court may issue family protection orders through the application of the complainant, a friend or a family member, a legal practitioner, or a police officer subject to written or oral consent of the complainant. The court or the authorized persons may also issue temporary protection orders. Under the FPA the act of domestic violence is an offence punishable on conviction by a term of imprisonment not exceeding 5 years or a fine not exceeding 100,000Vatu, or both. The court may also take into account any compensation or reparation made or due by the person under custom.

Explanations for the non-implementation or difficulties encountered.

27. As explained under Concluding Observations 31, FPA may not yet be implemented throughout the islands of Vanuatu.

Concluding Observation 27. The Committee requests the State party to strengthen and implement measures to increase the number of women in elected and appointed office, including the judiciary, so as to comply with articles 7 and 8 of the Convention. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It calls on the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to accelerate women's full and equal participation in public and political life, particularly at high levels of decision-making. It also recommends that steps be taken to make the 30 per cent quota for women in parliamentary elections, recommended by the Electoral Commission of Vanuatu, a requirement for all political parties. It further recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further suggests the implementation of awareness-raising activities on the importance of women's participation in decision-making for society as a whole.

Measures adopted for its implementation.

28. During the reporting period of this report, there has been no specific Temporary Special Measures legislated or any proposed legislation relative thereto. The 30% quota for women in parliamentary elections as a requirement for political parties which was recommended by the Electoral Commission has not been legislated.

29. There were various training activities conducted by DWA with support from UN-Women, such as Voter Education Awareness program, and Gender in Political Governance workshops. These are discussed under article 7 of this document report.

Explanations for the non-implementation or difficulties encountered.

30. Leaders do not have the political will nor can they be lobbied or convinced that temporary special measures are required.

Concluding Observation 29. The Committee requests the State party to amend without delay the Citizenship Act so as to bring it into compliance with article 9 of the Convention.

Measures adopted for its implementation.

31. During the reporting period of this periodic report, there has been no amendment or any proposed amendments on Citizenship Act. However, as part of MoJCS move for a comprehensive family reform program, the VLC under the portfolio of MoJCS, is tasked to look into the discriminatory provisions of the Citizenship Act and to propose amendments relative thereto.

Explanations for the non-implementation or difficulties encountered.

32. With limited resources, the VLC lacks the human capacity to initiate this legislative reform process.

Concluding Observation 31. The Committee requests the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of girls and women. It recommends that the State party enhance attention to its obligations under article 10 of the Convention in the implementation of its national action plan for education for all so as to achieve equal access of all girls to all levels of education, and increase girls' retention rates. The Committee recommends the expansion of the use of temporary special measures, including incentives to parents, especially in rural or remote areas, and scholarships to girl students. The Committee requests the State party to undertake a comprehensive curricula review and to introduce gender-sensitive curricula and teaching methods that address the structural and cultural causes of discrimination against women, and to introduce gender sensitization training for teachers. It also encourages the State party to increase the number of female teachers, especially in rural/remote areas, at the secondary level and in leadership positions. It also encourages the State party to take further measures to improve adult literacy. It invites the State party to work in collaboration with civil society and seek the support of the international community to accelerate compliance with all provisions of article 10 of the Convention.

Measures adopted for its implementation.

33. The Universal Primary Education Policy (2010-2012) was introduced providing grants and subsidies in primary schools and granting additional teachers in both primary and secondary schools. About 276 million vatu was paid to over 350 primary schools. Most of the schools do not require parental contribution. School enrolments in government and government assisted schools for grades 1 – 6 increased from over 35,000 to over 38,000. While the increase in total enrolment was less than expected, there were significant changes in enrolments in individual schools as parents chose to send their children to schools which were once too expensive, including more children being enrolled in Port Vila (main town and capital) schools.

34. Since 2006, the number of male dropouts from Year 1 to 6 has been slightly higher compared to females. Between 2008 and 2012 the proportion of females in the dropouts from Year 1 to 6 remained varied between 43 and 44%, with the highest number in absolute terms in 2009 at 391 compared to 240 in 2012. In 2012 primary school students were more likely to repeat (15%) than drop out (4%) with an overall promotion rate of 82%.

35. The Vanuatu Education Road Map (VERM) (2010-2013) provides for a review of the Vanuatu School Curriculum starting at Kinder 1 to 3, Grades 1 to 8 and Form 7-13 taking into account gender issues. The MoE recognized that effective curriculum and teacher development is a long-term process that may extend over 10 to 20 years. The development of the new secondary curriculum standards will occur in an orderly and planned way in the year 2013, in order to ensure that the Curriculum Development Unit of the MoE develops the appropriate capacity, and that issues of sequencing and coordination are addressed effectively.

36. In 2009, the number of teachers has increased from 5% compared to 2008. There were 1,923 primary school teachers (55% of whom are females) and secondary teachers (38% females). Also in 2009, 19% of primary school teachers (one out of every 5 teachers) completed in service training course compared to 16% in 2008. On average, 80% of the teachers teach in rural schools, 17% in urban schools, and 3% in schools neither coded as urban or rural (VEMIS, 2009). Since 2007, there are more male teachers than female, however, the data below does not indicate whether the teachers are teaching in rural areas (see table 18).

Table 18
Total Number of Secondary Teacher by Sex: 2007-2009

School Level	2007		2008		2009		Average
	Female	Male	Female	Male	Female	Male	
Secondary (Year 7+)	277	464	265	439	270	445	720

Source: MoE, VEMIS, 2009.

37. The Education Policy (2009-2012) issued by the Minister of Education specifically mentioned the need to increase of scholarships. The National Education Commission (NEC) has the role to develop policies the Scholarship program and set the criteria for government scholarship awards. NEC does not have its own secretariat but function within the office of the Vanuatu National Training Council (VNTC). Since 2011 the number of scholarships available for secondary and post-secondary studies in Vanuatu and overseas has increased with 593 scholarships awarded in 2011 and 635 in 2012. The vast majority of scholarships are for degree courses making up 89% of scholarships awarded in 2011. Over half or 55% of the scholarships awarded in 2011 were funded by the government of Vanuatu, followed by 22% awarded by Australia and 17% by New Zealand. Students progress well through their scholarship courses, with 20% expecting to graduate in 2011 and only 3% failing to meet the requirements. In 2011 just over one in five or 22% of scholarship students were studying commerce courses (including economics), compared with 18% studying arts, 12% science and 11% law. In 2011 4% of scholarship students were enrolled in education studies. (see table 19).

Table 19
Vanuatu Government Scholarship Awards by Year and Sex: Vanuatu 1999-2009

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Male	45	64	51	64	59	64	66	66	59	106	168	812
Female	37	41	34	39	40	39	38	54	72	81	134	530
Total	126	86	82	105	85	104	99	103	105	120	107	1 124

Source: Ministry of Education, Scholarships Office

38. There is no data available that is considered to accurately measure adult literacy.

39. The MoE receives the highest funding among the government ministries and strong financial support from development partners. In 2009, the a Joint Partnership agreement has been entered into between the government and the government of Australia and New Zealand in order to meet its objective in providing quality education.

Explanations for the non-implementation or difficulties encountered.

40. The national Gender and Education policy is yet to be integrated into national education road map.

Concluding Observation 33. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It calls on the State party to ensure that legal provisions apply to both the public and private sectors, especially in relation to maternity leave. The Committee requests the State party to provide in its next periodic report detailed information about legal provisions, and their implementation, on equal pay for work of equal value and provisions on sexual harassment, including complaint mechanisms and statistical information concerning their use. The Committee recommends the expansion of access to the National Provident Fund, including through the extension of membership to additional categories of workers, such as domestic workers, informal or casual workers and non-wage workers.

Measures adopted for its implementation.

41. The Employment (Amendment) Act No. 31 of 2008, provides for provision on maternity leave which applies both to public and private sectors as mentioned and discussed under article 2 of this report.

42. There is no legislation or any proposed legislation relative to Sexual Harassment Law. At present, any sexual harassment case is covered under section 50 of the Employment Act [Cap 160] which falls under the elements of serious misconduct. However, there are no complaint mechanisms in place under the Department of Labour relative to serious misconduct cases. Any complaints should be filed by the complainant with the Vanuatu Police before the same maybe considered as an offence and be acted upon.

43. The National Provident Act [Cap 189] provides for a wide coverage of its membership as discussed under article 13 of this report.

Explanations for the non-implementation or difficulties encountered.

44. Resources have not been available to make substantial progress towards ensure equal opportunities for women in the labour market.

Concluding Observation 35. The Committee urges the State party to take concrete measures to enhance all aspects of health care for women, including sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of teenage pregnancies and sexually transmitted infections by increasing knowledge about family planning and awareness of existing services. This should include the provision of comprehensive, youth-friendly

sexual and reproductive health services, confidence-building programmes and age-appropriate sex education as part of the formal and non-formal education curricula, targeted at girls and boys.

