

# Vanuatu - United States Department of State

## VANUATU: Tier 2

The Government of Vanuatu does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government continued prosecution of the country's first trafficking case and provided some victim support services. However, the government did not meet the minimum standards in several key areas. The government did not initiate any additional trafficking investigations during the reporting period, nor did it conduct public awareness campaigns or administer systematic anti-trafficking training for its law enforcement officials. Contrary to a victim-centered protection approach, in the aforementioned ongoing case, the government forced some victims to stay in the country for the duration of the prosecution without allowing them to earn an income, possibly increasing their indebtedness and vulnerability to re-trafficking upon repatriation.

## PRIORITIZED RECOMMENDATIONS:

Amend anti-trafficking legislation to remove sentencing provisions that allow for the payment of fines in lieu of imprisonment for sex trafficking offenses. • Increase efforts to prosecute and convict traffickers under anti-trafficking laws and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Allocate increased resources for and implement victim protection benefits, including permission to work for foreign victims who wish to participate in prosecutions against their alleged traffickers and a formalized process to consider requests to remain in the country permanently, taking into consideration humanitarian and compassionate factors. • Cease compelling foreign victims to remain in Vanuatu for the length of prosecutions against their alleged traffickers. • Develop and implement standard operating procedures (SOPs) for victim identification, referral, and protection. • Provide training on victim identification and anti-trafficking legislation for all relevant officials. • Institute a campaign to raise public awareness of trafficking, including among remote communities. • Improve anti-trafficking coordination with international partners, including by increasing information sharing with sending countries and instituting standard repatriation procedures. • Accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government undertook law enforcement efforts. Vanuatu law criminalized sex trafficking and labor trafficking. Article 34 of the Counter Terrorism and Transnational Organized Crime (CTTOC) Act criminalized trafficking in persons offenses involving adult victims and prescribed penalties of up to 10 years' imprisonment, a fine of up to 50 million Vanuatu Vatu (VT) (\$443,260), or both. Article 35 criminalized trafficking in persons offenses involving child victims and prescribed penalties of up to 15 years' imprisonment, a fine of up to 75 million VT (\$664,890), or both. These penalties were sufficiently stringent; however, with respect to sex trafficking, by allowing fines in lieu of imprisonment, these penalties

were not commensurate with those prescribed for other serious crimes, such as rape.

In March 2019, Vanuatuan authorities arrested four Bangladeshi nationals for their role in a forced labor case involving 101 Bangladeshi victims. The following November, the government initiated court proceedings—the first trafficking prosecution in the country’s history—against the four suspects. The government charged the suspects with slavery, money laundering, and “threatening” under the Penal Code Act (Cap 135), in addition to trafficking-related charges under the CTTOC. The four alleged traffickers remained in detention for the duration of the trial; the case was ongoing at the end of the reporting period.

Other than the aforementioned prosecution, the government did not report any new trafficking investigations, prosecutions, or convictions during the reporting period. The National Intelligence Unit (NIU) within the Vanuatu Police Force was the leading agency on trafficking investigations; however, insufficiencies in the country’s anti-trafficking policy infrastructure reportedly constrained NIU officials’ ability to adequately investigate trafficking cases. An international organization provided trafficking-related training to immigration officials and a standard operating manual for victim identification; however, there was no standard anti-trafficking training for government and law enforcement officials, and the government did not maintain or implement comprehensive SOPs. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government undertook efforts to protect victims. In 2018, with assistance from an international organization, the government identified 101 Bangladeshi adult male victims in forced labor in the construction industry and in domestic service. Immigration officials, in partnership with an international organization, developed SOPs for border control mechanisms, including a section on trafficking victim identification; however, the government lacked comprehensive, government-wide victim identification and referral SOPs. The government, with support from an international organization, provided housing, health services, and food for the victims. Formal shelters were not available to male victims; the government provided, on an ad hoc basis, the 101 victims with three furnished properties. Officials reportedly diverted funds from other government entities to provide services for the victims, specifically from the fuel budget for immigration officials’ vehicles. Protection services were intended to be time-limited, and authorities conditioned some services on the victims’ participation in court proceedings against the alleged traffickers. The government required some of the victims to remain in Vanuatu to serve as witnesses in the ongoing prosecution and stated it would not repatriate them until it had secured a court ruling. The government did not have a process in place to change victims’ immigration status in order to grant them permission to work while awaiting the conclusion of the court process, intensifying some victims’ indebtedness. Authorities reportedly did not share information or coordinate with their Bangladeshi counterparts on repatriation options, despite repeated requests for information from the Government of Bangladesh.

