

VANUATU 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Vanuatu is a multiparty parliamentary democracy with a freely elected government. Following 2012 national elections, which observers considered generally free and fair, parliament re-elected Sato Kilman as prime minister. There were three subsequent changes in prime minister, and on June 11, parliament elected Sato Kilman. In September 2014 the Electoral College elected Baldwin Lonsdale president. President Lonsdale dissolved parliament November 24 due to political instability following the conviction of 15 members of parliament for corruption. National elections to elect a new parliament were planned for January 2016. Civilian authorities maintained effective control over the security forces.

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

Other human rights problems included police violence, poor prison conditions, an extremely slow judicial process, lengthy pretrial detention, and government corruption.

Government efforts to prosecute and punish police abuses were minimally effective. Impunity was a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

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; however, there were reports of police and correctional officer abuse of criminal suspects and prison inmates. In March police

allegedly assaulted a male juvenile held in custody for questioning. Police announced its Professional Standards Unit would investigate the incident. As of October there were no prosecutions in the case.

Prison and Detention Center Conditions

With foreign donor funding, conditions at the three prisons in Port Vila and one prison in Luganville improved slightly during the year but still did not meet international standards. The government announced plans to upgrade the correctional center in Luganville with construction set to begin late in the year.

Physical Conditions: At the end of 2014, the prison system held 151 inmates, including 128 convicted prisoners and 23 pretrial detainees. The maximum prison capacity during the year was 210. There was one female prisoner and one juvenile prisoner (defined by law as persons younger than 16 years). Authorities held persons deemed mentally unfit to stand trial, juveniles, and pretrial detainees with the general prison population. There were no reports of prisoner deaths during the year.

Administration: The laws allow for alternative sentencing options and supervised parole. The Correctional Services Act makes provision 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) overseeing community work of not more than 400 hours. The average sentence for community work was 133 hours. Under supervised parole the community parole board (a Supreme Court justice and two community members) approves release on parole under particular conditions. A probation officer and a community justice supervisor oversee the parole period of six to 24 months.

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.

Supreme Court justices and Ministry of Health officials regularly visited prisons to monitor conditions.

The government established an independent external inspection team under the auspices of the Ministry of Justice, and the team completed its first inspection in August 2013. At year's end the team had yet to submit a full report.

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

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 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 and a series of legal cases exacerbated divisions within the police force and further undermined policing capacity. Prime Minister Kilman appointed John Taleo as police commissioner on November 26 after months of acting appointees in that position.

The law mandates the Office of the Ombudsman to investigate complaints of security force abuses. As an additional measure, in July 2014 the government established the Police Professional Standards Unit to investigate allegations of ethics violations and misuse of force. The PSU reportedly submitted 12 cases to the courts for legal action.

In July 2014 police allegedly assaulted a community leader in Tanna at the provincial police station in Santo, Sanma Province, and incarcerated him for one night before allowing him to go to the hospital the following day. Police reportedly arrested 11 members of the Tanna leader's community when they attempted to give statements to police regarding the assault. The provincial police

commander announced an investigation into the assault, but as of October 5, police had not arrested or charged anybody.

During the year 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 two Australian Federal Police (AFP) advisers and an AFP project support officer returned to Port Vila to work with the VPF on a full-time basis.

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 during the year. 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 15 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.

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 trial, and an independent judiciary generally enforced this right. The judicial system derives 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, 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, and a right of appeal. 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 the police.

f. Arbitrary 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; however, intimidation of journalists and self-censorship among editors was common. In September, in the presence of several witnesses, Foreign Minister Serge Vohor assaulted a photographer from a local newspaper outside a court hearing on corruption allegations.

Freedom of Speech and Expression: In July Prime Minister Kilman said, “Extreme statements [were] inciting social anarchy, instability and disorder in the community.” He announced the government’s intention to introduce a media regulation law to curb journalists and civil society critical of the government, whom he accused of “irresponsible reporting and character assassination” in print, radio, and social media. By year’s end the proposed legislation had not yet been introduced.