Measures adopted for its implementation.

45. As a result of the implementation of the Master Health Services Plan (2004-2009), the MoH developed a reproductive health policy and strategy as discussed under article 12 of this report.

46. Access to health services and family planning has increased in terms of materials distributed and access to family planning and STI clinics. STI screening during antenatal checks continue to show high incidence of STIs. However in the absence of a functioning Health Information System it is difficult to tell if the incidence of STIs will increase. It is difficult to know whether increased incidence of STIs is because of the introduction of screening in antenatal clinics, women voluntarily seeking medical care because of increased awareness of STIs or a combination of these. Regardless, STI incidence is still a major health concern for women. A Demographic and Health Survey planned for 2013 will provide answers about contraceptive and STI knowledge, attitudes and practices.

47. The Family Life Education Syllabus has been drafted and is undergoing consultations as discussed under article 5 of this report.

Explanations for the non-implementation or difficulties encountered.

48. While a lot of awareness raising programmes are taking place, behavioural changes are more difficult without the support of parents, families, communities and institutions like the church. Additional resources would be required to make significant progress towards comprehensive, youth-friendly sexual and reproductive health services, confidence-building programmes and age-appropriate sex education. Reproductive health is included in the family life segment of the revised school curriculum but does not go to the extent of concluding observation 36.

Concluding Observation 37. The Committee recommends that the State party pay special attention to the situation of women living in rural/remote areas so as to enhance compliance with article 14 of the Convention. In particular, the Committee calls upon the State party to enhance access for women in these areas to health care, education and literacy programmes, and income-generation opportunities, including access to training opportunities, credit facilities and markets. It invites the State party to use the successful example of existing microfinance programmes to give women enhanced access to savings and income-generation projects.

Measures adopted for its implementation

49. **Health care.** Health Services are largely government funded and are provided through a decentralized health system through 5 referral hospitals (2 regional and 3 provincial hospitals), 30 health centres, 104 dispensaries and 231 First Aid Stations. At present, there is shortage of trained medical personnel and access to health services in the rural areas is still weak. In order to address the issue, the government has trained and recruited 21 newly nurse graduates and 16 advanced nurse practitioners including recruitment of three Cuban doctors, five nurse ni-Vanuatu in Solomon

Islands, and three intern doctors. A Memorandum of Agreement had been signed by the government and Solomon Islands for recruitment of nurses in Solomon (ADR, 2010).

50. The government is moving to a community based health care system with community health workers implementing a referral system to different levels of cares (dispensary, health centres, provincial hospitals and national referral hospital).

51. **Education and literacy programmes.** Base on VNSO census of 2009, the educational levels in urban is higher than rural areas. The proportion of the population 15 years and older living in the urban areas that completed secondary education was 43% and 18% in rural areas. The proportion of the population with no education (never been to school or only preschool level) was 20% in the rural areas compared to 5% in the urban areas.

52. One of the objectives of the government's PAA (2012-2015) is to improve access to education and ensure gender and rural/urban balance. The government endorsed in 2009 the Planning Long and Acting Short (PLAS) a policy priority for education. One of the three objectives of PLAS is to improve the quality of education.

53. According to 2009 Annual Statistics Digest, the distribution of students living in the rural in 2009 at primary level is 81% compared with an overall level of 69% of students are in rural areas. At Junior Secondary 74% of students are in rural schools, and for Senior Secondary 65% of students enrolled are in rural secondary schools while 35% are in urban areas. The priority area of MoE is access to education for all. The Ministry is working to ensure that all children, regardless of location, physical or mental difficulties, have a place in the classroom. The Inclusive Education Policy for 2008 was developed to improve the learning outcomes of disabled students and resources were allocated for students in the rural and urban areas.

54. **Income generation opportunities: Department of Cooperatives.** In 2008 the Department of Cooperatives and Ni-Vanuatu Business developed a manual in Bislama for establishing savings and loans cooperatives using the Accumulating Savings and Credit Associations (ASCA) model where groups of community members come together, save an agreed upon amount of money every week and develop a lending procedures to allow members to borrow the accumulated capital at an agreed interest rate. As a result of this model, here are now 75 registered savings and loans cooperatives with 40.6 million vatu (\$US 446,620) in savings, and 3,451 registered members.

55. **Vanuatu Agricultural Development Bank (VADB).** Due to lack of credit in rural areas, the VADB was passed to re-establish a development bank in 2006. Under the VADB Act No 20 of 2006, the Minister of Finance and Economic Management appoints members of the VADB Board with three year membership from nominations received from the Director Generals of the MoF, Ministry of Agriculture, Syndicate Agricole, Chamber of Commerce and Industry, Vanuatu Society of Accountants, National Council of Chiefs and the Director of Women's Affairs. The appointed VADB members select a Chairperson and a Deputy Chairperson. The bank opened in April 2008 and holds office in Port Vila. In 2009 a new General Manager was hired and a three-year strategic plan was approved. The government has capitalized the amount of 500 million vatu of which the last tranche

of 100 million vatu was made in February 2011. Currently the bank has 13 staff working and is being supervised by the Reserve Bank of Vanuatu.

56. **VANWOODS.** The VANWOODS has been providing micro finance services to women since 1996. It started as a pilot project under the Department of Women's Affairs and became a beneficiary owned NGO in 2003. From 2003 until 2007, the number of its members increased to almost 3000, and the value of its savings has grown from 15 million at the end of 2003 to 73 million at the end of 2007. In 2007, VANWOODS started to accept male members. As of November 2010, there are total of 5514 clients with 4085 total number of clients taking our loans. Since 1996, VANWOODS total loans released amounts to Vatu 814 million. In 2010, VANWOODS conducted an impact assessment and found out that based on the three loans taken by the members for the past year, 46% of all loans were used for business (such as retail store, kava bar, baking etc.) and 54% were used for non-business activities (such as solar lights, education, household assets etc.) compared to its 2007 impact assessment which data showed that 60% of loan uses were for business and 40% for other purposes.

57. **Community and Rural Development Plans.** In 1999, the Rural Economic Development Initiative (REDI) plans started as five-year provincial plans for economic development with the objective of creating self-reliance provinces. REDI is part of the government's approach to rural development and rural service delivery. REDI model was pilot tested in Tafea Province over a two-year period and was replicated in other provinces while planning was done at the national level to source out funding. In 2007 the Ministry of Finance closed its small grant programme.

Explanations for the non-implementation or difficulties encountered.

58. The extremely high cost of service delivery to remote Island communities make this challenging, as is coordinating across the different sectors. At Area Council level progress has been made developing and implementing community development strategies which include the needs of women but this work is in its early stages. A need for coordinating mechanism between the sectors involved and a formal policy for rural women's development is required.

Concluding Observation 39. The Committee urges the State party to complete its law reform in the area of family law in accordance with articles 15 and 16 of the Convention, within a specific time frame, and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. It requests the State party to enhance women's access to justice, including by raising women's awareness of their rights, and access to the courts to claim all their rights. The Committee recommends that the State party undertake targeted awareness-raising measures to ensure that customary or "island" courts are familiar with the concept of equality of the Convention so that their rulings are not discriminatory against women, especially with regard to land ownership and inheritance, and further to ensure that decisions of customary courts can be appealed in the formal legal system.

Measures adopted for its implementation.

59. The VLC is in the process of developing issues paper on Family Reform Law as reported under Article 2 of this document report. During the reporting period of

this report, there is no amendment on the Matrimonial Act [Cap 192] which covers matrimonial property in Vanuatu.

60. The Declaration of Approval of Constitutional Procedures Rules Order No. 26 of 2003 provides a venue for women's access to justice. Under this procedure, it enables all citizens regardless of sex to apply to court for redress in case of breached of their constitutional rights.

61. The case of Noel v. Toto as mentioned under section D of the Common Core Document, the Supreme Court grants women equal rights to land entitlements. At present, a Land Tribunal has been established to deal with customary lands ownerships. This is discussed under Article 14 on Land Reform Program.

Explanations for the non-implementation or difficulties encountered.

62. Due to sensitivity of land issues and property rights, the Land Tribunal Unit lacked the financial resources and human capacity to undertake awareness on the legislative reform required.

Concluding Observation 41. The Committee urges the State party to raise the minimum age of marriage for women to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.

Measures adopted for its implementation.

63. During the reporting period of this periodic report there has been no amendment or proposed amendment on Control of Marriage Act relative to marital age for women. As part of MoJCS moved for a comprehensive family reform program, the VLC under the portfolio of MoJCS is tasked to look into the discriminatory provisions of the Control and Marriage Act and to propose amendments relative thereto.

Explanations for the non-implementation or difficulties encountered.

64. The VLC lacks the human capacity and financial resource to undertake this legislative reform process.

2. Additional legal and other appropriate steps and measures undertaken

65. This sub section of the Report provides information on additional legal and other appropriate steps and measures undertaken towards the implementation of the Convention. The information below is structured so as to follow the main clusters (Parts I-IV) of the Convention, and dealt with every Article (1 to 16).

