



## REPUBLIC OF VANUATU

### GOVERNMENT ACT [CAP 243]

#### **National Human Rights Committee Order No. 105 of 2014**

In exercise of the powers conferred on me by paragraph 5(b) and section 24 of the Government Act [CAP 243], I, the Honourable JOE NATUMAN, Prime Minister, make the following Order.

#### **1 National Human Rights Committee**

The National Human Rights Committee is established.

#### **2 Functions of the National Human Rights Committee**

The Committee has the following functions:

- (a) to advise the Government on International human rights treaties;
- (b) to advise the Government on whether Vanuatu should become a State Party to an international human rights treaty;
- (c) to implement and ensure that the Government complies with international human rights treaties that Vanuatu has ratified in order to ensure that the Government's human rights policies meet international human rights standards.

#### **3 Responsibilities of the Committee**

- (1) The Committee has the following responsibilities:

- (a) to consider and make recommendations on proposals by Ministries or Departments to ratify or accede to international human rights treaties or instruments;
  - (b) to assess potential human rights impacts, in respect of Government proposals for entering into other treaties or agreements, and making recommendations to raise any significant human rights issues;
  - (c) to monitor compliance with international human rights treaties to which Vanuatu is a State party, especially to propose reviews of domestic legislation to bring it in line with the relevant international principles and standards;
  - (d) after consulting and cooperating with the Treaties and Convention Division, to oversee the preparation and submission of national reports to the UN human rights mechanisms, such as the treaty bodies and the Universal Periodic Review, as well as to follow-up on recommendations made by those bodies or mechanisms and wide dissemination of recommendations thereof;
  - (e) to coordinate the establishment process of a National Human Rights Institution (“NHRI”) through developing proposals in consultation with stakeholders, overseeing the preparation of draft legislation for establishing an NHRI, coordinating resources and disseminating information.
- (2) In carrying out its responsibilities under paragraph (1)(a), the Committee may request from the proposing Ministry or Department any relevant information or material for its consideration, including but not limited to:
- (a) the reasons for the proposal, including any driving factors and timing considerations;
  - (b) the likely advantages of ratification, and possible negative impacts;
  - (c) the domestic capacities (including financial and legislative) for implementation;
  - (d) the legislative measures required to enforce the instrument, if ratified, and the estimated time frame for adopting such measures;
  - (e) the reservations, if any, that should be made;

- (f) the consultations, if any, that have been carried out with stakeholders or the general public and the outcomes of the consultations.

#### **4 Composition of the Committee**

- (1) The Committee consists of 8 members who are to be appointed by the Prime Minister.
- (2) The committee consist of the following members:
  - (a) a representative of the Office of the Prime Minister;
  - (b) a representative of the Ministry of Justice and Community Services;
  - (c) a representative of the Ministry of Foreign Affairs;
  - (d) a representative of the Ministry of Finance and Economic Management;
  - (e) a representative of the State Law Office;
  - (f) a representative of the Vanuatu Law Commission;
  - (g) a representative of the civil society;
  - (h) a representative of the Malvatumauri.
- (3) The members appointed under subclause (1) are to be nominated by:
  - (a) the relevant Director General - if the person is a public servant; or
  - (b) the Attorney General - for a member under paragraph (2)(d); or
  - (c) recommendation from civil society organisations - for a member under paragraph (2)(f); or
  - (d) the Chairperson of the Malvatumauri – for a member under paragraph (2)(g).
- (4) In nominating and appointing members to the Committee, regard must be made to a balanced gender representation.

- (5) Members are to ensure that the decisions made by the Committee are to be disseminated to:
- (a) their respective Director Generals; or
  - (b) the Attorney General; or
  - (c) in the case of civil society representative, civil society members and organisations; or
  - (d) the Chairperson of the Malvatumauri.

## **5 Chairperson and Vice Chairperson of the Committee**

- (1) The Chairperson of the Committee, and the Vice Chairperson, if any, is to be elected by consensus of the members for a term of 3 years.
- (2) The members may by consensus terminate the appointment of the Chairperson or Vice Chairperson and make new appointment.
- (3) The Chairperson is to direct the Committee in discharging its responsibilities set out in clause 3 by:
- (a) assisting the Committee in preparing and presenting its advice, opinions, proposals and recommendations to the Government or other competent body;
  - (b) providing information and advise on matters within the Committee's Responsibilities to the Government;
  - (c) acting as the Committee's spokesperson when the circumstances require.

## **6 Working Groups**

- (1) The Committee may, in consultation with the Ministry of Justice and Community Services, establish thematic working groups or sub-committees to undertake specific activities, as necessary.
- (2) The Committee may consult any pre-existing national committees dealing with specific human rights on setting up the working mechanisms between them.

## **7 Meetings**

- (1) The Committee is to hold a meeting once every month and additional meetings whenever they are deemed necessary.
- (2) To increase efficiency the Committee may also conduct its meetings through electronic correspondence.
- (3) Half the members present constitutes a quorum.
- (4) Decisions of the Committee must be made by a simple majority of the members present.
- (5) Meetings of the Committee is to deliberated independently.
- (6) After consultation with members, the Chairperson or Vice Chairperson, may request Secretariat staff or invite non-members to attend meetings of the Committee.

## **8 Administrative support**

- (1) The Ministry of Justice and Community Services is to provide the Committee with secretariat services and logistical support, as necessary for the Committee to carry out its responsibilities.
- (2) The Secretariat is to ensure meeting minutes and any other documents as required are circulated to members in a timely manner.
- (3) The Secretariat is to keep the minutes of each meeting and keep other records relating to the activities of the Committee.

## **9 Periodic review**

- (1) The members are to review this Order to ensure that it continues to reflect the priorities of the Government in the protection and promotion of human rights.
- (2) Any proposed amendments to this Order is to be approved by consensus of the members and the recommendations are to be made to the Prime Minister to amend the Order accordingly.

## **10 Commencement**

This Order commences on the day on which it is made.

Made at Port Vila this 6<sup>th</sup> day of June, 2014.



Honourable JOE NATUMAN  
Prime Minister

