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**STATUS OF HUMAN RIGHTS IN MICRONESIA  
FOR THE 2020 UNIVERSAL PERIODIC REVIEW**

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## **Status of Human Rights in the Federated States of Micronesia For the 2020 Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Federated States of Micronesia (Micronesia) for the 2020 Universal Periodic Review (UPR).

### **Background**

2. Micronesia is a majority Christian nation populated by an estimated 114,000 people. The primary source of income of Micronesia's population is agriculture and fishing. Micronesia's previous review was held on 2 November 2015. During that review, 95 recommendations were made, 63 of which were accepted, and 32 of which were noted. For multiple reasons, numerous countries recommended that the government of Micronesia take steps to ratify the International Covenant on Civil and Political Rights (ICCPR)<sup>1</sup>. Despite those recommendations, to date Micronesia has not signed or ratified the ICCPR.

3. Additionally the United States asked that Micronesia “Expand education and awareness campaigns on the issue of trafficking in persons and make efforts to study human trafficking in the country” as well as to “Adopt procedures to better identify victims of trafficking among vulnerable groups such as foreign workers and those engaged in prostitution”<sup>2</sup>.

4. Micronesia serves as a source country for human traffickers who often exploit women and migrant workers for forced prostitution and labor<sup>3</sup>. The women are exploited and used for prostitution by crew members of docked fishing vessels in Micronesian harbors<sup>4</sup>. Traffickers often trap the women into prostitution and sex-trafficking by luring them with promises of good jobs abroad. One of the difficulties that complicates combatting human trafficking in Micronesia is that many victims fail to report abuses because of social stigma and feel ashamed or embarrassed<sup>5</sup>. However, since its last review Micronesia has worked to further its efforts in combatting human trafficking.

### **Legal Framework**

5. Under Section 10 of Article 4 of Micronesia's constitution states that “Slavery and involuntary servitude are prohibited except to punish crime”<sup>6</sup>. In 1990, Micronesia ratified the Convention on the Rights of the Child, and in 2012 it ratified the Optional Protocol to the

Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

6. Furthermore, that same year Micronesia ratified the Optional Protocol, its government began implement its principles and passed the Trafficking in Persons Act of 2012 which established punishments for human smuggling<sup>7</sup>, human trafficking<sup>8</sup>, trafficking in children<sup>9</sup> as well as exploiting trafficked persons<sup>10</sup>.

7. While Micronesia does have other legal protections in place, the ICCPR contains within it multiple provisions that would serve as further acknowledgement and protection of victims of human trafficking:

#### **Article 7**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation<sup>11</sup>.

#### **Article 8**

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour<sup>12</sup>.

#### **Article 24**

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society, and the State<sup>13</sup>.

### **Efforts to Combat Human Trafficking**

8. In order to further combat human trafficking the government has also begun implementing procedures in how to handle cases of human trafficking as well as creating programs to provide aid and support to the victims.

9. In 2019, President Panuelo signed an executive order to enhance the ability for the Department of Justice to more effectively combat human trafficking<sup>14</sup>. He created the Division of Anti-Human Trafficking Services that is tasked with investigating cases of human trafficking as well as creating public awareness campaigns to eradicate human trafficking in Micronesia<sup>15</sup>. In addition, Micronesia's Department of Justice hired a full-time assistant attorney general as well as four investigators who are responsible for prosecuting cases of human trafficking. However, the government still lacks sufficient resources to properly identify victims of human trafficking, and as a result, many victims may have been subjected to deportation by law enforcement officials because of their failure to recognise some individuals as victims.

10 In 2018 the Republic of Palau, Republic of the Marshall Islands, Republic of Nauru, Republic of Kiribati, and Micronesia signed an agreement establishing the creation of the Micronesian Regional Transnational Crime Unit which has been tasked with investigating and prosecuting crimes such as trafficking in persons and human smuggling<sup>16</sup>. Furthermore, in January of 2019 the government allocated \$100,000 for "Anti-Human Trafficking Enforcement, Campaign, and Investigation", as well as an additional \$100,000 for "Victim Shelter and Services"<sup>17</sup>.

### **Violations of Human Rights: Human Trafficking**

11. While efforts are being made to combat the issue, women in Micronesia are still often exploited by human traffickers who are known to use trafficked women as commercial sex workers for crewmembers of docked fishing vessels. Additionally, traffickers trap low-income and low skilled-workers into forced labour. Traffickers also use Micronesia as a source country and export women abroad, luring them with false promises of well-paying jobs. However, when these women arrive in the destination country, they are all too often forced into commercial sex or domestic service<sup>18</sup>.

12. In 2017, three cases concerning issues of human trafficking were filed with the Supreme court<sup>19</sup>. Out of these cases the Supreme court convicted two people. In all three cases filed, the victims were between the ages of 14 and 16<sup>20</sup>. In 2019, the Supreme Court sentenced a couple -- who sexually exploited their own daughter -- to seven years and eight months in prison and ordered each individual to pay \$40,000 in restitution to the victim<sup>21</sup>.

13. Also in 2019, a taxi driver was found guilty of six counts of trafficking in children and one count of exploiting a trafficked person. According to court testimony from 2015 to 2017 he used his taxi to "recruit, transport, and deliver minor girls to have sex with sailors on shore leave, and other men, on several occasions", some of these girl were reported to be as young as 12 years old. He was sentenced to 10 years imprisonment and six years of probation<sup>22</sup>.