PART I

Article 1: Definition of discrimination against women

Approved or Proposed Amendment and/or Legislations

66. This has been discussed under sub section 2 of the Convention Specific Document report vis-a-vis Concluding Observation No. 11. During the reporting period of this report, no amendment or proposed legislation has yet been done by the Parliament to amend the constitution to include the definition of discrimination against women.

Other Appropriate Steps and Measures Undertaken.

67. The Ministry of Health (MoH) through the HIV Unit and National AIDS Committee (NAC) in partnership with RRRT is working on an draft policy paper entitled, ‘ HIV Control, Prevention and Protection Bill’ in line with the MoH National Strategic Plan for HIV and Sexually Transmitted Infections (2008-2012). The drafting of the policy paper is in compliance with one of its objectives on the areas of policies, legislation and traditional laws that discriminate against vulnerable groups in order to minimize the vulnerability of some groups of population which contributes to the prevention or escalation of HIV epidemic and to protect the human rights of every individual regardless of status.

Article 2: Obligations to Eliminate Discrimination

Approved or Proposed Amendment and/or Legislations

68. The government of Vanuatu has taken several steps to eliminate discrimination against women. During the reporting period of this report the following legislations had been approved, and amended:

- Amendment of Penal Code Act No. 25 of 2006 and Act No. 14 of 2007
- Accession to CEDAW Optional Protocol on May 2007
- Amendment of Employment Act Nos. 31, 33, and Act No. 25 of 2008, 2009, 2010, respectively
- The Family Protection Act of 2008

69. Penal Code (Amendment) Act No. 25 of 2006. The Penal Code [Cap 135] was amended to include among others the amendment of the definition of sexual intercourse in order to make the elements of the crime inclusive, and the elements of the crimes of abduction, act of indecency without consent, and act of indecency with a young persons and its corresponding penalty are also provided in the amendment.

“Section 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 92. 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.

Penalty: Imprisonment for 10 years.”

“Section 98. Act of Indecency without consent.

A person must not commit an act of indecency on, or in the presence of another person:

(a) *without that person’s consent; or*

(b) *with that person’s consent if the consent is obtained:*

(i) *by force; or*

(ii) *by means of threats of intimidation of any kind; or*

(iii) *by fear of bodily harm; or*

(iv) *by means of false representations as to the nature of the act;
or*

(v) *in the case of a married person, by impersonating that person’s husband or wife; or*

(vi) *by the effects of alcohol or drugs; or*

(vii) *because of the physical or mental incapacity of that person.*

Penalty: Imprisonment for 7 years.”

“Section 98A. Act of indecency with a young person.

A person must not commit an act of indecency upon, or in the presence of another person under the age of 15.

Penalty: Imprisonment for 10 years.”

70. Penal Code (Amendment) Act No. 27 of 2007. This amendment refers to imposition of sentences relative to fine, supervision and community order which are within the power of the courts to impose.

71. Employment (Amendment) Act Nos. 31 of 2008 and No. 33 of 2009. In 2008 and 2009, the Employment Act [Cap 160] has been amended under Employment (Amendment) Act Nos. 31 and No. 33, respectively. The amended acts include provisions on annual leave, maternity leave for women, and amendment on provision for wages, which are quoted below:

“Subsection 29.

- *Every employer shall grant to an employee who has been in continuous employment with the same employer for;*
 - (a) a period of 1 to 6 years annual leave on full pay at the rate of 1.25 working days per month for each year of employment; or*
 - (b) a period of 7 to 19 years annual leave on full pay at the rate of 1.75 working days per month for each year of employment.”*

“Subsection 36

(1) An employer must allow a woman employee to go on maternity leave upon production by her of a medical certificate stating that her confinement is likely to take place within the six weeks, and must not permit her to work for a period of six weeks before confinement and six weeks after her confinement.

(2) (B) If there is more than one employer from whom a woman employee would be entitled to claim wages under this subsection, the Commissioner of Labour, a labour officer or a labour inspector must determine the amount of wages that must be paid by each employer according to the number of hours on which the woman employee has worked for the relevant employer.

- *A woman who returns to her employment after maternity leave:*
 - (a) must return to the same or equivalent position held prior to proceeding on maternity leave, without any loss of salary, wages, benefits or seniority; or*
 - (b) may be appointed to a higher position.”*

72. Employment (Amendment) Act No. 25 of 2010. The Tripartite Labour Advisory Council was established with the following objectives:

- (a) to make recommendations for the resolution of social, economic, and labour issues;*
- (b) to promote employment and industrial relations practices in accordance with the Port Vila statement on Decent Work; and*
- (c) to ensure active consultation with tripartite constituents on the development, adoption, implementation and regulation of International Labour Standards.*

73. During the reporting period of this report, the workers group in Vanuatu attended the recently conducted International Labour Organization (ILO) workshop,

and proposed for a bill on Employment Act to replace the existing provisions of part three of the Employment Relations Bill to include the following:

(a) *The functions of the Tripartite Labour Advisory Council be broadened to include economic and social policy;*

(b) *The Council be mandated to lead the “effective implementation in law and practice” of the ILO conventions which were ratified by Vanuatu government; and*

(c) *The wage setting functions in the bill be undertaken by the Council.*

74. 225. The Family Protection Act (FPA) of 2008. In 2008 the Parliament approved the FPA. This Act provides for the definition of domestic violence offenses, and issuance of family protection orders in cases of domestic violence. The purpose of the Act is to preserve and promote harmonious family relationships; and to prevent domestic violence at all levels of society in Vanuatu (FPA, part 1, sect. 1). Section 4, part I of FPA provides for a comprehensive coverage of acts that constitute domestic violence which is quoted below:

“Section 4. Meaning of domestic violence

“(1) *A person commits an act of domestic violence if 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; stalks the family member so as to cause him or her apprehension or fear;*

(d) *behaves in an indecent or offensive manner to the family member;*

(e) *damages or causes damage to the family member’s property; threatens to do any of the acts in paragraphs (a) to (f).*

(2) *Without limiting paragraph (1)(d), a person may stalk another person by:*

- *following the person; or*
- *watching the person; or*
- *loitering outside premises where the person lives, works or frequents for the purposes of any social or leisure activity; or*
- *making persistent telephone calls to the person or to premises where the person lives or works.*

(3) *For the purposes of this Act, 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.*

(4) *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.*

75. The FPA also provides power to the court to make Family Protection Order (FPO) upon application by any qualified individual. An AP defined under FPA may also issue temporary FPO enforceable within a period of 14 days. The Act also provides for offense of the breach of the FPO and compensation to victims of domestic violence. During the reporting period of this report, the MoJCS is working together with the DWA to implement the Act. A national task force and three provincial task forces had been established and had undergone training on Human Rights, Gender, and the FPA. At present, the DWA is on the process of recruiting APs who are qualified to issue Temporary Protection Order (TPO). A proposed training to sensitize the lawyers on FPA, Gender, and Human Rights is on the pipeline.

76. Family Protection Act Amendment. Amendment to incorporate mechanisms or grounds for removal of the appointed APs and councillors based on disqualifications provided under the Act.

Other Appropriate Steps and Measures Undertaken

77. The National Disability Policy and Plan of Action (2008-2015). Women in disabilities are considered one of most vulnerable groups because of its status as women and as persons with disabilities. The government through the MoJCS had established a Disability Desk Officer working at the DWA to ensure that disability policies are implemented across all levels of the government. The National Disability Committee has been re appointed to implement the National Disability Policy and Plan of Action with the following directives:

- National Coordination and Legislations
- Self-Help Organizations and Rehabilitation/Service Organizations
- Women with Disabilities
- Education, Training and Employment
- Access to Built Environment and Public Transport
- Poverty Alleviation
- Early Detection, Early Intervention and Educational Access to Information and Communication
- Regional Cooperation

78. Women in Government Policy (2011-2015) / Women in Shared Decision Making (2012-2016). The purposes of this policy are to create an enabling environment for women's equal representation at all levels of government and to meet Vanuatu's obligations under the Constitution, the CRP and CEDAW. In order to ensure fair and equitable representation of women in decision making and policy making in the national and local government, the following recommendations for its implementation were adopted, that:

- DWA initiates research that explores the custom decision making practices between men and women in Vanuatu and the impacts of colonization on those practices
- DWA initiates and/or support women's grass roots actions at village and community level that identify needs and implements the best ways of meeting these needs.
- The electoral Office develops and conducts a voter education program for women and men and the members of political parties throughout Vanuatu, including the manner of registration, importance of voting, quota systems and proportional representation and the purpose of a national referendum.
- DWA in consultation with the Ministry for Justice appoints a working committee to investigate the appropriateness and the feasibility of a constitutional Quota for National Government, an Election law quota for national Government, a Political Party Quota for Electoral candidates and/or a Constitutional or Legislative Quota for Sub- National Government and to report back to the National Task Force for Women in Government.
- Political parties are urged to nominate a minimum of 30% women candidates as in the rule of "every second seat a woman", also known as the "zebra rule".
- The Vanuatu's electoral system is reviewed and considered proportional representation taking into consideration proposals from the Electoral Observer Group of 2002 and 2004.

