



## U.S. DEPARTMENT of STATE

### Vanuatu

#### Country Reports on Human Rights Practices - [2006](#)

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Vanuatu is a multiparty parliamentary democracy with a population of approximately 218,000. The constitution provides for parliamentary elections based on universal suffrage every four years. The 52 member Parliament elects the prime minister as the head of government. An electoral college composed of the members of Parliament (MPs) and the chairmen of the country's six provincial government councils elects the president as the head of state for a five-year term. The president's powers are largely ceremonial. The Council of Chiefs provides recommendations on matters relating to custom and traditional practices. The most recent elections, held in July 2004, were considered generally free and fair. Prime Minister Han Lini's government, a seven-party coalition, enjoyed relative political stability during the year, surviving a vote of no confidence in March. The civilian authorities generally maintained effective control of the security forces; however, police officials on occasion have acted peremptorily or at the direction of senior politicians.

The government generally respected the human rights of its citizens; however, there were problems in some areas. These included poor prison conditions, arrests without warrants, an extremely slow judicial process, government corruption, and violence and discrimination against women.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices, and there were no reports that government officials employed them.

##### Prison and Detention Center Conditions

Conditions were poor at the small, dilapidated prisons. Security at all facilities was poor, and there were frequent prisoner escapes. In December 2005 the government released 52 prisoners, citing poor prison sanitation and overcrowding as the reasons for the release. In October a new temporary prison was opened in Luganville, which helped to reduce overcrowding and improve sanitation. Pretrial detainees usually were held in the police lockup rather than the prison. Persons deemed mentally unfit to stand trial were held with the general prison population. At least one juvenile was held together with adults.

Over the year the government began a modernization program to replace outdated prisons. An amended Vanuatu Correction Services Act took effect in August, creating a new Department of Correctional Services. In October and November, over 30 newly hired and trained civilian correctional and probation officers replaced police wardens in all facilities.

The government permitted prison visits by independent human rights observers, although there were no requests for visits during the year.

###### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

##### Role of the Police and Security Apparatus

The commissioner of police heads the police force of approximately 500 officers, including a police maritime wing, and the paramilitary

Vanuatu Mobile Force (VMF). A new commissioner of police assumed command of the police force in September. Police effectiveness was hampered by a lack of resources and by internal rivalries. The Police College Recruitment Office conducted interviews for 60 new officer positions in October, marking the first recruitment of new officers in seven years. Corruption and impunity were not major problems; however, there were some instances of corruption, and there have been some instances in which police have acted without proper authorization at the behest of politicians.

#### Arrest and Detention

A warrant issued by a court is required for an arrest; however, police made a small number of arrests without warrants during the year. The constitutional provision that suspects must be informed of the charges against them generally was observed in practice.

A system of bail operated effectively; however, some persons not granted bail spent lengthy periods in pretrial detention due to judicial inefficiency. Judges, prosecutors, and police complained about large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. Years could pass before a case is brought to trial. Detainees were allowed prompt access to counsel and family members. A public defender's office provides counsel to indigent defendants.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Magistrates' courts deal with most routine legal matters. Island courts are present at the local level, with limited jurisdiction in civil and criminal matters. The Supreme Court, an intermediate-level court, has unlimited jurisdiction over criminal and civil matters and considers appeals from the magistrates' courts. The president appoints the chief justice of the Supreme Court after consultation with the prime minister and the leader of the opposition; the three other justices are appointed by the president on the advice of the Judicial Services Commission. The Appeals Court is the highest appellate court. It comprises at least three judges, including at least two judges from the Supreme Court, and often includes senior judges from other common-law countries in the region. Judges cannot be removed without cause.

#### Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, the judiciary was relatively weak and inefficient, and some defendants spent extended periods in pretrial detention as a result (see section 1.d.). The judicial system is derived from British common law. Judges conduct trials and render verdicts; there are no juries. The courts uphold constitutional provisions for a fair public trial; a presumption of innocence until guilt is proven; a prohibition against double jeopardy; a right to judicial determination of the validity of arrest or detention; a right to question witnesses; and a right of appeal to a higher court.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters; however, police were reluctant to enforce domestic court orders.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The government controlled the country's one AM and one FM radio station and a limited service television station that broadcast only to the capital of Port Vila and the second-largest city, Luganville. Access to international news and information also was available through private subscription satellite television service. There was one independent daily newspaper and one independent weekly newspaper. During the year most international correspondents, government-owned media, and the independent press reported criticisms of political leaders freely and apparently without hindrance. However, at times some individual politicians and their supporters have attempted to intimidate the media, although with no apparent effect. In March members of a police rugby team allegedly assaulted a reporter during a rugby match. The day after his newspaper published a report of this incident, seven police officers arrested and briefly held Marc-Neil Jones, editor of the Daily Post newspaper, allegedly in retaliation for criticism of the behavior of the police rugby team. The police commissioner suspended one officer involved in the assault, and this suspension was lifted in December. The officers involved in the arrest were required to issue an apology, which was reportedly never delivered.

### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The government provided some financial assistance for the construction of churches affiliated with member denominations of the Vanuatu Christian Council, provided grants to church operated schools, and paid teachers' salaries at church operated schools in existence since the country's independence. These benefits were not available to non Christian religious organizations. Government schools also scheduled weekly religious education classes conducted by representatives of Council churches. Students whose parents did not wish them to attend the classes were excused. Non Christian religions were not permitted to give religious instruction in public schools.

### Societal Abuses and Discrimination

The country's Jewish community was limited to a few expatriates, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution provides for these rights, and the government generally respected them in practice.

The law does not address forced exile, but the government did not employ it.

### Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government did not provide protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. The government had no association with the Office of the UN High Commissioner for Refugees.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

### Elections and Political Participation

National parliamentary elections were last held in July 2004 and were considered generally free and fair. During the year no further action was taken against alleged participants in the burning of several ballot boxes on the island of Tanna during the elections. Parliamentary majorities have been unstable, with frequent motions for votes of no confidence in the government.

Traditional attitudes regarding male dominance and customary familial roles hampered women's participation in economic and political life. There were two women in the 52-member Parliament. There was one woman in the cabinet.

There were at least two members of minorities (non-Melanesians) in Parliament, one of whom was in the cabinet.

### Government Corruption and Transparency

There were isolated reports of government corruption during the year. The law provides for the appointment of public servants on the basis of merit; however, in practice political interference at times has hampered the effective operation of the civil service. The Court of Appeal found several officials from the Vanuatu Maritime Authority not guilty in a 2005 case involving criminal conspiracy for alleged mishandling of the awarding of licenses and contracts.

No law provides for public access to government information. In practice governmental response to requests for information from the media was inconsistent.

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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The president appoints a government ombudsman to a five-year term in consultation with other political leaders. The law requires that the Public Service Commission, not the ombudsman, appoint members of the ombudsman's staff and authorizes the presence of legal counsel during interviews with the ombudsman. Since its establishment, the ombudsman's office has issued a number of reports critical of government institutions and officials. However, the ombudsman did not have adequate resources. The ombudsman did not have independent power to prosecute, and the results of its investigations may not be used as evidence in court proceedings.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, place of origin, religious or traditional beliefs, political opinion, language, or sex; however, women remained victims of discrimination in the tradition-based society.

##### Women

Violence against women, particularly domestic violence, was common, although no accurate statistics existed. There are no specific laws against domestic violence; courts occasionally prosecuted offenders using common law assault as a basis for prosecution. Under a 2002 revision of the civil procedure rules, magistrates have the authority to issue domestic violence protection orders. However, most cases of violence against women, including rape, went unreported because women, particularly in rural areas, were ignorant of their rights or feared further abuse. Although rape is a crime, with a maximum penalty of life imprisonment, spousal rape is not cited specifically in the law, and police frequently were reluctant to intervene in what were considered domestic matters. There were no government programs to address domestic violence, and media attention to the abuse was limited. Churches and other NGOs ran facilities for abused women. NGOs such as the National Council of Women and the Vanuatu Women's Center also played an important role in educating the public about domestic violence, but did not have sufficient funding to fully implement its programs.

Prostitution is illegal and was not regarded as a serious problem. Although there is no law against sex tourism, no incidents were reported. Sexual harassment is not illegal and was a problem.

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. The majority of women entered into marriage through "bride-price payment," a practice that encouraged men to view women as property. Women also were barred by tradition from land ownership. Many female leaders viewed village chiefs as major obstacles to social, political, and economic rights for women. Women interested in running for public office received encouragement and help from the NGO Vanuatu Women in Politics.

On November 27, the National Parliament ratified the optional protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women.

##### Children

Access to education was limited, and school attendance was not compulsory. Less than 35 percent of all children advanced beyond elementary school due to a shortage of schools and teachers beyond grade six. Boys tended to receive more education than girls. Although attendance rates were similar in the early primary grades (approximately 79 percent for boys and 78 percent for girls), fewer girls advanced to the higher grades. A significant portion of the population, perhaps as high as 50 percent, was functionally illiterate. Medical services were free, and there was an immunization program; however, the government had few resources for medical care, particularly in outlying provinces where there were no hospitals.

