



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Vanuatu Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

VANUATU

Vanuatu, a small South Pacific island nation of approximately 170,000 people which was jointly administered by Britain and France prior to its independence in 1980, has a parliamentary form of government with a 52-member Parliament, a Prime Minister, and a President. The latter's powers are largely ceremonial, except when acting on the advice of the Council of Ministers. Political legitimacy is based on majority rule. The courts are normally independent of executive interference.

The civilian authorities control the small police force and its paramilitary wing, the Vanuatu Mobile Force (VMF). Under current regulations, the Police Commissioner commands the entire force, including the VMF.

Subsistence and small-scale agricultural production and fishing support more than 80 percent of the population. Copra, cocoa, and beef cattle are the main cash crops. The service sector--government, tourism, and an offshore financial center--provides most formal employment and represents the largest component of the country's gross domestic product.

Reports of police brutality, and extremely poor prison conditions, together with discrimination and violence against women, were the country's major human rights problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Constitutional provisions against torture and cruel, inhuman, or degrading treatment usually are observed in practice and enforced by the courts.

January protests in Port Vila led to widespread rioting, looting, and violence, and on January 13, President Jean Marie Leye declared a 2-week state of emergency. The police announced "Operation Restore Public Hope" and drew up a list of some 500 persons to be arrested or detained on charges of looting, unlawful assembly, receiving stolen goods, and criminal damage to property. Most of the arrests occurred over a 24-hour period, with the majority of the detainees voluntarily turning themselves in.

However, a number of those arrested complained about their treatment by the police and the VMF. There were credible reports that officers repeatedly, deliberately, and severely kicked and punched prisoners. Some suspects filed complaints alleging that they were beaten in order to force them to reveal the names of other suspects. Several dozen persons released from custody reportedly sought medical treatment for injuries. The victims claimed to have been punched, kicked, and hit by rifle butts in the face and upper torso. For example, Gregory Gideon stated that, after his arrest VMF officers repeatedly punched and kicked him, and beat him with the butts of their firearms. When he subsequently collapsed in his cell, he apparently was taken by police officers to a hospital where they left him at the front door without alerting medical staff. Hospital staff report that he was developing shock symptoms from massive internal bleeding, and he underwent life-saving, emergency surgery to remove his spleen.

Shortly after these events, police internal investigators opened an investigation into the complaints of mistreatment. The Ombudsman's Office also started an investigation. As a result of the investigation the Acting Public Prosecutor brought charges of "intentional assault" against 18 VMF and police officers, 2 of senior rank. At year's end their trial still is pending.

A September Amnesty International (AI) report described extremely poor conditions in the prison system, with deficiencies including buildings made unsafe by earthquakes and water seepage, and a lack of safe accommodations for female prisoners.

The Government permits visits by human rights monitors, and an AI delegation visited in February.

d. Arbitrary Arrest, Detention, or Exile

Normally there are no reports of arbitrary arrests, however, during the 2-week state of emergency normal safeguards were suspended and hundreds of persons were arrested (see Section 1.c.). Arrest is by warrant.

The Constitutional provision that suspects must be informed of the charges and given a speedy hearing before a judge is observed in practice. There is no exile.

e. Denial of Fair Public Trial

The courts are normally free of military or executive interference. On February 28, apparently with the intention of forestalling any political interference stemming from the 2-week state of emergency (see Section 1.c.), the Supreme Court issued a "joint declaration" of judges and magistrates on "the basic principles on the independence of the judiciary." Signed by almost all judges and magistrates, the declaration affirmed the principles of judicial independence, fair trial, freedom of speech, and freedom from any interference or intimidation in the operation and jurisdiction of the judiciary.

Most routine legal matters appear before magistrate's courts. There is also a Supreme Court, and above the Supreme Court an Appeals Court with three judges, two of whom are appointed by the President and chosen from among supreme court judges in other south Pacific nations as required.

The judicial system is based on British law. The courts uphold constitutional provisions for a fair public trial, presumption of innocence until guilt is proven, prohibition against double jeopardy, the right of judicial determination of the validity of arrest or detention, and appeal to the Supreme Court. However, the executive has tried to pressure the largely expatriate judiciary in cases with political implications.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

There were no reports of arbitrary interference with privacy, family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, these provisions have not always been honored in practice. The Government controls much of the country's media, including a semiweekly newspaper, one AM and one FM radio station, and a limited-service television station confined to the capital, Port Vila, which provides English and French news service three times a week. There is also a growing independent newspaper, which is published semiweekly. Opposition political parties and groupings occasionally publish newsletters.