79. Vanuatu Law Commission (VLC). The MoJCS had established the Vanuatu Law Commission and recently hired the Law Commission Secretary. The VLC is in the process of developing issues paper on Family Reform Law involving the following issues:

- Family relationships, including laws relating to marriage and other relationships that that might give rise to mutual obligations in law;
- The rights and responsibilities of parties within the above relationships, which may have included reference to possible changes to the Citizenship Act;
- Family breakdown, including divorce, child maintenance and the division of assets upon the breakdown of a relationship; and
- Child welfare, including maintenance for children where the parents were not in a relationship, guardianship, wardship, and adoption.

Article 3: Measures to guarantee comprehensive advances by women

Approved or Proposed Amendment and/or Legislations

80. The following legislations were approved, to wit:

- Employment (Amendment) Act Nos. 31, 33, and Act No. 25 of 2008, 2009 and 2010 respectively
- Equal Remuneration Convention
- Discrimination (Employment and Occupation) Convention

Other Appropriate Steps and Measures Undertaken

81. **National Women's Forum (September 2006).** The DWA organized the first National Women's Forum participated by women from the six provinces of Vanuatu to review the implementation of the Beijing Platform of Actions (BPA), and made recommendations to enhance the economic and political participation of women under the 12 areas of concern as described in BPA, and the 1996 document of Working Together for Women, Women and Disability and Gender Equality Policy.

82. **National Plan of Action for Women (2007-2011).** The DWA adopted NPAW as a result of the National Women's Forum in 2006. The NPAW identified strategic objectives in each of the 12 areas of concerns and adopted an additional one area of concern which are considered priority to Vanuatu. It also provided recommendations, identified activities, and identified the various implementing agencies as agreed during the National Women's Forum. The 13 areas of concern are as follows:

- Women and Poverty
- Education and Training of Women
- Women and Health
- Violence Against Women
- Women and Armed Conflict
- Women and the Economy
- Women in Power and Decision Making
- Institutional Mechanism for the Advancement of Women
- Human Rights of Women
- Women and the Media
- Women and the Environment
- The Girl Child
- Women and Disability

83. **National Women's Policy (2010-2012).** As part of the process of developing Gender Policy, the DWA with support from RRRT conducted a Stakeholders Consultation in Port Vila participated by the various government representatives from different ministries, departments and agencies, civil based society, non-governmental organization, and women's groups with the main objective of providing feedback on the implementation of the National Plan of Action for Women (2007-2011). A gender policy training workshop had been conducted to discuss the proposed Gender Policy paper, however, the policy paper is yet to be finalized.

Article 4: Acceleration of equality between men and women**Approved or Proposed Amendment and/or Legislations.**

84. Employment Act (Amendment) No. 25 of 2010 relative to the establishment of Labour Advisory Council as discussed under Article 1 of this report.

Other Appropriate Steps and Measures Undertaken.

85. The Shefa Provincial Government has adopted a resolution with the mandates of adopting a quota of 25% reserved seats for women in the provincial council. This resolution is to be implemented in the 2012 election for Shefa Provincial Council.

Article 5: Measures to change sex roles and stereotypes

Approved or Proposed Amendment and/or Legislations

Other Appropriate Steps and Measures Undertaken

86. The MoE has strategized the Family Life Education (FLE) syllabus to deliver age appropriate information and education on sexual reproductive health in schools. During the reporting period of this report, the FLE syllabus has been drafted and consultations have been on going. FLE is also a comprehensive health and family life program which include other health topics and other issues such as mental health, relationships and safety.

87. The DWA in partnership with RRRT conducted various training activities and workshops on CEDAW, Human Rights, Gender, and the Family Protection Act, attended by police officers, church leaders, and non-governmental organizations. This has been discussed under common core document under the section of framework within which human rights are promoted at the national level relative to raising awareness among public officials and other professionals.

88. The Vanuatu Women's Centre in partnership with Vanuatu National Statistics Office conducted a study on women's lives and family relationship adapting the WHO methodology for Vanuatu covering six provinces and the main areas of Port Vila and Luganville. The objectives of the study were to estimate the prevalence of and incidence of violence against women, the effects of violence against women victims/survivors, the effects of violence against women on children, the attitudes, risks and protective factors, and the coping strategies of women.

89. The type of violence measured in the study and the results during their lifetime compared to the last 12 months for the whole of Vanuatu and in urban and rural areas, are the following:

1. Violence by current or former husband/partner:
 - a) Emotional Violence (68% during their lifetime and 54% during the last 12 months; 61% in urban areas and 70% in rural areas)
 - b) Physical violence (51% during their lifetime and 33% during the last 12 months; 41% in urban areas and 53% rural areas)
 - c) Sexual violence (44% during their lifetime and 33% during the last 12 months; 41% in urban areas and 53% in rural areas)
 - d) Physical and/or Sexual Violence (60% during their lifetime and 44% during the last 12 months; 50% in urban areas and 63% in rural areas)
2. Violence by non-partners (parents, teachers, strangers, brothers etc.):
 - a) Physical violence (over 15 years old): More than one in four women (28%)

- b) Sexual Violence (over 15 years old): One in three women (33%)
- c) Childhood sexual abuse (under 15 years of age): Almost one in three women (30%)
- d) Forced first sex: two in five women (41%)

90. The study also shows the impact of violence against women's health with the following results:

- a) Almost two in five women (39%) have been injured in their lifetime due to physical or sexual violence by their husband or intimate partner. This amounts to one in four ever-partnered women (24%).
- b) More than two in five women (41%) were injured more than three times; more than one in five (21%) now has a permanent disability; and almost half (48%) lost consciousness at least once. Women living with physical, sexual or emotional violence have more mental health problems and are much more likely to attempt suicide than women who are not experiencing violence.

91. Other impacts on women who are 80% income earners (most of them from marketing or trading) are the following:

- a) Work was disrupted for 30% of women who experience physical or sexual violence

92. Ways that work and income generation activities were disrupted (percentage of 311 whose work was disrupted), are the following:

- a) Husband/partner interrupted work (94%);
- b) Unable to concentrate (14%)
- c) Unable to work/sick leave (13%)
- d) Lost of confidence in their own ability (13%)
- e) Husband/partner stopped her from working (11%)

93. As part of the result of the study, it also shows women's coping strategies:

- a) More than two in five women (43%) have never told anyone about the violence, and almost three in five women (57%) have never sought help from any agency.
- b) Most often told their birth family, friends, and their husband/partner's family
- c) Almost one in four asked chiefs (24%) and church leaders (23%) for help, 15% asked health agencies, and 1 in 10 asked for police help.
- d) About half (49%) have left home temporarily due to violence, but less than 1% left permanently. The most common reason was that they could not take any more of the violence.
- e) The most common reasons for returning home, and for never leaving at all, were that she forgave him, did not want to leave the children, and her belief in the sanctity of marriage (Women's Lives and Family Relationship Study, 2010).

Article 6: Suppression of the exploitation of women

Approved or Proposed Amendment and/or Legislations

94. During the reporting period of this periodic report, there has been no legislation or proposed legislation that prohibits trafficking and exploitation of prostitution of women.

Other Appropriate Steps and Measures Undertaken

95. The government through the Ministry of Internal Affairs in 2010 hosted a two day Pacific Immigration Directors Conference (PDIC) in Port Vila in order to establish a common understanding and consistency in addressing issues and process on people smuggling and human trafficking and irregular migration, with the theme “Consolidating PDIC status as a valuable entity”, and was attended by 45 delegates from the Pacific countries. During the conference, the PIDC members had agreed on the need to begin working at a regional level on ways to address the issues of people smuggling, human trafficking and irregular migration. The participants also had agreed to encourage active participation in the PIDC Annual Collection Plan process and to raise their standards of national data collection. The PIDC was acknowledged to be the appropriate forum to begin consultative process in the pacific region. The conference workshop also reaffirmed the need to strengthen the collection and sharing of information and intelligence at the regional and national level to better understand irregular migration trends throughout the region and to successfully combat people smuggling and trafficking networks. However, at present, there is no yet baseline information regarding trafficking of women and girls outside the country.

