



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-seventh session
18–29 January 2021

Summary of Stakeholders' submissions on Federated States of Micronesia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 5 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²

2. Just Atonement Inc. (JAI), Center for Global Nonkilling (CGNK) and European Centre for Law and Justice (ECLJ) recommended that the Federated States of Micronesia ratify the International Covenant on Civil and Political Rights.³ JAI also recommended that the Federated States of Micronesia ratify the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.⁴

3. CGNK congratulated the Federated States of Micronesia for the prohibition of capital punishment but recommended that the Federated States of Micronesia ratify Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.⁵ CGNK also recommended that the Federated States of Micronesia ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Prevention and Punishment of the Crime of Genocide.⁶

* The present document was not edited before being sent to United Nations translation services.



B. National human rights framework⁷

4. ECLJ referred to the Section 10 of Article 4 of Federated States of Micronesia's constitution on the prohibition slavery and involuntary servitude.⁸ Meanwhile, ECLJ and Helena Kennedy Centre for International Justice (HKC) analysed the correspondent internal legislation on the matter.⁹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Development, the environment, and business and human rights¹⁰

5. JAI noted that the Federated States of Micronesia was highly exposed to climate change and natural disaster risks. As a small island nation with low-lying atoll islets, the country was one of the world's most vulnerable states to the consequences of climate change. It added that the increase in temperature and intensified extreme weather had the potential to lower agriculture output, increase vulnerability of critical infrastructure that threatens loss of access to basic services, depress labour productivity, and affect human health.¹¹

6. JAI noted that climate change presented numerous risks and challenges for the agricultural sector in the country. It noted that agriculture made up 25% of the FSM's land use, 2.3% of which was arable land, 19.7% was permanent crops, and 3.5% was permanent pasture. It reported that sea level rise would increase salinization and erosion of agricultural land, reducing the country's land capacity to grow crops. JAI added that, persistent coastal erosion threatened roadways, agroforestry production, habitable dwellings, and shallow coastal aquifers. JAI affirmed that the impacts of climate change had already violated and will continue to threaten the right of individuals to an adequate standard of living; the right to health; the right to food; and the right to life.¹²

7. JAI noted that in 2018, the Government had established the Department of Environment, Climate, and Emergency Management (DECEM), which was responsible for developing and mainstreaming climate change adaptation and disaster management policies. In 2016, the Government had released its National Disaster Response Plan to establish a national institutional arrangement for responding to emergency and disaster events within the country. However, the country's capacity to respond to a major disaster without external support was limited and the state emergency preparedness and response facilities were critically under-resourced.¹³

8. JAI recommended that the Federated States of Micronesia create and implement a national development plan to provide a strategic, coordinated framework for informing climate change mitigation efforts and building the country's climate resilience. JAI also recommended that the Federated States of Micronesia increase funding and resources dedicated to the implementation of climate change adaptation policies and strategies.¹⁴

2. Civil and political rights

Right to life, liberty and security of person

9. HKC noted that one of the social issues in the country was the debilitation of local communities and that alcohol-related violence had increased.¹⁵

Administration of justice, including impunity, and the rule of law¹⁶

10. HKC noted that rule of law was present in the country and that there was an independent judiciary and also a clear process of civil and criminal matters.¹⁷

11. JAI noted that official corruption and a lack of governmental transparency continued in the country and added that, even if the extent to which Government officials had accepted direct bribes was unknown, the misuse and misappropriation of government funds

was commonplace. Additionally, a number of senior ex-Government officials had been convicted of corruption under the country Financial Management Act, usually involving procurement fraud.¹⁸ JAI also informed that the country had laws prohibiting corruption and there were penalties for corrupt acts. The National Office of the Public Auditor, with support from the Department of Justice, was the entity most active in anti-corruption activities: However, the country had no government agency specifically tasked with the responsibility for combating corruption.¹⁹ Similar concerns were raised by HKC.²⁰

12. JAI recommended that the Federated States of Micronesia take active measures to eliminate and prevent corruption, increase government transparency and establish a government agency specifically assigned with combating corruption.²¹

*Fundamental freedoms and the right to participate in public and political life*²²

13. HKC noted that civil liberties were present – for example, freedom of expression and belief- in the Federated States of Micronesia.²³

14. HKC reported that there was no legislation in place in the country that entitled the public to freely access information.²⁴

15. HKC affirmed that representatives in the country were elected through free, fair and regular elections; however, some groups such as women were limited in participation due to traditional bias and stereotypes. It added that each island had a variety of accents or cultures and could be treated differently by the central government. There were a few women representatives at lower levels and notably less in higher levels of government.²⁵