Throughout the year, both the government-owned and the independent press reported criticisms of political leaders freely and apparently without hindrance. Correspondents for international media are also allowed to report without interference.

The Government respects academic freedom. Vanuatu has three institutions of higher education--a teachers college, an agricultural school, and an annex of the University of the South Pacific.

b. Freedom of Peaceful Assembly and Association

Permits must be obtained to hold public demonstrations and rallies; they are routinely granted.

The Government does not restrict the forming of political parties and other groups.

c. Freedom of Religion

The law provides for freedom of religion, and the Government respected it in practice. Missionaries of various Christian denominations work without restriction. The 1995 Religious Bodies Act, which required religious organizations to register with the Government, was repealed in 1997. There is no evidence that it was ever enforced, although some churches registered under the act voluntarily.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All citizens are free to travel internally and externally and to return from abroad without restrictions.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum has never arisen.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for parliamentary elections every 4 years, through which citizens can freely change their government. Parliamentary majorities have been unstable, with legislators spending much time and energy accumulating support for votes of no confidence on the one hand and fending them off on the other. Faced with a threatened motion of no confidence against the sitting Government and the possibility of a new government arising from a realignment of Members of Parliament (which would have been the fourth such realignment since the 1994 elections), the President dissolved Parliament in November 1997. In January the Appeals Court confirmed the President's action. New elections were held on March 6, and on March 30, Donald Kalpokas, the leader of the Vanuâaku Party, was elected Prime Minister with the support of 35 of the 52 members of Parliament.

Outside observers consider the 1998 elections to have been generally free and fair. A total of 216 candidates contested 52 seats. Average voter turnout was 63.6 percent.

Traditional attitudes, in which men are dominant and women are frequently limited to customary family roles, hamper women from taking a more active role in economic and political life. Six women, including the sole sitting female member, ran for parliament in 1998; none were elected. The Ombudsman is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on the formation of local human rights organizations. The Vanuatu Human Rights Education Association runs programs that educate citizens regarding their rights. It has a special focus on women's rights.

Angered over her vigorous investigations of corruption allegations, in 1997 Parliament repealed the 1995 Ombudsman's Act, and, on June 26, the Supreme Court upheld the repeal and the President signed the legislation. A new Ombudsman's Act was passed by Parliament in November.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1980 Constitution provides fundamental rights and freedoms to "all persons...without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language, or sex." Despite constitutional and legal protections, women remain victims of discrimination in this tradition-based society. Due to high rates of unemployment, there are few jobs available to the disabled.

Women

Violence against women, particularly wife beating, is believed to be common, although no accurate statistics exist. Courts occasionally prosecute offenders using common law assault as a basis for prosecution since there are no specific laws against wife beating. However, most cases of violence against women, including rape, go unreported because women, particularly in rural areas, are reluctant to report them for fear of further abuse. In addition police are frequently reluctant to intervene in what are considered to be domestic matters.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. In announcing Vanuatu's ratification of the United Nations Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) at the 1995 U.N. Conference on Women in Beijing, the then-Deputy Prime Minister stated that it would take time to implement the laws giving equal rights to women.

The majority of women enter into marriage through "bride-price payment," a practice that encourages men to view women as property. Women are also inhibited by tradition from owning land, and at least one women's advocate believes this limitation serves to underpin their secondary status. Many female leaders view village chiefs as a major obstacle to attaining social, political and economic rights for women. Women interested in running for public office get encouragement and help from a nongovernmental organization (NGO), Vanuatu Women in Politics (VANWIP). Four of the six women who ran for Parliament in the 1998 election ran under the VANWIP banner.

Children

Although the Government has made education a priority, access to education is limited and school attendance is not compulsory. Children are protected within the traditional extended-family system. Members of the extended family, particularly paternal uncles, play an active role in a child's development. As a result, virtually no children are homeless or abandoned. There is no societal pattern of abuse, although cases of child abuse are occasionally reported.

People With Disabilities

There is no known governmental or national policy on the disabled and no legislation mandating access for them. Their protection and care is left to the traditional extended family and to voluntary NGOs.

National/Racial/Ethnic Minorities

Most of the population is made up of Melanesians. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans are generally concentrated in two towns and on a few plantations; they experience discrimination with regard to land ownership. There is no evidence to suggest a pattern of ethnic discrimination in the provision of the limited basic services that the Government provides.

Section 6 Worker Rights

a. The Right of Association