96. The government has been working with Wan Smol Bag (WSB), an NGO in Vanuatu which has been operating the Kam Pusem Hed (KPH) clinic in Port Vila which offers reproductive health services and counselling. One of the KPH programs is peer education which includes working on awareness program with female sex workers, men who have sex with men (msm's), and seafarers. A Memorandum of Understanding (MOU) has been entered into between WSB and the government through the MoH for the latter provide free medicines, laboratory testing and equipment sterilization to KPH clinic. According to WSB 2010 annual report, during its KPH-based peer education held in Port Vila, there were 90 female sex workers and 56 msm's who participated the workshops. It was reported that 62% was over the age of 25 years followed by 29% being between the age of 20 to 24 and 9% aged between 14 and 19 years of age. There is evidence to show that prostitution exist in Vanuatu but on a transactional basis. However, there is no legislation that protects against the exploitation of under age or non-consenting adults sex workers neither any legislation to protect the occupational health and safety for the protection of sex workers.

PART II

Article 7: Political and Public Life

Approved or Proposed Amendment and/or Legislations

97. The Decentralization Act [Cap 230] of 1994. The Decentralizations Act mandates for the appointment of women as members of the Local Government Council. Part III, section 5 provides for the names, and duties of local government councils and section 7 provides for appointment of the members of the local government council. Section 7 is quoted below:

“7. Appointment of members of Local Government Councils

(1) The Minister may by Order provide for appointed members of each Local Government Council in respect of its Local Government Region and such members shall consist of:

(a) chiefs appointed by the Minister from among persons nominated by representative bodies of chiefs;

(b) women appointed by the Minister from among persons nominated by representative bodies of women;

(c) youth representatives appointed by the Minister from among persons nominated by representative bodies of youth;

(d) church representatives appointed by the Minister from among persons nominated by representative bodies of churches.

(2) The appointed members

(a) shall hold office for a period of four years and shall be eligible for reappointment; and

(b) shall be consulted on any matter, question or issue coming before the Local Government Council for its decision”.

(3) The appointed members shall not be entitled to vote at the meetings of the Local Government Councils.

(4) The appointed members shall not be more than half the number of elected members.”

98. In 2008, following the resolution on Special Measures for Women in Papua New Guinea to reinstate women into Provincial Councils as nominated members, the resolution was adapted by Vanuatu. As a result, the Department of Local Authority (DLA) circulated a directive to all the six Provincial Councils to nominate women representatives to sit in the council. At present, all six Provincial Councils have women representatives sitting in the council either as nominees from DWA women's organizations in the provinces or nominees by provincial based women's organizations. However, not all women representatives have been formally appointed by the Minister to sit in the council. All women nominees have the right to participate in the provincial sessions, however, they do not have voting rights. Any issues raise has to pass through their respective councillors who represents the woman's nominees.

99. Under the area councils women representatives are represented in all the area councils. However, the Decentralization Act does not cover area councils, the DLA is working on a CoM's paper proposing an amendment to the Decentralization Act for the inclusion of Area Councils as part of the provincial organizational structure.

100. The Provincial Councils are mandated by law to provide an annual operational budget. The annual budget includes a provision for women nominees under the provincial President's Council. There is also a budgetary provision for the development of women in the provinces under the women and youth code.

Other Appropriate Steps and Measures Undertaken

101. The DWA has been implementing programs on policy development, research, and training on education and awareness to address women's under representation in politics. The DWA has re-established the National Committee on Women in Shared Decision Making to provide advise and oversee the implementation of the recently developed policy on Women in Shared Decision Making (WISDM) for the term 2012-2016. The national plan of action on this policy is currently being discussed by the committee.

102. The DWA has recently launched a research on Gender Profile of Political Parties and Elections which contained three main areas of recommendations. These recommendations are to engage in strategic partnership and work with political parties, to raise gender awareness and action with institutions such as Parliament and other NGOs, and lastly to mentor and empower programs. The research revealed that there is a small and incremental progress towards Vanuatu's commitment to achieving 30% representation of women in Parliament.

103. There has been various workshops conducted by DWA. The following education and awareness program and workshops were conducted, to wit:

- Voter Education Awareness Program during the period of 2007-2009 in the provincial islands of Vanuatu.
- In partnership with UN-Women, the Gender in Political Governance (GEPG) Workshops were held in three provinces of Vanuatu. The workshop adopted the Bridging Resources in Democracy and Gender Election (BRIDGE) Module. As a result, committees had been established to implement the on going women leadership program both at national and community level. Also as a result, the lady major of Luganville was elected and the Shefa provincial government has approved the allocation of five seats to women candidates in the Shefa Provincial Government Council.
- A one-week training workshop was undertaken using the BRIDGE Module participated by the members of the parliament. The members of the Parliament pledged for a 15% seat for women in the national election which policy and legislative amendments are currently being developed for the approval of the Council of Ministers.
- DWA conducted a BRIDGE Civic and Voter Information workshop participated by Head Boys and Head Girls and Church Youth Leaders.
- The MoJCS also funded a workshop initiated by the Women's Desk at the Vanuatu Council of Churches on Gender and Church with emphasis on the

13 critical areas of Women under the NPAW 2007-2011, participated by the national church leaders.

- A BRIDGE workshop was also conducted for Electoral Management Bodies in the Pacific in October 2010.

104. In the public service, women are generally under represented in higher-level job classifications (Principal Officer position and above) and over represented at more junior levels. According to Public Service Commission (PSC) 2009 survey of the public sector service (except respondents from the Police Commission and Teaching Commission), men make up 60% of total public servant numbers, with women making up the balance (40%). In terms of age, PSC population data show that around 30% of public servants are due to retire (aged 45 years above) within the next 10 years (see table 20).

Table 20

Respondents by job level and sex, 2009

<i>Job Level</i>	<i>Number of Respondents and Sex</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
Director General	2	0	2
Director	16	1	17
Manager	31	9	40
Principal Officer	25	6	31
Senior Officer	83	49	132
Officer	119	101	220
Others	25	29	54
Total	301	195	496

Source: PSC, 2009.

105. During the reporting period of this report, the PSC reported that there are more male employees in the public service than females as shown below (see table 21).

Table 21

Total number of civil servants by year and sex, Vanuatu 2011

<i>Year</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
2005	1 250	2 051	3 307
2006	1 360	2 227	3 594
2007	1 506	2 531	4 048
2008	1 648	2 796	4 457
2010	1 817	3 165	4 999
2009	2 047	3 552	5 616
2011	2 138	3 733	5 887
(16 no sex code)			

Source: PSC, 2011.

Article 8: International representation and participation

Other Appropriate Steps and Measures Undertaken

106. There is no legal barrier or impediment for women to represent the government at international level. However, there is no quota provided for women's representation and participation at the international level.

Article 9: Nationality and citizenship

Approved or Proposed Amendment and/or Legislations

107. During the reporting period of this periodic report, there is no pending legislation or any proposed amendment of the Citizenship Act. However, the VLRC is tasked to look into discriminatory provision of the Citizenship Act.

Other Appropriate Steps and Measures Undertaken

108. The Citizenship Office in consultation with State Law Office has taken the initiative of proposing for a full review of the Citizenship Act.

109. There is a plan by the government to position the Passport Office, Civil Status Office, Electoral Office, and the Citizenship Office in one place. The government has been encouraged by the International Civil Aviation Organization (ICAO) to meet new sets of requirements for traveling documents and immigration rules. The Identity Management Services has been set up to resolve issues on identity.

PART III

Article 10: Education

110. Vanuatu's PAA for 2006-2015 and Education For All (EFA) National Action Plan (2001-2015) has targeted that by 2015, children will have a complete access to free, complete full course of primary education. The education system in Vanuatu consists of pre-school (3-5 years of age), primary school or Year 1 to 6 (6-11 years of age), Secondary school or Year 7 to 13 for the English System or Year 14 for French Schools, technical or vocational and University.

111. The MoE developed an Early Childhood Education (ECE) policy in 2010 which as reported by MoE VEMIS shows an increase in the total number of enrolment since 2009. ECE enrolment is gradually increasing with the NER for ECE at 44% in 2012; and between 2011 and 2012, the GER in ECE increased by a substantial 13%. The apparent gender imbalance in ECE attendance has corrected and the GPI indicates that slightly more girls are enrolled in ECE than boys (see Fig. 10). MoE resources for improving enrolment in ECE include promoting and funding community based 'model kindergartens', revisions to the ECE curriculum and working with ECE teachers to attain certification. The MoE is working closely with NGO partners to improve access to and quality of ECE level education.

112. As a result of government's commitment for free primary education, the Universal Primary Education Policy (2010-2012) was introduced whereby the government provided paid 276 million vatu as school grants and teachers to 350 primary schools (out of 435) and 61 secondary schools (out of 84 in 2010). There is a significant annual increase in enrolment at primary and secondary levels of

schooling (see Fig. 10). There is annual variation in the cohort survival rates for both primary and secondary level education so it is difficult to interpret any trends however it seems that girls are slightly less likely than boys to progress through six years of primary but once at secondary level are more likely to complete senior secondary schooling than boys (Table 22 and Table 23).

