



## FREEDOM IN THE WORLD 2020

# Vanuatu

# 82

FREE

/100

<u>Political Rights</u>	33/40
<u>Civil Liberties</u>	49/60

## LAST YEAR'S SCORE &amp; STATUS

82 /100    **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

Vanuatu conducts democratic elections but suffers from a pattern of unstable coalition governments that do not complete their terms. Although political corruption is a problem, the largely independent judiciary has been able to hold elected officials accountable in high-profile cases. Other persistent problems include domestic violence and societal discrimination against women.

## Key Developments in 2019

- In June, the government of Prime Minister Charlot Salwai survived a no-confidence attempt that was supported by lawmakers in Vanua'aku Pati, a member of the governing coalition. After the opposition withdrew the motion, Salwai dismissed Deputy Prime Minister Bob Loughman and Agriculture Minister Hosea Nevu of Vanua'aku Pati.
- In July, Viran Molisa Trief was sworn in as Vanuatu's first female Supreme Court justice.
- In November, the government rejected a work-permit renewal request from newspaper publisher Dan McGarry and barred him from returning to Vanuatu later that month. McGarry, who alleged that the government retaliated against him for reporting on Chinese activity in Vanuatu, was allowed to return in December, after the Supreme Court revoked the travel ban against him.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

**3/4**

The prime minister, who holds most executive authority and appoints his own cabinet, is chosen by Parliament from among its members. Prime ministerial elections and votes of no confidence often feature improprieties, as rival coalitions seek to entice members to shift allegiances with offers of cash or ministerial portfolios. Charlot Salwai of the Reunification of Movements for Change (RMC) party was elected to the post in 2016 and formed a governing coalition consisting of 11 of the 17 parties and more than two-thirds of the members in Parliament.

The largely ceremonial president is elected to serve a five-year term by an electoral college consisting of Parliament and the heads of the country's provincial councils. A two-thirds majority is required, and multiple rounds of voting can be held to reach this threshold. In 2017, Presbyterian pastor Tallis Obed Moses was elected to replace President Baldwin Lonsdale, who died in office.

**A2** 0-4 pts

<b>Were the current national legislative representatives elected through free and fair elections?</b>	<b>4/4</b>
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The 52-seat unicameral Parliament is directly elected for four-year terms in 18 constituencies ranging from one to seven members in size. The last election was held in early 2016 after the president dissolved Parliament, citing the conviction of 14 sitting lawmakers on corruption charges and the remaining members' inability to form a new governing majority. Eight independents and 17 parties won seats. The largest groups were the Vanua'aku Pati, the Union of Moderate Parties, and the Graon mo Jastis Pati (Land and Justice Party), each with six seats, though the totals fluctuated after the initial count due to party switching and by-elections. Vanuatu's next election is scheduled for early 2020.

The Vanatu Leaders Party held a parliamentary seat in a September 2019 by-election, after the incumbent died in office in June. The Electoral Commission reported a turnout of 23 percent in the contest.

**A3** 0-4 pts

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**Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?**

**3/4**

The electoral framework is generally fair, and elections are administered without bias, but international observers have noted problems including an inaccurate voter roll and understaffing of election management bodies. Moreover, the use of the single-nontransferable-vote system, particularly in larger multimember constituencies, is believed to weaken political parties and encourage fragmentation. It is also especially unfair at by-elections, when voters may be filling only one vacant seat in a multiseat district.

## B. Political Pluralism and Participation

**B1** 0-4 pts

**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

**4/4**

Numerous political parties operate without restrictions in Vanuatu. A total of 29 parties and dozens of independents contested the 2016 election. Politicians frequently switch allegiances. In mid-2018, the government withdrew proposed constitutional reforms that were meant in part to address party switching and political instability, having failed to reach consensus with the parliamentary opposition. Government plans to put these reform proposals to a referendum in 2019 were abandoned in early May.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**4/4**

The country has a record of frequent democratic transfers of power between rival parties.

**B3** 0-4 pts

<p><b>Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b></p>	<p><b>4/4</b></p>
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There are no major undue constraints on the choices of voters or candidates from outside the political system. Traditional chiefs—represented by the National Council of Chiefs, a consultative body for customary and language matters—exert some influence, but they do not control electoral decisions.

**B4** 0-4 pts

<p><b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b></p>	<p><b>3/4</b></p>
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Ethnic minorities enjoy equal political rights. Political groupings have traditionally been divided in part along linguistic lines, with an Anglophone majority and a Francophone minority. However, Prime Minister Salwai is from the Francophone community and leads a coalition of mostly Anglophone parties.

Women’s political participation is impaired by customary biases, and they are badly underrepresented in elected offices. No women were elected to Parliament in 2016. Some seats are reserved for women at the municipal level, and women’s rights groups have lobbied for a quota at the national level as well.