14. While it is encouraging that these individuals were caught and convicted of their crimes, these cases highlight the danger that young girls and women in Micronesia face at the hands of traffickers, and increased efforts are still needed to end this horrific practice. It is encouraging to report that the government of Micronesia is aware of that fact and it pressing forward in its efforts to combat it.

15. In recognition of that fact, Micronesia held a conference in July 2019 to address the problem of human trafficking. At the conference the President Panuelo stated his support for ending human trafficking, bringing the perpetrators to justice, and providing assistance for the victims:

We will send a message from the FSM to the world . . . If you've come here to exploit our youth, you've come to the wrong country . . . we are unified and singing the same song in our work together to prevent and end the evil of human trafficking and exploitation.

And to the victims [of exploitation and/or trafficking]: we are here to support you; you are cared for, and we value you . . . that is our message today! This is the FSM's contribution in the [global] fight against human trafficking<sup>23</sup>.

16. We are encouraged by the work Micronesia has done to combat human tracking and seek to encourage Micronesia to further its efforts to bring perpetrators to justice, provide assistance for the victims, and educate local communities.

## **Conclusion**

17. Article 1 of the UDHR states that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”<sup>24</sup>. We respectfully encourage Micronesia to sign and ratify the ICCPR indicating its commitment to providing protections for all of its citizens, especially those most at risk for human trafficking.

18. Furthermore, we ask that Micronesia continue to enhance its efforts to train law enforcement and government workers so that they are better able to identify cases and victims, ultimately leading to the prosecution and conviction of the human traffickers and not of the victims. We also ask that Micronesia strengthen its awareness and education campaigns for the general population to alert them to the dangers of human trafficking so that they may better avoid becoming victims. Such programs should also include efforts to combat the stigma and fear that attaches to victims of human trafficking, as well as efforts to aid the ability of friends and family to identify signs of and then report human trafficking.

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<sup>1</sup> UPR of the Federated States of Micronesia – Second Cycle Thematic List of Recommendations, A/HRC/31/4/Add.1 – Para. 2, 3.

<sup>2</sup> UPR of the Federated States of Micronesia – Second Cycle Thematic List of Recommendations, A/HRC/31/4.

<sup>3</sup> *Sex Trafficking in The Federated States of Micronesia*, DAUGHTERS RISING (3 May 2019), available at, <https://daughtersrising.org/news/2018/5/19/sex-trafficking-in-the-federated-states-of-micronesia>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> The Constitution of the Federates States of Micronesia, art. 4, available at <http://fsmlaw.org/fsm/constitution/constitution.htm>.

<sup>7</sup> Trafficking in Persons Act of 2012, §613, available at <http://fsmlaw.org/fsm/code/code2014/FSMCode2014Tit11Chap06.html>.

<sup>8</sup> *Id.* at §615.

<sup>9</sup> *Id.* at §616.

<sup>10</sup> *Id.* at §618.

<sup>11</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 7.

<sup>12</sup> *Id.* art. 8.

<sup>13</sup> *Id.* art. 24.

<sup>14</sup> Press Release, *President Panuelo Signs Executive Order to Enhance the Department of Justice’s Capacity to Serve the Citizens of the Federated State of Micronesia*, THE NATIONAL GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA, (19 Sept. 2019), available at <https://gov.fm/index.php/component/content/article/35-pio-articles/news-and-updates/158-president-panuelo-signs-executive-order-to-enhance-the-department-of-justice-s-capacity-to-serve-the-citizens-of-the-federated-states-of-micronesia?Itemid=177>.

<sup>15</sup> *Id.*

<sup>16</sup> *Statement of the Federated States of Micronesia Commission on Narcotic Drugs, Sixty-Second Session*, (15 Mar. 2019), available at, [https://www.unodc.org/documents/commissions/CND/2019/2019\\_MINISTERIAL\\_SEGMENT/15March/Micronesia.pdf](https://www.unodc.org/documents/commissions/CND/2019/2019_MINISTERIAL_SEGMENT/15March/Micronesia.pdf).

<sup>17</sup> *Id.*

<sup>18</sup> *Sex Trafficking in The Federated States of Micronesia*, *supra* note 3.

<sup>19</sup> *FSM Supreme Court Annual Report 2014 – 2017*, THE SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA, available at <https://www.fsmsupremecourt.org/pdf/reports/FSMSC%20Annual%20Report%202014%20-%202017.pdf>.

<sup>20</sup> *Id.*

<sup>21</sup> *Two Chuukese Parents Convicted for Sexually Exploiting Their Young Daughter*, KASELEHLIE PRESS (13 Mar. 2019), [http://www.kpress.info/index.php?option=com\\_content&view=article&id=1303:two-chuukese-parents-convicted-for-sexually-exploiting-their-young-daughter&catid=8&Itemid=103](http://www.kpress.info/index.php?option=com_content&view=article&id=1303:two-chuukese-parents-convicted-for-sexually-exploiting-their-young-daughter&catid=8&Itemid=103).

<sup>22</sup> *FSM Court Sentences Cabbie in Sex Trafficking Case*, PNC (25 Mar. 2019), <https://pncguam.com/fsm-court-sentences-cabbie-in-sex-trafficking-case/>.

<sup>23</sup> *President Panuelo Addresses Anti-Human Trafficking Addresses Anti-Human Trafficking Conference*, THE NATIONAL GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA (19 July 2019), <https://gov.fm/index.php/component/content/article/35-pio-articles/news-and-updates/113-president-panuelo-addresses-anti-human-trafficking-conference>.

<sup>24</sup> Universal Declaration of Human Rights, art. 1, available at [https://www.ohchr.org/en/udhr/documents/udhr\\_translations/eng.pdf](https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf).