

VANUATU 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Vanuatu is a multiparty parliamentary democracy with a freely elected government. The president is head of state. Following a snap election in January, which observers considered generally free and fair, parliament elected Charlot Salwai as prime minister.

Civilian authorities maintained effective control over the security forces.

Discrimination and violence against women remained the most significant human rights abuses during the year.

Other human rights problems included police violence, poor prison conditions, an extremely slow judicial process, lengthy pretrial detention, government corruption, commercial sexual exploitation of children, discrimination against persons with disabilities, discrimination and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and violence against marginalized persons.

The government made efforts to prosecute and punish abuses by officials, including allegations of police impunity.

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There were no reports 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 government officials employed them.

Prison and Detention Center Conditions

Physical Conditions: As of September the prison system held 192 inmates, including 149 convicted prisoners and 43 pretrial detainees. The maximum prison capacity was 180. There were two female prisoners and one juvenile prisoner (defined by law as persons younger than 16 years). There was a dedicated prison facility for women, but authorities occasionally held men there. Authorities held juveniles in separate cells in adult prisons. Authorities held persons deemed mentally unfit to stand trial, juveniles, and pretrial detainees together with the general prison population. There were no reports of prisoner deaths.

Administration: The law provides for a sentence of supervision, where an offender remains in the community but is required to attend regular meetings with a probation officer and comply with conditions of the sentence, as well as a sentence of community work. This involves a probation officer and a voluntary community justice supervisor (usually a chief, pastor, or community leader) who oversee community work of not more than 400 hours during a probation period of six to 24 months. Under supervised parole the community parole board (a Supreme Court justice and two community members) approves release on parole under specific conditions.

The law mandates the Office of the Ombudsman to investigate complaints of human rights violations. The law does not authorize it to act on its own initiative, but rather to investigate specific complaints received from prisoners relating to such matters. During the year the ombudsperson did not receive any complaints about prisoner treatment.

Independent Monitoring: The government permitted visits by independent human rights observers. Representatives from the International Committee of the Red Cross and the United Nations visited the prisons.

Improvements: Authorities made minor physical improvements at the Luganville Correctional Center, including to the bathrooms and plumbing, fencing, and painting. With support from the New Zealand government, the government is constructing a new prison in Luganville scheduled for completion in early 2017. It has a design capacity for 83 prisoners.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, the government did not always observe these prohibitions. Citizens brought several civil cases against police, including two in which the court found police guilty of wrongful arrest and false imprisonment. Sixteen additional cases were pending before the court.

Role of the Police and Security Apparatus

The Vanuatu Police Force (VPF) maintains internal security, and the Vanuatu Mobile Force (VMF), a paramilitary police unit, makes up the country's defense force. The commissioner of police heads the police force, including the Police Maritime Wing, Immigration Department, National Disaster Management Office, and National Fire Service.

Civilian authorities did not have effective mechanisms to punish police abuse or corruption but exercised overall control of the force. Allegations of police impunity continued, particularly in the VMF. Political instability led to the sacking of the police commissioner in 2015, and a series of legal cases exacerbated divisions within the police force and further undermined policing capacity. These political and legal battles continued, and a permanent commissioner had not been appointed as of December.

The law mandates the Office of the Ombudsman to investigate complaints of security force abuses. As an additional measure, in 2014 the government established the police Professional Standards Unit (PSU) to investigate allegations of ethics violations and misuse of force. From January to October, the PSU received 108 complaints against 80 officers, leading to 61 criminal charges and 47 internal disciplinary actions. The VPF had 686 officers in total.

Foreign assistance designed to address some of the problems confronting the security forces continued. Assistance projects included recruitment of new officers, establishment of additional police posts on outer islands and in rural areas, and repair and maintenance of police buildings. In 2013 the government signed an agreement with the Australian government to resume the Vanuatu-Australia Police Project. Under the project, three Australian Federal Police advisers worked full-time with the VPF.