113. The Vanuatu Education Road Map (2010-2013) provides for a review of the Vanuatu School Curriculum starting at K1-K3, Grades 1 to 8 and Form 7-13 taking into account gender issues. It is recognized that effective curriculum and teacher development is a long-term process that may extend over ten to twenty years. The development of the new secondary curriculum standards will occur in an orderly and planned way in the year 2013, in order to ensure that the Curriculum Development Unit of the Ministry of Education develops the appropriate capacity, and that issues of sequencing and coordination are addressed effectively.

Table 22

Cohort Survival Rate by Years 1 to 6: 2007-2011

Year	Sex	Year (% advancing from previous year)					
		1	2	3	4	5	6
2007	Female	100%	91.8%	90.9%	89.9%	86.6%	82.0%
	Male	100%	91.5%	89.0%	86.3%	81.0%	75.7%
	Total	100%	91.6%	89.9%	88.0%	83.6%	78.7%
2008	Female	100%	91.4%	86.6%	80.3%	74.2%	69.2%
	Male	100%	91.4%	87.5%	84.4%	77.4%	73.3%
	Total	100%	91.4%	87.1%	82.4%	75.9%	71.3%
2009	Female	100%	98.9%	101.3%	100.5%	100.3%	94.0%
	Male	100%	98.8%	103.5%	101.8%	100.9%	97.1%
	Total	100%	98.8%	102.4%	101.1%	100.6%	95.6%
2010	Female	100%	90.8%	86.8%	84.5%	80.4%	74.6%
	Male	100%	93.8%	93.0%	87.8%	81.9%	76.5%
	Total	100%	92.3%	90.0%	86.2%	81.2%	75.6%
2011	Female	100%	94.0%	90.9%	86.6%	81.7%	82.2%
	Male	100%	93.1%	91.8%	90.3%	87.0%	84.8%
	Total	100%	93.5%	91.4%	88.6%	84.4%	83.6%

Source: MoE, VEMIS Data, 2013.

Table 23
Cohort Survival Rate by Years 1 to 13: 2008-2011

Year	Sex	Year (% advancing from previous year)						
		7	8	9	10	11	12	13
2008	Female	63.0%	57.6%	56.4%	50.4%	48.6%	41.6%	26.2%
	Male	62.9%	55.4%	52.3%	45.1%	48.0%	40.2%	17.4%
	Total	63.0%	56.6%	54.4%	47.8%	48.4%	41.0%	21.3%
2009	Female	86.3%	81.2%	74.4%	57.4%	41.0%	31.4%	16.8%
	Male	88.4%	84.5%	78.4%	63.7%	47.4%	34.1%	14.7%
	Total	87.4%	82.8%	76.4%	60.4%	44.0%	32.7%	15.8%
2010	Female	67.7%	60.4%	52.3%	42.2%	28.8%	22.6%	11.1%
	Male	65.5%	56.1%	46.9%	37.1%	26.8%	22.6%	8.4%
	Total	66.6%	58.2%	49.6%	39.6%	27.8%	22.6%	9.7%
2011	Female	75.4%	66.2%	58.6%	48.3%	32.1%	23.4%	13.6%
	Male	76.6%	65.0%	52.3%	42.8%	25.2%	18.2%	10.1%
	Total	76.0%	65.6%	55.4%	45.5%	28.5%	20.6%	11.7%

Source: MoE, VEMIS Data, 2013.

114. In 2010, there were 50 community run Rural Training Centres (RTCs) of which 39 centres are affiliated with Vanuatu Rural Training Development Training Centres Associations (VRDTCA).

115. There are various scholarship awards in Vanuatu, which are: Vanuatu Government Scholarship, Open Equity (NZAid and AusAid, School of Tourism Scholarship and Port Vila Scholarship Award (DFL Foundation Social Science & Science). In 2010, there were 423 scholarships awarded with 238 male awardees and 185 female awardees for tertiary education of which 27.8% of scholarship awards have been funded by AusAid and 23.1% by NZAid. The low proportion of the female awardees despite 50:50 allocation guidelines of New Zealand and Australia suggests proactive measures are required to encourage more females to apply for tertiary education scholarships and research is needed to find out why more eligible females are not applying for scholarships for advanced studies.

116. Under the Vanuatu Education Road Map (VERM) and Vanuatu Education Sector Strategy (VESS) 2007-2016, the secondary school facilities were extended and upgraded. In rural areas, boarding facilities (blocks for females) and (dormitory for males) are provided. However, in cases where females outnumbered the males, the school administration has to switch boarding facilities whereby the males occupy the females block while the females occupy the males' dormitory.

117. The Vanuatu In-service Unit and the Vanuatu Teacher's Institute were established to provide training to field teachers and in service teachers. In 2006 and 2007 the Ministry of Education in partnership with the University of Waikato, New Zealand conducted a workshop on women leadership which involved 9 participants from the Education Sector including Primary and Secondary Teachers and Women Staff from the Education Department in Port Vila.

118. With the present MoE structure, the Ministry of Education is working in including in the current structure a National Programme Coordinator whose main responsibility is to look after the gender desk and children's desk at the Ministry.

Article 11: Employment

119. During the reporting period of this report, there is no amendment of the Employment Act relative to the provision which provides for ban of employment of women at night. The proposed Occupational Safety and Health Act to comply with International Labour Standards remains a draft policy paper with the Council of Ministers. Further, the Workmen's Compensation Act [Cap 202] which covers both public and private employees has not been amended relative to its implementation which still remains with the private insurance companies. However, the following amendments have been done:

Employment (Amendment) Act Nos. 31 of 2008. In 2008 the amended acts include provisions on annual leave, maternity leave for women, and amendment on provision for wages.

Employment (Amendment) Act No. 33 of 2009. Entitlement to severance allowance of an employee upon resignation which was reduced from 10 years to six years of service and an increased of from half a month per year of employment to one month.

Employment (Amendment) Act No. 25 of 2010. The establishment of the Tripartite Labour Advisory Council as discussed under article 2 of this report.

Article 12: Health care and family Planning

120. As a result of MoH commitment under the CRP, the Ministry developed a Master Health Services Plan (2004-2009) as a continuation of its 1999-2002 Master Plan. Out of five priorities under the 2004-2009 Master Plan is to improve the health status of the people of Vanuatu with the recommendations, among others, to promote child spacing and to reduce teenage pregnancy. The main objective of the recommendation was to strengthen the following areas:

- family planning with men and women and improve the adolescent reproductive health and sexual health for all
- primary health care to deal with reproductive and sexual health issues
- community ownership of these social issues

121. As part of this commitment, the Public Health Unit of the MoH developed a reproductive health policy and reproductive strategy with emphasis on reproductive health programs.

122. In 2010, the MoH launched its Health Sector Strategy (2010-2016), with the following objectives:

- To improve the health status of the population;
- To ensure equitable access to health services at all levels of services;
- To improve the quality of services delivered at all levels; and
- To promote good management and the effective and efficient use of resources.

123. As part of MoH restructuring strategy, MoH completed its review and assessment of its human resources and the proposed structure has been submitted to Public Service Commission (PSC).

124. During the reporting year of this report, a national training on mainstreaming gender in the workplace and provincial workshops have taken place which were participated by Health Promotion Officers, Provincial Health Managers.

125. MoH is working with VWC on awareness program implementation on Gender Equality and Human Rights. Currently, there is on going training on Violence Against Women (VAW) in New Zealand attended by focal person in hospital on counselling and legal aid and a training on capacity building for nurses.

126. During the reporting year of this report, a Memorandum of Agreement had been entered into between MoH and Red Cross Society on the implementation of Community Based Health and First Aid Program in Vanuatu which covers skills training and special community based knowledge in mental health programs, education in maternal child health care follow ups on immunization, ante natal care program and blood donors programs for volunteers.

Article 13: Economic and social benefits

127. Vanuatu has policies under its PAA (2006-2016) recognizing among others, women's economic empowerment as provided for in the PAA nine benchmarks to improve the situation of women. In 2007 budget policy, the Minister of Finance acknowledged the government's commitment for women's development through the legislation and positive economic and social policies.

128. In Vanuatu, women have an equal right to family benefits regardless of social status. At present, the Vanuatu National Provident Fund (VNPF) provides for social security system for both men and women. The VNPF which operates under Cap 189, or otherwise called as the "The Fund" is a Superannuation Fund operating in Vanuatu which provides social benefits to qualified members, meaning, any citizen of Vanuatu or non-citizen subject to certain conditions who is earning the amount of 3, 000 vatu or more per month. The amount of contribution is 4% from the employer and 4% from the employee. The withdrawals of the contribution can be made upon reaching the retirement age of 55, in case of death, permanent migration, or permanent disability. In case of death, the VNPF beneficiary receives an amount of up to 230, 000 vatu if the member has been actively contributing for five years or more. However, in case the member is contributing less than five years, the amount is pro rated depending on the frequency and amount of contribution.

