

Vanuatu

Mid-term

Implementation

Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 3 April 2012



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/vanuatu>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

5 NGOs were contacted. The Permanent Mission to the UN was contacted. No domestic NHRI exists.

2 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 1 recommendation is not implemented, 0 recommendation is partially implemented, and 0 recommendation is fully implemented. No answer was received for 93 out of 95 recommendations.



2. Feedbacks on recommendations

Recommendation n°21: *Take all measures to eradicate the practice of corporal punishment in the family and juvenile justice systems and to ensure effective implementation of the ban on this punishment in schools* (Recommended by Azerbaijan).

IRI: *not implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

No change in legality since the review.

Recommendation n°85: *With the support and cooperation of the international community, seek to build up its capacities to effectively respond to natural disasters and adapt to the challenges brought about by climate change.* (Recommended by Philippines).

IRI: -

Earthjustice (EJ) response:

No amount of effort on the part of Vanuatu will fully protect the human rights of the people of Vanuatu as long as climate change continues to:

- Threaten the physical security and health of coastal communities with increased temperatures, sea level rise and increasingly severe storms and cyclones, resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- Endanger ni-Vanuatu culture by forcing people to seek refuge in more environmentally secure nations, where they will no longer be able to continue traditional customs and practices;
- Threaten ni-Vanuatu access to freshwater by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- Jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which ni-Vanuatu rely for food.

In light of these harms, it is impossible for a nation like Vanuatu, with limited resources and minimal contribution to climate change, to guarantee full protection of the human rights of its people. The primary responsibility for the harms to the human rights of the people of Vanuatu caused by climate change falls not on the national authorities of Vanuatu, but on the States most responsible for past and current emissions of climate pollutants. These polluting States must take responsibility for their share of the impacts of climate change on the enjoyment of the human rights of the people of Vanuatu, implement effective measures to substantially reduce their



emissions, and provide financial, technical and other support for measures to minimize the effects of climate change on the human rights of the people of Vanuatu. Despite its limited capacity to minimize the effects of climate change on the people of Vanuatu, Vanuatu has taken steps to contribute to the protection of the human rights in from climate threats. For example, Vanuatu has developed the country's first National Climate Change Adaptation Strategy (NCCAS) with input from stakeholders. It has also continued to advocate in international fora for global temperature rises to be kept below 1.5 degrees above pre-industrial levels.

In sum, climate change poses serious threats to the enjoyment of human rights in Vanuatu. Under international human rights law, the primary obligation to prevent and minimize those threats lies with the nations that are responsible for the majority of historical and current emissions of global warming pollution. We encourage the Human Rights Council to recognize this obligation in the context of the Universal Periodic Review of Vanuatu.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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