Arrest Procedures and Treatment of Detainees

A warrant issued by a court is required for an arrest, although police made a small number of arrests without warrants. Authorities generally observed the constitutional provision to inform suspects of the charges against them.

The criminal procedure code outlines the process for remanding alleged offenders in custody. To remand a person in custody requires a valid written warrant from a magistrate or a Supreme Court justice. Warrants typically are valid for 14 days in the first instance, and the court may extend them in writing. In general the Correctional Services Department's practice was not to accept any detainee into custody without a valid warrant. A system of bail operated effectively, although some persons not granted bail spent lengthy periods in pretrial detention due to judicial inefficiency. Authorities allow detainees prompt access to counsel and family members. The Public Defender's Office provides free legal counsel to indigent defendants.

Pretrial Detention: Pretrial detainees constituted approximately 20 percent of the prison population. Judges, prosecutors, and police complained about large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. The average length of time spent in remand before a case went to trial was approximately 12 weeks. Problems with detainees convicted but not sentenced for relatively lengthy periods were much less common than in previous years. Sentencing typically followed conviction by four to eight weeks.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: There were no reports of persons arrested or detained who were not allowed to challenge the legality of their detention and obtain prompt release if a court found them detained unlawfully.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. The judicial system derives from British common law. Judges conduct trials and render verdicts. The courts uphold constitutional provisions for a presumption of innocence, a prohibition against double jeopardy, a right to counsel, a right to judicial determination of the validity

of arrest or detention, a right to question witnesses and access government-held evidence, a right not to be compelled to testify or confess guilt, a right to be present, and a right of appeal. The constitution also states that if the accused does not understand the language used in court proceedings, an interpreter must be provided. The law extends these rights to all citizens.

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, including for human rights violations; however, police were often reluctant to enforce domestic court orders, particularly when the orders concerned their own family or clan members. This also contributed to reluctance by women to lodge complaints with police. There was no mechanism to appeal adverse domestic decisions to a regional human rights body.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. In June the Public Service Commission (PSC) announced a new policy that prohibits government

workers from accessing social media sites during official hours. Public servants must receive permission from the PSC Secretariat before the Office of the Chief Information Officer enables access. The PSC stated this policy was to increase worker productivity.

Internet access was available and widely used in urban areas, but rural areas remained inadequately served. The International Telecommunication Union estimated 11.2 percent of the population had access to the internet in 2015.

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 the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, but the government developed an ad hoc system for providing protection to refugees and granted temporary refugee status and asylum to those seeking it while awaiting resettlement by UNHCR.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: President Baldwin Lonsdale dissolved parliament in November 2015 and called for a snap parliamentary election two months later. Despite time and funding constraints faced by the Electoral Commission, international and domestic observers considered the January 22 snap election free and fair. Of 24 election disputes filed by unsuccessful candidates, the commission dismissed 23 for lack of evidence. One dispute necessitated a recount, which changed the result of the election for that seat. Voter rolls continued to be problematic and larger than would be expected based on population size, but this situation did not appear to have a significant impact on results. Media covered the election freely, and voters could express their preference without fear of intimidation or coercion.

Political Parties and Political Participation: Political parties could operate without restriction but were institutionally weak, with frequent shifts in political coalitions and unstable parliamentary majorities. In its *2014 National Integrity System Assessment*, nongovernmental Transparency International stated that the country faced a “crisis in political integrity” due to fragmentation of political parties, continuing instability in government, and deficiencies in the electoral system. Most of the 28 political parties that contested the January election were newly formed.

Participation of Women and Minorities: Traditional attitudes regarding male dominance and customary familial roles hampered women’s participation in political life. No women served in the 52-member parliament, although eight women contested the January election.

In July 2015 parliament finalized amendments to the Municipalities Act, which make permanent the temporary special measures that created reserved seats for women in municipal governments. Both Port Vila and Luganville municipal councils have reserved seats for women, and in 2015 Luganville voters elected a woman to an open seat. Women interested in running for public office received encouragement from the Vanuatu Council of Women and the Department of Women’s Affairs, which also offered training programs.