129. In 2007, VNPF Act was modified and the member's account is split into three parts: retirement (50%), investment (25%) and medisafe (25%). Any member can borrow money from the investment account once there is a minimum account balance of VT25, 000. and up to 85% of the account balance, a microloan may be taken to a maximum term of three years with 12% declining annual interest rate. The Medisafe, which is a micro medical scheme for members is still under consideration by VNPF. Based on VNPF's Annual Report in 2008, the total female members is 8, 274 (see table 25).

Table 24
Fund membership by age group and sex, Vanuatu: 2008

<i>Age Group</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Under 20	380	626	1 006
20-29	2 905	4 795	7 700
30-39	2 616	4 317	6 933
40-49	1 731	2 857	4 588
50-59	536	885	1 421
>60	106	175	281
Total	8 274	13 655	21 929

Source: Vanuatu National Provident Fund, 2008.

130. In Vanuatu, there is no legal barrier for women to receive bank loans, mortgages and other financial credit. Under the Reserve Bank of Vanuatu (RBV) Act, RBV supervises and regulates financial intermediaries under the Financial Institutions Act. In terms of financial services, there are four commercial banks, a superannuation fund, and four domestically licensed general insurers operating in Vanuatu. However, only the National Bank of Vanuatu (NBV) is providing financial services on any scale to low-income clients and other two smaller semi-formal providers, the Vanuatu Women's Development Scheme (VANWODS) and the Department of Cooperatives (DoC) (Financial Assessment Services in Vanuatu, 2011)

131. The National Bank of Vanuatu (NBV) which is a government owned controlled bank provides business banking (commercial lending, consumer lending and international business) and retail and rural banking (commercial, personal, and rural banking services) to all qualified creditors. NBV has 27 branches and agencies across Vanuatu. In 2010, there was an increased number of savings account as a result of NBV's community workshops and seminars through its designed Financial Literacy Education Program for people to learn basic skills related to earnings, spending, budgeting, savings discipline and access to financial credit. The bank also has a twice weekly radio program broadcast throughout Vanuatu and dissemination campaign through distribution of promotional brochures on savings and micro loan products. However, NBV does not have a sex-disaggregated data to show the numbers of females and males accessing financial services from the national bank.

132. According to World Bank, there is no formal organization in Vanuatu that represents the interest of businesswomen. However, in 2008, the IFC supported the government in establishing a Doing a Business Task Force led by the Ministry of Trade with representations from both government and private sector organizations. However, none of the organizations in the task force have a particular focus on women's business specific issues.

133. Women in Vanuatu are allowed to participate in recreational activities, sports and cultural life.

Article 14: Rural women

134. Access to basic social services on health, and education were discussed under Concluding Observations No. 37 of this document report.

135. Adequate living conditions. In rural areas, 82% of households are living on customary lands, 11% occupying land with an informal arrangement and 4% living with rural lease. In terms of age of dwelling, rural areas were younger than 10 years compared to urban areas with a 2.5 average number of rooms per residence. The living quarters of one family attached to one or more houses is 7% in rural areas. Crowding has been the main problem. The construction materials of houses used for rural areas are the traditional materials.

136. Sanitation. There is insufficient waste collection in rural areas and burning waste is widely used by rural households as a means of waste disposal. In terms of main toilet facility, rural areas use a private pit latrine, a private ventilated improved latrine (VIP) and shared pit latrine toilet facility.

137. Electricity and water supply. In Vanuatu, electricity is privately owned, and the main source of for lighting of all households (48%) is kerosene and 28% used electricity-main grid. In rural areas, 62% of all households used kerosene lamp and 11% electricity-main grid. The proportion of households using shared pipe as main source for drinking and washing in rural areas is 25%. Other sources of water supply include village tank, household tank, river or lake, private pipe and other sources such as well etc. (VNSO, 2009)

138. Transport. Only a minority of households in Vanuatu had the means of transport. In rural areas, the proportion of private households had the following means of transportation: motor vehicle (3% of households), motor bike (2%), boat (3%), and canoe (13%) (VNSO, 2009).

139. Communication. The VNSO Census of 2009 provides data for the following means of communication: telephone (land-line), mobile phone and Internet. In the rural areas, 2% of the households have access to land line and 71% owned mobile phones. Out of the 51% of female population living in private households in rural areas aged 15 years and over, only 3% are using the Internet.

140. Women's economic activities in rural areas are reported under Concluding Observations No. 37 of this document report.

141. Land Reform Program. In 2006, a National Land summit was held to address land issues and as a result the Land Sector Framework (2009-2018) was endorsed by CoM in 2009. In 2010, the government established the Vanuatu Land Governance Committee to oversee the implementation of the LSF. In support of these activities, the AusAid funded the 'Mama Graon' land reform program with the following objectives:

- Informed collective decisions by customary landholders
- Participatory land governance
- Effective and enabling Services

142. Proposed amendments to the national land legislations has been made and the Land Tribunal Act has already been developed. However, there is no data to show the impact on women's rights vis-a-vis land reform activities.

143. The Jastis blong evriwan (justice for everyone) program of WB in Vanuatu recent study on land leasing in the island of Epi and Tanna province, found out that women are excluded from local level decision making forum and out of the 87 total number of leases studied, no women were named as sole lessors, only two women had inherited leases, and only one case where a woman was named as joint lessee (Land leasing research project, WB, 2011).

PART IV

Article 15: Equality before the law and civil matters

144. The Vanuatu Constitution under Article 5(1) affords all persons equal treatment under the law or administrative action. In civil matters, there is no legal impediment for women to sue, to participate in court proceedings and to conclude contracts and administer properties. However, there is no legislation that nullifies all contracts and private instruments which restrict women's legal capacity. (TCIL)

145. During the reporting period of this report, there is no amendment of the Citizenship Act [Cap 112] relative to section 18 which restricts women's equal right to choose residence and domicile. Section 18 provides:

"Section. 18. A woman can regain her citizenship if she gave up her ni-Vanuatu citizenship because of marriage to a foreign national and the marriage later broke down; a man cannot".

Article 16: Personal and family law

146. During the reporting period of this report, there is no amendment of Marriage and Control Act [Cap 45] relative to increasing minimum marital age of 16 to 18 for females. However, VLRC is looking into discriminatory provisions in law and to propose amendments thereto as part of its program to develop a comprehensive family law reform.

Custody of Children

147. During the reporting period of this report, there is no amendment of Matrimonial Causes Act [Cap 192] and Maintenance of Family Act [Cap 42] relative to custody of children. However, VLRC is looking into discriminatory provisions in law and to propose amendments thereto as part of VLRC's program to develop a comprehensive family law reform.

Property Rights

Table 25

Property rights of ni-Vanuatu women

<i>Property Rights</i>	<i>Statutory Provision</i>	<i>The Practice</i>
Marital Property	Common Law	A married woman has no automatic overriding interest in the matrimonial home. She has no redress should her husband sell or mortgage the home without her knowledge, unless she lodged a caveat(notice on the title) to protect her interest.
Divorce	Matrimonial Causes Act (Cap 192)	The extent to which the division of matrimonial property on divorce recognizes non-financial contributions to the marriage (e.g., wife looking after the home) is unclear. In the case of Fisher vs. Fisher (Court of Appeals, 1991), the starting point for division of matrimonial property may be for the wife to be awarded a third.
Inheritance	English Administration of Estates Act 1935	The custom in some communities is that the daughters lose their entitlement to land when they marry. The English Administration Act of 1923 applies where the customary practices do not. However, customary practices are subject to Article 5 of the Constitution.

Source: IFC, WB, 2010.

148. During the reporting period of this report, there is no proposed legislation providing both spouses equal rights in ownership, management, administration, enjoyment and disposition of property. In a recent WB assessment on gender investment climate, it was found out that women's property rights hinder their economic participation. The property rights of ni-Vanuatu women and the adopted practices are shown in Table 25.

3. Remaining or emerging obstacles and measures envisaged

149. Women's lack of access to government's resources. The absence of gender budgeting in the government operational budget as a mechanism to address the specific needs of women and to assess government's expenditure on women. The national budgetary policies are not yet gender responsive in terms of funding allocation and the absence of full integration of gender activities in government's legislations, and gender mainstreaming into its plans, policies and programmes as an approach to gender equality remains an obstacle.

150. DWA Institutional Development. The DWA as a national machinery for women still lack the capacity and the financial resources to support its programmes such as awareness campaign and projects implementation for women especially in the rural

areas. Although, financial and technical assistance have been provided by various international organizations and NGOs, DWA still lack the support from the national government to fully develop its own mechanism and system to promote women's development. There is an issue of rate of turn over for the position of DWA's directorship. The DWA has had ____ number of director's since ____.