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. Internet access was available and widely used in urban areas, but rural areas remained inadequately served. The International Telecommunication Union estimated that 11.2 percent of the population accessed the internet in 2013.

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 based on universal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: Observers considered the most recent national parliamentary elections in 2012 generally free and fair. According to the chief electoral officer, voters filed 24 petitions alleging irregularities. The Supreme Court dismissed all of the petitions in 2013 and 2014 due to insufficient evidence. Kenneth Natapei won the October 15 by-election to fill the vacant Port Vila constituency seat with 44.95 percent of votes cast, a clear margin above the next candidate who received 31.32 percent. Transparency Vanuatu observers were present at all by-election polling stations and considered it generally free and fair. President Lonsdale dissolved parliament November 24 due to political instability following the conviction of 14 members of parliament for corruption. National elections to elect a new parliament were planned for January 2016.

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, 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. Former Prime Minister Joseph Natuman made efforts to reconcile splintered parties with the goal of bringing them back into a single entity by 2016. The death of influential Member of Parliament Edward Natapei and the June 11 change in government slowed progress.

Participation of Women and Minorities: Traditional attitudes regarding male dominance and customary familial roles hampered women's participation in political life. Unlike in previous years, no women served in the 52-member parliament.

In 2013 parliament passed a law creating five reserved seats for women on the Port Vila Municipal Council (PVMC) as a temporary special measure to increase women's political participation. In January 2014, 43 women contested unsuccessfully for general seats in the PVMC elections; reserved seats went to the top five vote getters. 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 minorities (non-Melanesians) served in parliament. In 2013 Moana Carcasses Kalosil became the first naturalized citizen and non-Melanesian to become prime minister since independence, but he was voted out in 2014.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Transparency International called on the government to implement and fund a national anti-corruption agency 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.

Corruption was widespread, including in Parliament. On October 9, the Supreme Court found Speaker of the Parliament Marcellino Pipite and 13 other parliamentarians guilty of accepting bribes of 1 million vatu (\$9,430) 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 Baldwin 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 each.

The Ombudsman's Office and Auditor General's Office are key government agencies responsible for combating government corruption. The Office of the Ombudsman confirmed receiving many complaints of police corruption during the year, mainly for inaction and maladministration. After officials investigated complaints, the results and recommendations provided to the commissioner for police elicited no prosecutions during the year. In 2012 Transparency Vanuatu's Advocacy and Legal Advice Center (ALAC) reported more than 32 percent of public corruption complaints submitted to ALAC since 2009 concerned the judiciary, while the Ministry of Lands and the police department received the second and third highest number of complaints.

Financial Disclosure: Members of parliament and elected members of provincial governments are subject to a leadership code of conduct that includes financial disclosure requirements. The Office of the Ombudsman confirmed, however, that some officials did not comply with these requirements.

Public Access to Information: The government launched a Right to Information policy in April 2014 but implementation of the policy across government departments was uneven. The policy also awaited a law from parliament guiding what information could be released and when. The government's response to requests for information from the media was inconsistent.

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 allowed 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

While the law prohibits discrimination based on race, religion, place of origin, political opinion, language, or sex, women remained victims of discrimination in the tradition-based society. The law does not specifically prohibit discrimination based on disability, sexual orientation and/or gender identity age, HIV positive status, or other communicable diseases.

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, although no accurate statistics existed. Police reported an increase in the number of cases of violence against women, but most cases, including rape, went unreported because women, particularly in rural areas, were ignorant of their rights or feared further abuse.

The Family Protection Act covers domestic violence, women's rights, children's rights, and family rights. Violators could face maximum prison terms of five years, a maximum fine of 100,000 vatu (\$945), or both. During the year the Family Protection Unit at police headquarters in Port Vila issued 302 protection orders. A protection order does not require proof of injury. As long as there is a threat of violence, police can issue an order. Police have a "no drop," evidence-based policy under which they do not drop reported domestic violence cases. If the woman later wishes to withdraw her complaint, she must go to court to request that 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 aired 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 the Family Protection Act. The Police Academy provided training in handling 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, but they did not have sufficient funding to implement their programs fully.