A small number of ethnic minority persons (non-Melanesians) served in parliament. Prime Minister Charlot Salwai ran unopposed and is from the francophone population.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity, and there were isolated reports of government corruption.

The Ombudsman's Office and Auditor General's Office are key government agencies responsible for combating government corruption. Transparency International called on the government to implement a national anticorruption policy or to strengthen existing agencies to fight corruption.

Corruption: The law provides for the appointment of public servants based on merit, but political interference at times hampered effective operation of the civil service.

In 2015 the Supreme Court found Speaker of the Parliament Marcellino Pipite and 13 other parliamentarians guilty of accepting bribes of one million vatu (\$9,350) from Deputy Prime Minister Moana Carcasses for their agreement to vote out the previous government. The next day Pipite, acting as head of state while the president was traveling abroad, signed a pardon for himself and the others. After President Lonsdale returned home, he revoked the pardon, a decision the Supreme Court upheld. The court sentenced Pipite along with most of the other convicted lawmakers to sentences ranging from three to four years' imprisonment. In September a court handed down additional sentences of two to four years' imprisonment to 11 of the 14 parliamentarians for their role in pardoning themselves. No allegations of corruption were brought against the new government, although official corruption continued to occur within ministries and at the provincial level.

Financial Disclosure: Members of parliament and elected members of provincial governments are subject to a leadership code of conduct that includes financial disclosure requirements. They must submit annual financial disclosure reports to the clerk of parliament, who then publishes a list of elected officials who did not comply. The Office of the Ombudsman, which investigates those who do not submit reports, confirmed that some officials did not comply with these

requirements. Reports are not made available to the public, and the ombudsperson only has access for investigative purposes.

Public Access to Information: The government passed a Right to Information bill in November, which gives citizens the right to access certain government information. This followed the launch of a Right to Information policy in 2014. Transparency Vanuatu and the government's chief information officer implemented a "Right to Information" campaign to educate the public about the policy and bill. The campaign objective is to inform citizens of their right to access public information.

Section 5. Government 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 often were cooperative and responsive to their views.

Government Human Rights Bodies: In consultation with other political leaders, the president appoints a government ombudsperson to a five-year term. Since its establishment the Ombudsman's Office issued a number of reports critical of government institutions and officials; however, it did not have power to prosecute, and the findings of its investigations are not permissible as evidence in court proceedings. The ombudsperson referred cases deemed valid to the Public Prosecutor's Office for action, but there were few prosecutions.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Although rape is a crime with a maximum penalty of life imprisonment, the law does not specifically cite spousal rape, and police frequently were reluctant to intervene in what they considered domestic matters.

Violence against women, particularly domestic violence, was common. According to the 2009 Vanuatu National Survey on Women's Lives and Family Relationships, 60 percent of women in a relationship experienced physical or sexual violence by a partner in their lifetime. Police reported an increase in the number of cases of violence against women, but most cases, including rape, went unreported to authorities because women, particularly in rural areas, were ignorant

of their rights or feared further abuse. A UN report estimated that as few as 2 percent of domestic violence cases were reported to police.

The law criminalizes domestic violence and seeks to protect the rights of women, children, and families. Violators could face maximum prison terms of five years, a maximum fine of 100,000 vatu (\$935), or both. The law also calls for police to issue protection orders for as long as there is a threat of violence. A protection order does not require proof of injury. Police have a “no drop,” evidence-based policy under which they do not drop reported domestic violence cases. If the victim later wishes to withdraw a complaint, the victim must go to court to request it be dropped.

