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**UNIVERSAL PERIODIC REVIEW
50TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF THE MARSHALL ISLANDS
FOR THE 50TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of the Marshall Islands (Marshall Islands) for the 50th session of the Universal Periodic Review (UPR).

Background

2. The Marshall Islands is located in the central Pacific Ocean and has a population of approximately 39,700 people.¹ The population is predominantly Christian, with approximately 47.9% of the population belonging to the United Church of Christ, 14.1% Assemblies of God, 9.3% identifying as Roman Catholic, 5.7% as Mormon, and 15% belonging to various other religions.²

3. The Marshall Islands' last review was held on November 9, 2020.³ As a result of the review, the Marshall Islands received 171 recommendation, 161 of which it supported.⁴ It was recommended by Tunisia, and supported by the Marshall Islands, that the government “[c]ontinue efforts in order to combat human trafficking and all forms of exploitation, particularly the sexual exploitation of women and children.”⁵ The Marshall Islands also supported a recommendation by Belarus, the Syrian Arab Republic, Sri Lanka, Liechtenstein, and the United Kingdom of Great Britain and Northern Ireland to “[a]ccede to / [r]atify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.”⁶ No recommendations were made regarding religious freedom.

¹ Robert C. Kiste, *Marshall Islands*, BRITANNICA (Mar. 25, 2025), <https://www.britannica.com/place/Marshall-Islands>.

² *Id.*

³ *Universal Periodic Review – Marshall Islands*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/mh-index>.

⁴ *Marshall Islands – Infographic*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/MH/infographic-MARSHALL-ISLANDS.pdf> (last visited Mar. 28, 2025).

⁵ OHCHR, UPR of Marshall Islands (3rd Cycle – 36th Session) Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session36/MH/UPR36_Marshall_Islands_Thematic_List_of_Recommendations.docx.

⁶ *Id.*

Legal Framework

4. Under Article 2 sec. 2 of the Constitution of the Marshall Islands, “[n]o person shall be held in slavery or involuntary servitude, nor shall any person be required to perform forced or compulsory labor.”⁷

5. Additionally, under § 1005 of the 2017 Prohibition of Trafficking in Persons Act:

Any person who:

(a) recruits, transports, transfers, harbors or receives another person;

(b) by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;

(c) for the purpose of exploitation of that person;

shall be guilty of the offense of trafficking in persons, and upon conviction shall be subject to a term of imprisonment not exceeding fifteen (15) years, and a fine not exceeding ten thousand dollars (\$10,000), or both.⁸

6. Additionally, under §1007 of the same law:

(1) Any person who:

(a) recruits, transports, transfers, harbors, arranges or receives a child;

(b) for the purpose of exploitation of that child;

shall be guilty of an offense of trafficking in persons, and upon conviction shall be subject to a term of imprisonment not exceeding twenty (20) years, and a fine not exceeding fifteen thousand dollars (\$15,000), or both.⁹

7. The Marshall Islands is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁰ Article 8 of the ICCPR states that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹¹

⁷ CONSTITUTION OF MARSHALL ISLANDS 1979 (rev. 1995) art. 2 §. 2, https://www.constituteproject.org/constitution/Marshall_Islands_1995.

⁸ PROHIBITION OF TRAFFICKING IN PERSONS ACT 2017 § 1005, <https://antislaverylaw.ac.uk/country/marshall-islands/?dataset=adld>.

⁹ *Id.*

¹⁰ *Ratification Status for Marshall Islands*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx (last visited Mar. 28, 2025).

¹¹ International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

Human Trafficking

8. The Marshall Islands' location in the Pacific makes it highly susceptible to human trafficking as its borders are hard to secure and it lacks the resources to effectively combat human trafficking.¹² Pacific Island nations, such as the Marshall Islands, are increasingly becoming bases for criminal gangs to engage in human and drug trafficking.¹³ Within the Marshall Islands, the sex trafficking of Marshallese and Asian women and girls is of particular concern.¹⁴ Often, these women and girls are exploited by hotels and bars to have sex with construction workers and crews from foreign fishing vessels.¹⁵ Additionally, wealthier people in the Marshall Islands sometimes exploit individuals from the poorer islands by using them for domestic service.¹⁶

9. The Marshall Islands has difficulty combatting human trafficking as a result of a lack of resources and its geographic location.¹⁷ While the country does have a dedicated anti-trafficking unit within the Attorney General's office¹⁸ and provides legal support for victims,¹⁹ authorities still lack the adequate training and resources needed to effectively combat human trafficking.²⁰ Further, the government has failed to follow established procedures to identify human trafficking victims.²¹

10. Since its last UPR, the government has instituted some measures that will hopefully work to address the issue of human trafficking. These measures included prohibiting unregistered visitors from boarding foreign fishing vessels and requiring all ships to be brought in by nightfall.²² However, authorities have been unable to prosecute or convict any human trafficking case since 2011.²³

11. Additionally, during its last UPR, the Marshall Islands supported a recommendation to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.²⁴ However, as of the time this report was drafted, the Marshall Islands has yet to ratify this particular Protocol.²⁵ This Protocol is critical and requires that States Parties to both prevent human trafficking and protect victims. Under Article 9 sec. 1 of this Protocol:

¹² *A Pacific Solution to a Pacific Challenge: A Human-Rights Approach to Human Trafficking*, THE ASIA FOUNDATION (Feb. 8, 2023), <https://asiafoundation.org/a-pacific-solution-to-a-pacific-challenge-a-human-rights-approach-to-human-trafficking/>.

¹³ Lewis Jackson, *Pacific Island Nations at Risk of Becoming Footholds for Global Crime Gangs, Says UN*, REUTERS (Oct. 10, 2024, 10:17 PM), <https://www.reuters.com/world/asia-pacific/pacific-island-nations-risk-becoming-footholds-global-crime-gangs-says-un-2024-10-11/>.

¹⁴ *Marshall Islands*, GLOBAL ORGANIZED CRIME INDEX (2023), https://ocindex.net/country/marshall_islands.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Virginia Comolli, *First Responders*, GLOBAL INITIATIVE (July 28, 2023), <https://globalinitiative.net/analysis/civil-society-pacific-island-ocindex/>.

²⁰ *Marshall Islands*, *supra* note 14.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ OHCHR, UPR of Marshall Islands (3rd Cycle – 36th Session) Thematic List of Recommendations, *supra* note 5.

²⁵ *Chapter XVIII Penal Matters: 12. A Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION,

1. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) To prevent and combat trafficking in persons; and
- (b) To protect victims of trafficking in persons, especially women and children, from revictimization.²⁶

Recommendations:

12. The Marshall Islands still has much to do to combat human trafficking. This includes fully funding anti-trafficking personnel and equipping them with the necessary resources to be able to identify potential victims of human trafficking and catch the perpetrators. This is important to ensure that the Marshall Islands is fully capable of thoroughly investigating and prosecuting cases of human trafficking. We also ask that the Marshall Islands ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and immediately begin implementing the principles enshrined in it.

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18 (last visited Mar. 28, 2025).

²⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1, Nov. 15, 2000, 2237 U.N.T.S. 319, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.