Child abuse was not believed to be extensive; however, the government did little to combat the problem. NGOs and law enforcement agencies reported increased complaints of incest and rape of children in recent years, but no statistics were available. Children generally were protected within the traditional extended family system. Members of the extended family played an active role in a child's development. Virtually no children were homeless or abandoned.

The legal age for marriage is 21, although boys between 18 and 21 and girls between 16 and 21 may marry with parental permission. In practice, in rural areas and some outer islands, some children married at younger ages.

##### Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

##### Persons with Disabilities

There was no governmental or national policy on persons with disabilities and no legislation mandating access to buildings for them. There were no special programs to assist persons with disabilities. Their protection and care was left to the traditional extended family and to NGOs. Due to high rates of unemployment, there were few jobs available for persons with disabilities. Persons with mental illness generally did not receive specialized care; they usually were attended by members of their extended families.

#### National/Racial/Ethnic Minorities

Most of the population is Melanesian. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally were concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes and cannot be sold, although prime real estate was increasingly leased to others. Within the limits of this system of land tenure, there generally were no reports of discrimination against ethnic minorities; however, only indigenous farmers can legally grow kava, a native herb, for export.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides all workers with the right to organize and join unions, and workers exercised this right in practice. Approximately 25,000 persons participated in the formal economy as wage earners. Combined union membership in the private and public sectors was approximately 1,000. The two existing trade unions, the Vanuatu Teacher's Union and the Vanuatu National Worker's Union, were independent of the government. They were grouped under an umbrella organization, the Vanuatu Council of Trade Unions (VCTU). The high percentage of the population still engaged in subsistence agriculture and fishing precluded extensive union activity. Unions require government permission to affiliate with international labor federations. The government has not denied any union such permission.

##### b. The Right to Organize and Bargain Collectively

Unions exercised the right to organize and bargain collectively. They negotiated wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three member arbitration board appointed by the minister of home affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the Magistrate's Court. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reached agreement on wages without arbitration.

In August 2005 employees of Air Vanuatu held a one-day strike to protest proposed layoffs. Police refused to issue a demonstration permit to the National Workers Union, which sought to march in support of the Air Vanuatu workers. In September 2005 the airline dismissed 26 employees, and the National Workers Union later alleged that police and VMF members threatened union members who were picketing. According to the union, the picketers were warned that they would lose their jobs if they did not stop their protest and return to work. Air Vanuatu denied the union's allegations and asserted that the authorities were brought in only to ensure normal operations at the airport.

In March frustration over the government's inaction in these and other industrial disputes led 58 unionists with the National Workers Union to stage actions at Air Vanuatu, Eric Wong store, Vanuatu Abattoir Ltd., and Unelco. The unionists were subsequently charged with unlawful assembly, unlawful imprisonment, and attempted arson. In September the unionists were found guilty of unlawful imprisonment and attempted arson.

Complaints of antiunion discrimination are referred to the Department of Labor. During the year there were reports made by unionists of employer violations of ratified International Labor Organization (ILO) conventions, although all investigations were ongoing as of year's end.

While the law does not require union recognition, it prohibits antiunion discrimination once a union is recognized. The law prohibits retaliation for legal strikes. In the case of private-sector employees, complaints of violations are referred to the Department of Labor for conciliation and arbitration. In the public sector, the Public Service Commission handles complaints of violations. Unions are required by law to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers. The government ratified the eight core ILO conventions in August.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

##### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under age 12 from working outside family-owned agricultural production, where many children assisted their parents. The employment of children from 12 to 18 years of age was restricted by occupational category and conditions of labor, including employment in the shipping industry and nighttime employment. The Department of Labor effectively enforced these laws.

##### e. Acceptable Conditions of Work

The Department of Labor effectively enforced a legislated minimum wage. In September 2005 Parliament set the minimum wage at

approximately \$189 (20,000 vatu) per month, a substantial increase from the \$151 (16,000 vatu) rate in place since 1995. The minimum wage did not provide a decent standard of living for an urban worker and family. However, most families were not dependent solely on wages for their livelihood, supplementing incomes through subsistence farming. Various laws regulated benefits such as sick leave, annual vacations, and other conditions of employment, such as a 44-hour maximum workweek that included at least one 24-hour rest period.

The Employment Act, enforced by the Department of Labor, includes provisions for safety standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment. However, the safety and health law was inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Department of Labor could not enforce the law fully. Laws on working conditions and safety standards apply equally to foreign workers and citizens.