There were no government information programs designed to address domestic violence, and media attention to domestic abuse was limited. As part of the New Zealand government’s regional Pacific Prevention of Domestic Violence Program, Radio Vanuatu broadcasted a bimonthly program in which police raised awareness and discussed issues related to domestic violence. The Department of Women’s Affairs played a role in implementing family protection. The Police Academy and the New Zealand government provided training for police in responding to domestic violence and sexual assault cases.

Churches and other nongovernmental organizations (NGOs) operated facilities for abused women. NGOs also played an important role in educating the public about domestic violence and helping women access the formal justice system, but they lacked sufficient funding to implement their programs fully. A UN report noted that 92 percent of women and children who accessed the courts received assistance from an NGO or the police Family Protection Unit.

Other Harmful Traditional Practices: Customary bride-price payments continued to increase in value and contributed to the perception of male ownership of women.

Sexual Harassment: The law does not prohibit sexual harassment, and it was a problem. In April a girl died after she jumped off a moving bus to escape alleged sexual harassment by the bus driver.

Reproductive Rights: According to the country’s family-planning policy guidelines, couples and individuals have the right to decide freely the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion,

and violence. According to 2016 estimates by the United Nations Population Fund (UNFPA), only 38 percent of women between 15 and 49 years used a modern method of contraception, and 24 percent of women had an unmet need for family planning services. Religious conservatism and sociocultural preference for large families may contribute to low use of family-planning methods. The unmet need for family planning was particularly high among poor and disadvantaged women, and adolescent girls. Although teenage fertility rates declined in the last decade, they remained high in the country. The adolescent birth rate is 78 births per 1,000 girls between 15 and 19 years, according to UNFPA. The Burnet Institute reported that sociocultural norms and taboos around sexual behavior prevented adolescents from accessing sexual and reproductive health services. The institute also reported that costs of services and commodities, as well as limited availability of facilities and service providers, particularly in rural areas, were significant barriers to access.

The country's geography in relation to service delivery points, both between islands and at remote inland locations, sometimes made it difficult to obtain medical care. Obstacles included lack of adequate roads and the high cost of transport to reach health-care facilities.

Discrimination: The constitution provides women the same personal and religious rights as men. Laws regarding marriage, criminal procedures, and employment further enshrine women's rights as being equal to those of men. Although the law does not prohibit women from owning or inheriting property or land, tradition generally bars women from land ownership or property inheritance. Many female leaders viewed village chiefs as major obstacles to social, political, and economic rights for women. The country's nationality law discriminates against citizen mothers who may not alone transmit citizenship to their children.

While women have equal rights under the law, they were 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. Women experienced discrimination in access to employment, credit, and pay equity for substantially similar work (see section 7.d.). Court fees and transport costs associated with filing court cases affect women's ability to access the formal justice system. There is also a lack of clear and consistent information on the fundamental rights of women and children and how they can achieve them. The Department of Women worked with regional and international organizations to increase women's access to the formal justice system and educate women about their rights under the law.

Children

Birth Registration: A citizen father may transmit citizenship to his child regardless of where the child is born. A citizen mother alone may not transmit citizenship to her child, but the child may apply for citizenship at age 18 years. Parents usually registered the birth of a child immediately, unless the birth took place in a very remote village or island. Failure to register does not result in denial of public services.

Education: The government stressed the importance of children's rights and welfare, but significant problems existed with regard to education. Although the government stated a commitment to free and universal education, school fees were a barrier to school attendance for some children.

School attendance is not compulsory. Boys tended to receive more education than did girls. Although attendance rates were similar in early primary grades, proportionately fewer girls advanced to higher grades. An estimated 50 percent of the population was functionally illiterate.

Child Abuse: Observers did not believe child abuse to be extensive, and 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. The traditional extended family system generally protected children and played an active role in a child's development. Virtually no children were homeless or abandoned.

Early and Forced Marriage: The legal age for marriage is 21 years, although boys as young as 18 years and girls as young as 16 years may marry with parental permission. In rural areas and outer islands, some children married at younger ages. In 2013 UNICEF reported that approximately 21 percent of children married before age 18. There were no government programs aimed at discouraging child marriage.