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.

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. In general the government supported these rights, but reproductive service delivery was inadequate in rural areas. According to the national reproductive health coordinator, the Ministry of Health provided training on and worked to raise awareness of human rights and gender equity with regard to reproductive health services and behavior. The society is strongly patriarchal, and sometimes the man in the relationship made decisions on family planning and contraceptive use without considering the woman's views. According to a UN report, an estimated 39 percent of women between the ages of 15 and 49 years used a modern form of contraception in 2014. The Ministry of Health cooperated with the Department of Labor on the Male Involvement in Reproductive Health Project, which worked to sensitize men in the workforce to reproductive health problems. A regional adolescent health and development program supported by the United Nations Population Fund worked with schools to strengthen school-based clinics and incorporate counseling and services.

The country's geography in relation to service delivery points, both between islands and more 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: 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. The majority of women entered into marriage through "bride-price payment," a practice that encouraged men to view women as property. Although the law does not prohibit women from owning or inheriting land, tradition generally barred women from land ownership. Many

female leaders viewed village chiefs as major obstacles to social, political, and economic rights for women.

Women experienced discrimination in access to employment, credit, and pay equity for substantially similar work (see section 7.d.). Transparency Vanuatu and the South Pacific Commission, through a program of the Pacific Regional Rights Resource Team, worked to increase awareness of women's legal rights.

Children

Birth Registration: A citizen father can always pass on citizenship to his child regardless of where the child is born. A citizen mother alone cannot pass on her citizenship to her child, but the child can apply for citizenship at 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 there were significant problems with regard to education. Although the government stated a commitment to free and universal education, school fees served as 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. A significant portion of the population, estimated as high as 50 percent, 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. Members of the extended family 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 between 18 and 21 years and girls between 16 and 21 years may marry with parental permission. In rural areas and outer islands, some children married at younger ages. UNICEF reported that in 2008, approximately 27 percent of girls 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.

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.

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 the country 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 person with disabilities in existing and new facilities, persons with disabilities still 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 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 cannot 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 were no reports of societal violence or discrimination against persons based on sexual orientation or gender identity, and the law is silent on the matter.

Other Societal Violence or Discrimination

Traditional beliefs in sorcery fueled violence against persons marginalized in their communities. Women were often targets of opportunity. Finance Minister Willy Jimmy reportedly advocated the death penalty for persons accused of practicing sorcery. Police generally treated sorcery-related violence as assault. In April police successfully apprehended and prosecuted five men for sorcery-related violence in Luganville.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all workers to organize and join 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 non-essential 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 (\$945), 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 the Employment Act prohibit forced or compulsory labor, and section 102 of the Penal Code 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 laws. Penalties for violating the law included fines of 100,000 vatu (\$945), 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 it is done collectively by the community. Children younger than 18 years generally cannot 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 cannot work at night, and there are restrictions on night work for children between 16 and 18 years. The government has not established a minimum age for hazardous work, nor does it have a list of hazardous activities or occupations prohibited to children.

Four inspectors within the Labor Department were responsible for cases of child labor. Penalties for violating the law included maximum fines of 100,000 vatu (\$945), 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 during the year, and department action to address child labor was limited to informal presentations on the topic. There were no credible reports during the year of children employed in agriculture. There were reports children were subject 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 or 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 status.

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 had 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 (\$285) 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 international poverty line.

Various laws regulate benefits such as sick leave, annual vacations, 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.

The law includes provisions for occupational safety standards. Laws on working conditions and safety standards apply equally to foreign workers and citizens in the formal sector. The safety and health law was 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.

The four inspectors attached to the Department of Labor could not enforce the law fully. Penalties for violating the law included maximum fines of 100,000 vatu

(\$945), or imprisonment for a maximum term of three years, or both, and were sufficient to deter violations. The labor commissioner advised 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.