

Vanuatu 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Vanuatu during the year.

Significant human rights issues included credible reports of trafficking in persons.

Unlike in previous years, there were no known administrative or judicial proceedings against persons involved in alleged human rights abuses.

Section 1. Life

a. Extrajudicial Killings

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

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2. Liberty

a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the media, and the government generally respected this right, with some exceptions. An independent media, an effective judiciary and a functioning democratic political system combined to promote freedom of expression, including for media members.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the right of workers to form and join independent unions and to strike. While the law did not require union recognition by the employer, it prohibited antiunion discrimination once a union was recognized. Unions were required to register with the government and to submit audited statements of revenue and expenditure to the registrar annually. Unions required government permission to affiliate with international labor federations; the government did not deny any union such permission. The government and employers respected freedom of association, but the right to collective bargaining was not explicitly laid out in the law.

Unions were independent of the government. The law required unions to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers. A union also had to show it attempted negotiation with the employer and reported the matter to the industrial registrar for possible mediation. The minister of labor could prohibit persons employed in essential services from striking. By law a court could find any person who failed to comply with such a prohibition guilty of an offense. Similarly, for strikes in nonessential services, courts could also find workers failing to comply with procedural requirements guilty of an offense. Such offenses could result in an obligation to perform compulsory labor in public prisons. The law prohibited retaliation for legal strikes but did not explicitly require reinstatement for workers fired for union activity. Complaints from private-sector workers regarding violations of freedom of association were referred to the Department of Labor for conciliation and arbitration. The Public Service Commission handled complaints of violations from public-sector workers. Complaints of antiunion discrimination had to be referred to the Department of Labor. According to the commissioner for labor, the department had a dispute-resolution process to manage these grievances.

The government effectively enforced applicable law although enforcement was often constrained or delayed. Investigations were generally only carried out following complaints. Penalties for violating the law were commensurate with those under other laws involving denials of civil rights. Penalties were never applied against violators.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The minimum wage, raised in May 2023, was above the national poverty income level. The law provided for a 44-hour maximum workweek, and the total number of hours worked, including overtime, was limited to 56 hours per week. Workers were supposed to receive more than three days paid annual holidays. The law provided for a premium of 50 to 75 percent more than the normal rate of pay for overtime work.

Occupational Safety and Health

The law included provisions for occupational safety and health (OSH) standards, which were up to date and appropriate for the main sectors. Legal provisions on working conditions and safety standards applied equally to foreign workers and citizens in the formal sector. Inspectors had the right to make unannounced inspections and initiate sanctions. OSH experts did not actively identify unsafe conditions or respond to workers' OSH complaints. While workers had the legal right to remove themselves from dangerous situations, the government did not protect workers in this

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

Wage, Hour, and OSH Enforcement

The government did not effectively enforce wage, overtime, or OSH laws, especially in the informal sector and among small businesses. Penalties for wage, hour, and OSH violations were not commensurate with those for similar crimes. Penalties were rarely applied against violators.

The labor commissioner stated in 2023 that most companies complied with the wage rate, and inspectors conducted routine inspections to determine that minimum wages were paid. The number of inspectors was not sufficient to deter violations. The government did not receive any formal complaints of violations regarding minimum wage, hours of work, or safety standards during the year.

According to the most recently available data from the International Labor Organization, in 2021, approximately 67 percent of the country's workforce was in the informal sector. Wage and safety standards applied to the informal sector but were not enforced. No government entity provided protection services to workers in the informal economy.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances by or on behalf of government authorities.

Prolonged Detention without Charges

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Pretrial detainees constituted approximately one-quarter of the prison population. Judges, prosecutors, and police complained of large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. The average length of time spent in custody before a case went to trial was approximately 12 weeks, although it was often longer in the outer islands.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibited such practices, and there were no credible reports government officials employed them. The law mandated the Office of the Ombudsman to investigate complaints of security force abuses. Albert Nalpini, national human rights coordinator for the Ministry of Justice and Community services, assessed in December 2023 that conditions in multiple prisons failed to meet UN Convention on Torture standards, citing severe overcrowding among other shortcomings.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

Child Marriage

The legal age for marriage was 21, although boys as young as 18 and girls as young as 16 could marry with parental permission. In rural areas and outer islands, some children married at younger ages.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in providing temporary, ad hoc protection and assistance to refugees, returning refugees, asylum seekers, other persons of concern. Refugee and asylum cases were rare.

Provision of First Asylum

The law did not provide for granting asylum or refugee status, but the government had a system for providing protection to refugees and granted temporary refugee status and asylum to those seeking it while awaiting resettlement by UNHCR.

d. Acts of Antisemitism and Antisemitic Incitement

The country's Jewish community consisted of a few foreign nationals, and there were no known reports of antisemitic incidents.