Sexual Exploitation of Children: The law addresses statutory rape, providing a maximum penalty of five years' imprisonment if the child is older than 12 years but younger than 15 years, or 14 years' imprisonment if the child is younger than 12 years. The law also prohibits commercial sexual exploitation of children, the sale of children, and the offering or procuring of a child for the purpose of prostitution or pornography.

Child pornography is illegal. The maximum penalty is five years' imprisonment if the child is 14 years or older, and seven years' imprisonment if the child is younger than 14 years. Under the law the age of consensual sex is 16 years regardless of sex or sexual orientation. Some children younger than 18 years engaged in prostitution.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

There were no confirmed reports during the year that Vanuatu was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

No law specifically prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. Although parliament passed a building code in 2013 to provide access for persons with disabilities in existing and new facilities, they could not access most buildings. There is a national policy designed to protect the rights of persons with disabilities, but the government did not implement it effectively. There was no specific legislation mandating access to information, judicial systems, or communications. Some provinces had care centers, but the government generally relied upon the traditional extended family and NGOs to provide services and support to persons with disabilities. The high rate of unemployment in the general population, combined with social stigma attached to disabilities, meant few jobs were available to persons with disabilities (see section 7.d.). Persons with mental disabilities generally did not have access to services. They usually relied on members of their extended families for assistance. School officials rejected many potential students with disabilities.

National/Racial/Ethnic Minorities

Most of the population is Melanesian, known locally as Ni-Vanuatu. 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 they may not sell it, although increasingly they leased prime real estate to others. Within the limits of this system of land tenure, there generally were no reports of discrimination against ethnic minorities, although only indigenous farmers may legally grow kava, a native herb, for export.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

There are no laws criminalizing sexual orientation or same-sex sexual conduct, but there were reports of discrimination and violence against LGBTI persons. LGBTI groups operated freely, but there are no antidiscrimination laws to protect them.

Other Societal Violence or Discrimination

Traditional beliefs in sorcery fueled violence against persons marginalized in their communities. Women were often targets of opportunity. In July two men were assaulted during a traditional court hearing after they were suspected of practicing witchcraft. Media reported that the chief ordered one of the men to leave the village with his family immediately and leave his home and possessions behind. A police investigation was pending at year's end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all workers to form and join independent unions, strike, and bargain collectively. While the law does not require union recognition by the employer or reinstatement of an employee fired for union activity, it prohibits antiunion discrimination once a union is recognized. Unions require government permission to affiliate with international labor federations; the government has not denied any union such permission.

The law prohibits retaliation for legal strikes. The law requires unions to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers. The minister of labor may prohibit persons employed in essential services from striking. Under law a court may find any person who fails to comply with

such a prohibition guilty of an offense; similarly, for strikes in nonessential services, courts may also find workers failing to comply with procedural requirements guilty of an offense. Convictions for such offenses may result in an obligation to perform compulsory labor in public prisons. The International Labor Organization (ILO) called on the government to take the necessary measures in order to verify, both in law and in practice, that the government could impose no sanctions involving compulsory labor for organizing or peacefully participating in a strike.

In the case of private sector employees, complaints of violations of freedom of association are referred to the Department of Labor for conciliation and arbitration. In the public sector, the Public Service Commission handles complaints of violations. Complaints of antiunion discrimination must be referred to the Department of Labor, and several referrals occurred during the year. According to the commissioner for labor, the department had developed a dispute resolution process to manage these grievances.

The government effectively enforced applicable laws without lengthy delays or appeals. Resources and inspections were limited and generally only carried out following complaints. Penalties for violating the law included maximum fines of 100,000 vatu (\$935), or imprisonment for a maximum term of three years, or both, and were sufficient to deter violations.

The government and employers respected freedom of association and the right to collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, and the law prohibits slavery and human trafficking. The ILO noted that the law excludes from the definition of forced labor any work or service that forms part of the national civic obligations of citizens, but that the law does not define such work.