151. Sex Disaggregated Data and Gender Database. The limited if not unavailable sex disaggregated data in many of the government's ministries development activities as a need to carry out gender analysis to review the needs of both men and women remains an obstacle in the implementation of women's development. One of the measures envisaged by the National CEDAW Committee is the provision for gender database in every government's ministry in order to monitor and analyse activities that impact on women's economic, social and political development. The Monitoring and Evaluation office at the Prime Minister's Office should be fully functional vis-a-vis the monitoring of women's activities and its impact on development.

4. Impact of measures taken

5. Different Groups of Women

152. Vanuatu National Council of Women (VNCW). Established in 1980 as the national umbrella for women's group in Vanuatu. It is a non profit organization which aims to promote the interest and welfare of women, children and families in Vanuatu, to work in partnership with all councils of women in Vanuatu, and for members and staff to work in spirit of harmony, cooperation and collaboration.

153. Vanuatu Christian Council Women's Desk. The Vanuatu Christian Council (VCC) has been established in 1980 and is composed of five main churches, two observers, and the ministry fraternal which all pastors in Vanuatu are members. In 1990, Vanuatu Christian Council Women's Desk (VCC-WD) was created which is composed of churchwomen's groups from different denominations beginning from the village level to the national level. The VCC-WD program of activities include church services and social activities. It also conduct workshops and inter churchwomen's fellowship in different municipalities and provinces.

154. Vanuatu Women's Centre (VWC). Established in 1992 as a result of a Pacific Regional Meeting held by Fiji Women's Centre which has been working for violence against women. VWC started as a committee for violence against all women which has been giving support for women and children who are victims of violence at home and in their families. It is a non-governmental organization which is an advocate of human rights to stop violence against women and children. It is funded by AUSAid (in 1994) and NZAid (in 1995). VWC provides the following services, which are as follows:

- Counselling
- Self house
- Community Awareness
- Special Day Celebrations such as, International Women's Day, National Women's Day etc.

- Advocacy Campaign such as wearing black every Thursday as sign to stop violence against women
- Legal Advocacy
- Legal Advice
- Research

155. VWC also established its own counselling centres in the provinces of Sanma, Tafea, and Torba province and 37 Komiti Agensem Vaelens Agensem Ol Woman (KAVAW) or Committee for Violence Against All Women throughout the different islands of Vanuatu. In 2002, VWC started to conduct training program involving men as participants and supporters for violence against women. These are male supporters from different organizations or groups such as the police, chiefs, church leaders and government representatives.

156. Vanuatu Women Development Scheme. (VANWODS). Started in 1996 as a pilot project under Department of Women's Affairs supported by United Nations Development Programme (UNDP) and other sponsors. In 2003, it was registered as a microfinance institution and operated as a beneficiary owned NGO. VANWODS since 1996 has been providing microfinance services to disadvantaged women using Grameen Bank Methodology. It has started to accept male clients since 2007.

157. Women Against Crime (WAC). Established in 2008 as a non-profit organization, however, it is currently inactive due to funding issue.

6. Fundamental changes in political and legal approach

158. Sorcery Act 2011. In response to the request of the Nikoletan Council of Chiefs in Port Vila which reported the Ambrym and Tanna riot involving sorcery, the government through the Law Reform Commission is placing its priority in adopting the Sorcery Act based on PNG's Sorcery Act of 1991. It was reported by Amnesty International that women are six times more likely to be victims of sorcery killings than men. As part of the plan, consultations will be carried out and appropriate laws will be passed, including revising the Penal Code of Vanuatu (Daily Post, August 9, 2011)

7. Optional Protocol

8. Outcomes of United Nations conferences, summits and reviews

a. Beijing Platform for Action

159. As a result of Vanuatu's participation in Beijing Platform for Action +15, Fourth World Conference on Women, the DWA organized a National Women's Forum in 2006. The objective of the forum was to monitor the progress of the implementation of the Beijing Declaration and Platform of Action involving 12 areas of concerns. A stakeholder's consultation was conducted participated by government representatives, NGOs and civil bases society with the aimed of identifying program of activities out of the 12 areas of concerns that each of the stakeholder has already been implementing or intends to implement. As a result, the

National Plan of Action for Women (NPAW) 2007-2011 was developed and compiled with an additional area of concern which is Women and Disability was adopted. The NPAW provides for the activities to be undertaken and the specific agency to implement the activities within the four-year plan. As an outcome, gender desk officers were established in various government ministries. However, there were no indicators provided in the plan, hence, no monitoring and evaluation has been done.

b. Millennium Development Goals (MDGs)

160. Vanuatu's first MDG report was submitted in 2005. In 2010 it submitted its second MDG report with sex-disaggregated data available for all the indicators. The following are the summary of the MDG's achievements:

- **Government Reform.** Reforms in the public service to make it more accountable and transparent are on going along with the process of legal sector reform, decentralization and devolution of services and planning to the Provincial level administration. Deregulation in the telecommunications and aviation sectors has increased competition and in telecommunications this has directly resulted in lower prices for cellular telephone access. The privatization process is ongoing.
- **Sustained Economic Growth.** Macro-economic stabilization and prudent fiscal policy underline Vanuatu's economic policies which have resulted in economic growth from direct foreign investment, construction, tourism, retail and wholesale trade and to a lesser extent agriculture.
- **Informed Decision-making.** Government agencies base their operations around key policy directives of Government outlined in the PAA 2006-2015 and the Planning Long, Acting Short (PLAS) 2009-2012 and submit annual reports with progress measured against key performance indicators. There is a monitoring and evaluation framework in place for government policies and programmes, however, statistical information for monitoring and evaluation is limited.
- **'Fee Free' Primary Education in 2010.** government and development partners implemented fee free education for Years 1 to 6, where primary schools directly manage their funds with oversight by the Ministry of Education.
- **Increase in the Minimum Wage.** In 2008, the legal minimum wage was set at 26, 000 per month, an increase of 30%.
- **'Scaling Up' Health Service Delivery.** The government manages and operates almost all health services in Vanuatu. Considerable progress has been made in combating many diseases in Vanuatu but challenges remain to ensure that every community has access to suitable human resources, facilities, commodities and supplies (see table 26).

Table 26
Millennium Development Goals Achievements, Vanuatu: 2010

<i>Targets</i>	<i>Will the target be met?</i>	<i>State of Policy Environment</i>
<i>Goal 1. Eradicate extreme poverty and hunger</i>		
1.a. Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day	Potentially	Weak but improving
1.b. Achieve full and productive employment and decent work for all, including women and young people	Unlikely	Weak but improving
1.c. Halve, between 1990 and 2015, the proportion of people who suffer from hunger	Unlikely	Weak
1.d. By 2020, to have achieved a significant improvement in food security	Unlikely	Weak
<i>Goal 2. Achieve universal primary education</i>		
2.a. Ensure that by 2015, children everywhere, boys and girls alike, will be able to complete full course of primary schooling	Probably	Strong
<i>Goal 3. Promote gender equality and empower women</i>		
3.a. Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015	Unlikely	Good
3.b. Ensure gender equality in the non-agricultural sector	Potentially	Weak
3.c. Ensure 30% of seats in national parliament are held by women	Unlikely	Weak
<i>Goal 4. Reduce child mortality</i>		
4.a. Reduce by two thirds, between 1990 and 2015, the under five mortality rate	Potentially	Strong
<i>Goal 5. Improve maternal health</i>		
5.a. Reduce by three quarters, between 1990 and 2015 the maternal mortality ratio	Potentially	Strong
5.b. Achieve by 2015 universal access to reproductive health	Unlikely	Strong
<i>Goal 6. Combat HIV and AIDS, Malaria and other diseases</i>		
6.a. Have halted by 2015 and begun to reverse the spread of HIV and AIDS	Potentially	Good
6.b. Achieve by 2010, universal access to treatment for HIV and AIDS for all those who need it	Likely	Strong

<i>Targets</i>	<i>Will the target be met?</i>	<i>State of Policy Environment</i>
6.c. Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases	Likely for some diseases, possibly for others	Strong
<i>Goal 7. Ensure environmental sustainability</i>		
7.a. Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources	Unlikely	Weak but improving
7.b. Reduce biodiversity loss, achieving by 2010 a significant reduction in the rate of loss	Unlikely	Weak
7.c. Halve by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation	Probably	Weak but improving
7.d. By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers	Unlikely	Weak but improving
<i>Goal 8. Develop a global partnership for development</i>		
8.a. Develop further an open, rule-based, predictable, non-discriminatory trading and financial system	No data/target	Strong
8.b. Address special needs of the least developed countries	No data/target	Fair
8.c. Address the special needs of Small island developing states (through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the 22nd special session of the General Assembly)	No data/target	Fair
8.d. Deal comprehensively with the debt problems of developing countries through the national and international measures in order to make debt sustainable in the long term	No data/target	Fair
8.e. In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries	No data/target	Fair
8.f. In cooperative with the private sector, make available the benefits of new technologies, especially information and communications	No data/target	Fair

Source: Office of the Prime Minister, 2010.

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