*Prohibition of all forms of slavery*²⁶

16. HKC affirmed that the government of the Federated States of Micronesia did not eliminate human trafficking, but significant efforts had been taken to prohibit the crime.²⁷ JAI noted that the Government had demonstrated increasing efforts to prosecute and convict more traffickers and enforce penalties proportionate to the seriousness of the crime.²⁸ ECLJ expressed similar considerations.²⁹

17. HKC noted that sexual exploitation involving the trafficking of persons, forced labour, forced child labour, slavery, and illegal organ donation were different types of human trafficking in the country. Sexual exploitation was the most common case, but it was unreported by the victims, due to fear of being shamed or held accountable in the Federated States of Micronesia's heavily community-based towns and villages.³⁰ ECLJ noted that traffickers often trapped women into prostitution and sex trafficking by luring them with promises of good jobs abroad and women were used as commercial sex workers for crewmembers of docked fishing vessels.³¹

18. HKC noted that the government enforced its legislation that prohibited forced or compulsory labour to a basic standard and inspections were minimal.³²

19. HKC and JAI noted that the country had adopted the 'trafficking in person's legislation' in 2012, but the implementation of the Act by the judicial system and government was prolonged and difficult.³³

20. HKC reported that the Micronesian judicial system failed to investigate, prosecute, and convict proportionally to the seriousness of their crimes by asking the offenders of human trafficking to pay restitution to victims rather than order lengthy prison sentences.³⁴

21. JAI noted that in 2019, the Government provided \$270,000 for anti-trafficking initiatives and opened its first shelter for survivors of trafficking in the state of Chuuk. However, it had failed to implement standard operating procedures for proactive victim identification and referral to protection services.³⁵

22. ECLJ noted that in 2019, there was an executive order to enhance the ability for the Department of Justice to combat human trafficking and that the Division of Anti-Human Trafficking Services, tasked with investigating cases of human trafficking and creating public awareness campaigns was created. It added that the Department of Justice had hired a full-time assistant attorney general, as well as four investigators, who were responsible for

prosecuting cases of human trafficking. However, the country lacked sufficient resources to identify victims of human trafficking.³⁶

23. HKC recommended that the Federated States of Micronesia create a campaign in national media to increase awareness and determination to prosecute perpetrators of trafficking and provide resources for and establish a human trafficking recovery course that can help assist and protect victims in the rehabilitation of trafficking.³⁷

24. JAI recommended that the Federated States of Micronesia increase efforts to investigate, prosecute, and convict perpetrators of human trafficking in the country.³⁸ In that regard, JAI also recommended that the Federated States of Micronesia increase resources for protection services for human trafficking survivors and implement increased anti-trafficking training for police, prosecutors, and judges. It also recommended that the Federated States of Micronesia monitor foreign labour recruitment for human trafficking and create shelters with health, counselling, and security staff adequately trained to serve survivors of human trafficking.³⁹

3. Economic, social and cultural rights

Right to an adequate standard of living⁴⁰

25. JAI noted the lack of access to potable water and that adequate sanitation was a major issue in the country, where the people of the outer islands particularly suffered from a lack of adequate water supplies and sanitation systems. It added that the small, low-lying coral islands were particularly constrained in terms of both, the quality and quantity of freshwater, because of limited groundwater resources, and that even communities with good water supply in the country had inadequate sources of sanitation services. JAI recommended that the Federated States of Micronesia develop and integrate adequate water resource management mechanisms on all of its inhabited islands to ensure potable water and adequate sanitation.⁴¹

Right to health⁴²

26. HKC noted that one country had provided to the Federated States of Micronesia with \$ 65 million in order to support sectors such as education and health. Referring to interdependency and indivisibility of health and human trafficking, HKC stated that, using health facilities to support victims could help the aftercare or prevent the relapse of re-emergence in trafficking.⁴³

Right to education⁴⁴

27. In reference of the financial contribution received from another country, HKC noted that the contribution was beneficial to assisting the prevention of human trafficking. HKC stated that using education to help information from a young age could help the aftercare or prevent the relapse of re-emergence in trafficking.⁴⁵

4. Rights of specific persons or groups

Women⁴⁶

28. JAI noted that the Federated States of Micronesia continued to see high rates of intimate partner violence and other forms of gender-based violence against women. Although rape was criminalized, the country had no laws specifically criminalizing spousal rape or sexual harassment. It added that effective prosecution of perpetrators of sexual violence was rare and noted the lack of governmental facilities providing shelter and support to women experiencing intimate partner violence.⁴⁷ JAI recommended that the Federated States of Micronesia criminalize all forms of gender-based violence prohibited by international law, including sexual harassment and spousal rape.⁴⁸

Children⁴⁹

29. JAI noted that remote outer islands of the country lacked hospitals and authorities to register the births of children; individual states maintained birth records and there was no

unified national birth registration requirement or system. JAI recommended that the Federated States of Micronesia increase access to birth registration in remote outer islands and standardize the country's identity documentation system.⁵⁰

30. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that during the second universal periodic review cycle, the Federated States of Micronesia had received and accepted recommendations to prohibit corporal punishment of children. However, there had been no changes on the legality of corporal punishment.⁵¹

31. GIEACPC noted that children were protected from violence and abuse under the Federal Code of the Federated States of Micronesia and various state laws, but there was no prohibition of corporal punishment. GIEACPC stated that corporal punishment was lawful in the home and there was not explicit prohibition in alternative care, in day care settings and in penal institutions. Corporal punishment was prohibited in schools, but there was no reference to corporal punishment or school discipline in the State Codes of Yap, Pohnpei or Kosrae or in the draft State Code of Chuuk. It added that corporal punishment was unlawful as a sentence for a crime.⁵²

32. GIEACPC hoped that States make a specific recommendation that the Federated States of Micronesia draft and enact legislation as a matter of priority to explicitly prohibit all corporal punishment of children in all settings, including the home and repeal any legal defences of its use.⁵³

Migrants, refugees, asylum seekers and internally displaced persons

33. HKC noted that migrant female workers were more vulnerable and likely to be victims and exploitative workplace practices, -including foreign fishing vessels – where the conditions were indicative of human trafficking.⁵⁴ Meanwhile, ECLJ noted that the Federated States of Micronesia served as a source country for human traffickers who often exploited women and migrant workers for forced prostitution and labour.⁵⁵

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ECLJ	European Centre for Law and Justice (France);
CGNK	Center for Global Nonkilling (Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland);
HKC	Helena Kennedy Centre for International Justice (United Kingdom of Great Britain and Northern Ireland);
JAI	Just Atonement Inc. (United States of America);
HKC	Helena Kennedy Centre for International Justice (United Kingdom of Great Britain and Northern Ireland).

² For relevant recommendations see A/HRC/31/4, paras. 61.1; 62.1–62.36; 62.42–62.44.

³ JAY, p.7; CGNK, p.7; and ECLJ, p.6.

⁴ JAY, p.7.

⁵ CGNK, p.7.

⁶ CGNK, p.7.

⁷ For relevant recommendations see A/HRC/31/4, paras. 62.38–62.40.

⁸ ECLJ, p.3.

⁹ ECLJ, p.4 and HKC, p.2.

¹⁰ For relevant recommendations see A/HRC/31/4, paras. 62.92–62.93.

¹¹ JAI, pp. 2-4.

¹² JAI, pp. 2-4.

¹³ JAI, pp. 2-4.

¹⁴ JAI, p. 7.

¹⁵ HKC, p.5.

¹⁶ For relevant recommendations see A/HRC/31/4, para. 62.64.

- 17 HKC, p.5.
 - 18 JAI, p. 6.
 - 19 JAI, p. 6.
 - 20 HKC, p.5.
 - 21 JAI, p. 7.
 - 22 For relevant recommendations see A/HRC/31/4, paras. 62.77–62.80.
 - 23 HKC, p.5.
 - 24 HKC, p.5.
 - 25 HKC, p.5.
 - 26 For relevant recommendations see A/HRC/31/4, paras. 61.2; 62.75–62.76.
 - 27 HKC, p.3.
 - 28 JAI, p.5.
 - 29 ECLJ, p.4.
 - 30 HKC, p.3. See also ECLJ, p.3.
 - 31 ECLJ, p.5.
 - 32 HKC, p.3.
 - 33 HKC, p.5 and JAI, p.5.
 - 34 HKC, p.5.
 - 35 JAI, p.5.
 - 36 ECLJ, p.5.
 - 37 HKC, p.6.
 - 38 JAI, p.7.
 - 39 JAI, p.7.
 - 40 For relevant recommendations see A/HRC/31/4, paras. 62.83–62.84; 62.86.
 - 41 JAI, p. 7.
 - 42 For relevant recommendations see A/HRC/31/4, paras. 62.87–62.89.
 - 43 HKC, p.2.
 - 44 For relevant recommendations see A/HRC/31/4, para. 62.89.
 - 45 HKC, p.2.
 - 46 For relevant recommendations see A/HRC/31/4, paras. 62.37; 62.40; 62.46–62.50; 62.56–62.71.
 - 47 JAI, p. 5.
 - 48 JAI, p. 7.
 - 49 For relevant recommendations see A/HRC/31/4, paras. 62.37; 62.40; 64.68–62.70; 62.73–62.74; 62.81–62.82; 62.91.
 - 50 JAI, p. 7.
 - 51 GIEACPC, p.1.
 - 52 GIEACPC, pp.2-3.
 - 53 GIEACPC, p.1.
 - 54 HKC, p.4.
 - 55 ECLJ, p.3.
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