The government provided victims who participated in the court proceedings with longer-term shelter options, immigration support, legal support, and witness protection services and advocacy; those who did not participate in the trial received

only short-term housing. Thirteen of the 101 victims testified against the alleged traffickers and the courts took steps to protect their identities during the proceedings. The government provided interpretation throughout the court proceedings for the victims. An international organization reported the government's requirement that victims remain in country and serve as witnesses may have re-traumatized several victims. An international organization funded and facilitated flights back to Bangladesh for the majority of the victims who did not testify in the trial. The government did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

## PREVENTION

The government undertook efforts to prevent trafficking. The Transnational Crime Unit had a national action plan, which included anti-trafficking equities; however, the plan did not address all forms of trafficking, and limited resources hindered the implementation of the plan. In 2019, the government created a national security strategy containing trafficking-related action plan items, including developing a framework to aid individuals displaced by natural disasters, creating support systems for victims of crime, and enhancing the monitoring of Vanuatu's territorial waters; implementation was ongoing at the end of the reporting period. The government did not conduct any anti-trafficking awareness campaigns during the reporting period. The government did not have a trafficking hotline and lacked an adequate research system to assess the scope of its trafficking problem or evaluate its anti-trafficking efforts. The labor department licensed and monitored agencies that could recruit workers from Vanuatu for overseas work. The government prohibited the imposition of recruitment fees for seasonal employment work outside of Vanuatu and issued a notice of "non-compliance" to agents who charged migrant workers recruitment fees. The government did not make efforts to reduce the demand for commercial sex acts. The government provided its diplomats with training that included anti-trafficking content. The government, in partnership with an international organization, established a system to digitize and streamline citizen access to voter cards, citizenship documents, and national identification cards. Vanuatu is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

Human traffickers exploit domestic and foreign victims in Vanuatu, and traffickers exploit victims from Vanuatu abroad. Labor traffickers exploit individuals from China, Thailand, Bangladesh, and the Philippines in Vanuatu. Traffickers target migrant women in the hospitality and tourism sectors and low skilled foreign workers in high-risk sectors, such as agriculture, mining, fishing, logging, construction, and domestic service. Chinese and South Asian migrant women are particularly at risk for labor trafficking in bars, beauty salons, and massage parlors. Bangladeshi criminal groups have reportedly lured Bangladeshi individuals with false promises of high-paying job opportunities in Australia, transported them through Fiji, India, and Singapore, and then subjected them to forced labor in the construction industry in Vanuatu. Some of the victims take out loans averaging \$30,000 to pay relevant travel expenses, which the traffickers exploit through debt-based coercion. Foreign fishermen working on board Vanuatuan-flagged, Taiwan-owned vessels have experienced indicators of forced labor, including deceptive recruitment practices, abuse of vulnerability, excessive overtime, withholding of wages, physical and sexual violence, and abusive living and working conditions on

board.

Natural disasters and climate-induced displacement significantly increases Vanuatuans' vulnerability to trafficking, particularly as a majority of the population relies on small-scale and subsistence agriculture. As many as 11,000 Vanuatuans evacuated from active volcanic areas in 2018 are at higher risk of trafficking due to the economic hardships ensuing from their ongoing displacement. Women and girls may also be at risk of debt-based coercion in sex trafficking and domestic servitude via the customary practice of bride-price payments. The incidence of bride-price payments is linked to broader economic hardship and vulnerability, particularly in the context of the country's frequent natural disasters. Children are also subjected to trafficking through child swapping—brokered as an inter-familial cultural practice or to pay off debts. There were reports of children exploited in commercial sex facilitated by taxi drivers. Forced labor and commercial sexual exploitation of children occur on fishing vessels in Vanuatu. Foreign tourists aboard boats reportedly approach remote Vanuatuan communities and offer money in exchange for marriage with underage girls as a ploy for short-term sexual exploitation. Locals onshore, acting as recruiters, also reportedly take underage girls aboard vessels and subject them to commercial sexual exploitation by foreign workers, often for weeks at a time. The local recruiters, and in some instances the families, receive payment for recruiting and transporting the girls to the boats. Children may also experience conditions indicative of forced labor in the illegal logging industry and in newspaper sales.