The government enforced the law. Penalties for violating the law included fines of 100,000 vatu (\$935), or imprisonment for a maximum term of three years, or both, and were sufficient to deter violations. There were no reports such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes the minimum age for employment at 15 years. The law prohibits children younger than age 12 from working outside family-owned agricultural production, where many children assisted their parents. Children ages 12 through 14 years may perform light domestic or agricultural work if a family member works alongside the child, and agricultural work if the community does it collectively. Children younger than 18 years generally may not work on ships; however, with the permission of a labor officer, a child age 15 years may work on a ship. Children younger than 16 years may not work at night, and there are restrictions on night work for children between 16 and 18 years. Although parliament established a minimum age of 15 years for hazardous work, the law does not comply with international standards, because it does not prohibit children between 16 and 17 years from engaging in hazardous work, such as industrial labor and work on ships.

The government effectively enforced the law. Penalties for violations included maximum fines of 100,000 vatu (\$935), or imprisonment for a maximum term of three years, or both, and were sufficient to deter violations.

The department confirmed there were no reported cases of child labor, and department action to address child labor was limited to informal presentations on the topic. There were no credible reports of children employed in agriculture. There were reports children were subjected to commercial sexual exploitation (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Laws regarding employment and occupation prohibit discrimination based on sex with respect to pay; the law prohibits women from working in certain sectors of the economy at night. The law requires equal pay for equal work. The law does not prohibit employment discrimination with respect to race, color, religion, political opinion, national origin or citizenship, disability, language, sexual orientation and/or gender identity, age, language, HIV or other communicable disease status, or social origin.

Although several laws provide for equal employment opportunities for persons with disabilities, such as the Teaching Services Act and the Maritime Authority Act, the law also provides for removal of persons who hold senior positions in

some sectors, usually in public service or on public sector boards, if they have a disability.

The government did not effectively enforce prohibitions on employment discrimination against women, and the law did not specify penalties for such violations.

Discrimination against women was especially common in the attainment of management positions. Persons with disabilities also faced discrimination with respect to employment and occupations. The ILO noted that legislation allowing for the removal of persons with disabilities from some senior positions appeared to reflect an inherent assumption that a person is incapable of holding such a position if they have any form of disability, and encouraged the government to prohibit explicitly discrimination against persons with disabilities in employment.

e. Acceptable Conditions of Work

The minimum wage was 30,000 vatu (\$280) per month. According to the Asian Development Bank, 40 percent of all Ni-Vanuatu and 50 percent of the rural population had incomes below the national poverty line. There were no reports that standards regarding minimum wage, hours of work, or safety standards were not respected in the informal sector.

Various legal provisions regulate benefits such as sick leave, paid annual holidays, and other conditions of employment, including a 44-hour maximum workweek that includes at least one 24-hour rest period. The law provides for a premium of 50 to 75 percent more than the normal rate of pay for overtime work. Overtime work should not exceed 56 hours per week.

The law includes provisions for occupational safety standards, which are up-to-date and appropriate for the main sectors. Legal provisions on working conditions and safety standards apply equally to foreign workers and citizens in the formal sector. Safety and health provisions were inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing. Workers are able to remove themselves from situations that endangered health or safety without jeopardy to their employment, but authorities lacked resources to protect employees in such situations effectively.

Government enforcement of the law could have been more effective, but it lacked resources. The inspectors attached to the Department of Labor were sufficient to

enforce compliance. Penalties for violating the law included maximum fines of 100,000 vatu (\$935) or imprisonment for a maximum term of three years, or both, and were sufficient to deter violations. The labor commissioner said that most companies complied with the wage rate and inspectors conducted routine inspections to determine that minimum wages were paid.

Many companies in logging, agriculture, construction, and manufacturing did not provide personal safety equipment and standard scaffolding for workers.