## C. Functioning of Government

**C1** 0-4 pts

<p><b>Do the freely elected head of government and national legislative</b></p>	
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**representatives determine the policies of the government?****3/4**

The elected prime minister and cabinet are able to determine and implement government policies without improper interference, and the legislature serves as a check on executive power. However, party fragmentation and frequent no-confidence votes have long disrupted governance. No government since 1995 has completed a full four-year term.

The Salwai government survived a sixth attempted no-confidence motion in June 2019, with Vanua'aku Pati lawmakers reportedly supporting the opposition motion in an attempt to secure more cabinet seats for their party. After the motion was withdrawn in Parliament, Vanua'aku leader and Deputy Prime Minister Bob Loughman was dismissed, along with Agriculture Minister Hosea Nevu; their successors were chosen from the Vanuatu Leaders Party.

The opposition has also accused the Salwai government of inappropriately strengthening its grip on Parliament through a law that formalized the role of parliamentary secretaries. In July 2019, the Supreme Court ruled that law unconstitutional.

**C2** 0-4 pts**Are safeguards against official corruption strong and effective?****2/4**

Abuse of office and corruption are serious problems, but prosecutors, the ombudsman, and other independent institutions are sometimes effective in combating them. The most dramatic corruption scandal in recent years occurred in 2015, when then deputy prime minister Moana Carcasses was convicted of bribing fellow lawmakers to help bring down the previous government. One of those found guilty, Parliament speaker Marcellino Pipite, attempted to pardon himself and 13 others while serving as acting head of state during an overseas trip by former president Lonsdale, who the pardons after his return. The 14 lawmakers in question,

including Carcasses, were all released on parole in 2017, but would remain barred from public office until 2025. In March 2019, President Moses announced his intention to pardon the lawmakers. One was pardoned on health grounds in July, but the others remained unpardoned at year's end.

In April 2019, former aid negotiator Victor Rory was convicted of charges including money laundering for using his position to siphon foreign aid for personal use in 2016. Rory was handed an effective eight-year prison sentence in July.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>3/4</b>
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The government largely operates with transparency. Parliament sessions are streamed live on the internet, and elected officials are required to submit financial disclosure reports that can be investigated by the ombudsman's office, but the documents are not made public.

A new freedom of information law that was adopted in 2016 took effect in 2017, and the government issued an order on implementation later that year. The law was widely welcomed as a positive step, though observers remained concerned about the establishment of fees and other potential obstacles to timely fulfillment of information requests.

There is growing concern about opaque government borrowing from China to fund infrastructure and other projects. In 2018, the Australian media reported that China planned to build a military base on the island of Espiritu Santo, prompting firm denials from the Vanuatu government. In March 2019, Foreign Minister Ralph Regenvanu warned that Chinese investment was fueling corruption in Vanuatu.

## Civil Liberties

# D. Freedom of Expression and Belief

**D1** 0-4 pts

Are there free and independent media?	<b>2/4</b>
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The government generally respects freedom of the press, though elected officials have sometimes been accused of threatening journalists for critical reporting. Publicly and privately owned newspapers publish in English and French. There are a small number of private broadcasters, but the state-owned broadcaster has a dominant position in the sector. Foreign news services are also available, and about a quarter of the population has access to the internet.

In November 2019, the government rejected a work-permit renewal request from journalist Dan McGarry, publisher of the *Daily Post* newspaper, and barred him from returning to the country later that month. McGarry claimed that the government retaliated against the newspaper's coverage of Chinese influence in Vanuatu, which the government denied; the Supreme Court revoked the travel ban in December, allowing McGarry to return to Vanuatu. His work permit remained unrenewed at year's end.

*Score Change: The score declined from 3 to 2 due to the government's attempted expulsion of a Canadian journalist and longtime Vanuatu resident who had reported on Chinese influence in the country.*

**D2** 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	<b>4/4</b>
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The constitution's preamble states that the republic is founded on "Christian principles," but there is no official religion, and adherents of other faiths can worship freely. Authorities do not enforce a legal registration requirement for religious groups.

**D3** 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	4/4
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There are no constraints on academic freedom.

**D4** 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	4/4
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The government does not monitor personal communications, and individuals are able to discuss politics and other matters without interference.

## E. Associational and Organizational Rights

**E1** 0-4 pts

Is there freedom of assembly?	4/4
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The law provides for freedom of assembly, and the government typically upholds this right in practice. Public demonstrations generally proceed without incident.

**E2** 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that	
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are engaged in human rights– and governance–related work?

4/4

There are no significant constraints on the formation and operations of nongovernmental organizations (NGOs), which are not required to register with authorities. In 2017, the government intervened to bring about the reestablishment of the Vanuatu Association of Non-Government Organisations (VANGO), which had not held an annual meeting since 2014. A new board of directors was elected that year. The government explained that the independent association could help individual NGOs to improve their work and provide important services to the public.

**E3** 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

3/4

Workers can join unions, bargain collectively, and strike. The right to strike is somewhat impaired by notification rules and the government’s ability to bar such actions in essential services; violations can draw criminal penalties. The umbrella Vanuatu Council of Trade Unions (VCTU) is an affiliate of the International Trade Union Confederation (ITUC). Union leaders have raised concerns about antiunion pressure on seasonal workers who travel to New Zealand, including from recruiting agents within Vanuatu.

## F. Rule of Law

**F1** 0-4 pts

Is there an independent judiciary?

4/4

The judiciary is largely independent, but a lack of resources hinders the hiring and retention of qualified judges and prosecutors. The president appoints the chief justice after consulting with the prime minister and the opposition leader. Other

judges are appointed by the president on the advice of the Judicial Service Commission (JSC); judges cannot be removed arbitrarily. Tribal chiefs and island courts empowered to hear customary law cases adjudicate local disputes.

Vanuatu's courts have demonstrated impartiality in recent years through their adjudication of cases involving senior political figures. In 2018, then Deputy Prime Minister Joe Natuman received a two-year suspended prison sentence after he pleaded guilty to interfering with a police inquiry when he was prime minister in 2014. Natuman resigned from his post that May, and the speaker ejected him from Parliament, declaring his seat vacant. Natuman challenged that move, but the Court of Appeal confirmed his ouster and a by-election was held that September to fill the seat.

Vanuatu appointed its first female Supreme Court judge, Viran Molisa Trief, in July 2019.

**F2** 0-4 pts

<b>Does due process prevail in civil and criminal matters?</b>	<b>3/4</b>
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Due process rights are guaranteed by law. However, police do not always uphold legal safeguards against arbitrary arrest and detention. Long periods of pretrial detention are not uncommon, largely due to case backlogs in the courts. However, Vanuatu's pretrial population is relatively low for the region.

*Score Change: The score improved from 2 to 3 because Vanuatu maintains a comparatively low rate of pretrial detention as a percentage of the overall prison population.*

**F3** 0-4 pts

<b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b>	<b>3/4</b>
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The police paramilitary unit, the Vanuatu Mobile Force (VMF), has a reputation for heavy-handed treatment of citizens. Civilian authorities have not been effective in punishing and preventing cases of police brutality. Natuman's 2018 conviction stemmed from interference with an investigation regarding high-ranking officers charged with mutiny. In his defense, Natuman claimed he was seeking to bring unity to the troubled police force.

Prisons have suffered from overcrowding, violence, poor living conditions, and lax management that contributes to frequent escapes. A new correctional facility funded by New Zealand's government opened in 2017, but escapes from the site were reported later in the year.

**F4** 0-4 pts

**Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

**3/4**

Women are guaranteed legal equality, but in practice they continue to face societal discrimination that affects their access to employment and economic opportunity. LGBT+ people are not protected by antidiscrimination laws.

The rapid expansion of Chinese-owned businesses has sometimes fueled resentment toward Chinese residents. Certain occupations are reserved for ni-Vanuatu as part of a policy to boost employment for the native population.

## **G. Personal Autonomy and Individual Rights**

**G1** 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?**

**4/4**

The constitution protects freedom of movement, which is also respected in practice.

**G2** 0-4 pts

<b>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</b>	<b>3/4</b>
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The legal framework is generally supportive of property rights and private business activity. However, irregularities surrounding land deals, and corruption in the Lands Ministry, are persistent problems. Legislation adopted in 2017 was designed to strengthen oversight for the leasing of customary land.

**G3** 0-4 pts

<b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b>	<b>2/4</b>
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Domestic violence is widespread. Social stigma and fear of reprisal inhibits reporting, particularly in more remote rural areas, and police and courts rarely intervene or impose strong penalties. Government and civil society efforts to combat the problem are inadequately funded. Spousal rape is not specifically criminalized. Women pursuing civil cases related to personal status matters face difficulties paying the required court fees. Only fathers can automatically pass citizenship to their children at birth.

**G4** 0-4 pts

<b>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</b>	<b>2/4</b>
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Poverty is extensive, and more than three-quarters of the population rely on subsistence agriculture. The government does not properly enforce health and safety standards, leaving employees in construction, logging, and other industries exposed

to hazardous working conditions. Children often perform agricultural work at the family level, and laws on child labor do not meet international standards.



**On Vanuatu**

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Global Freedom Score

**82/100** Free

*Other Years*

2019

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