

Marshall Islands 2023 Human Rights Report

Executive Summary

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

Significant human rights issues included credible reports of serious government corruption and trafficking in persons.

The government had mechanisms in place to identify and punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibited torture and inhuman or degrading treatment. Majuro and Ebeye jail authorities routinely held drunk prisoners naked. Government officials stated they adopted this practice so prisoners could not use their clothing to attempt suicide.

An outer island local police chief was charged with attempted murder and aggravated assault after shooting a man in the face in October 2022; a preliminary hearing was set for October.

Prison and Detention Center Conditions

Treatment of prisoners and prison conditions were harsh and at times degrading, particularly in the Majuro 24-hour holding facility.

Abusive Physical Conditions: A chief complaint in Majuro's holding facility was the lack of adequate ventilation. Prisoners were held in cramped cells with no air conditioning, windows, or fans, in which temperatures often exceeded 90 degrees. Prisoners had to supply their own fans. Lighting in cells was inadequate; prisoners had to supply their own lighting. The facility was unsanitary, guards reported there were no janitors, and prisoners were given cleaning products.

Administration: Although authorities permitted inmates to submit

complaints regarding their treatment without censorship and investigated credible allegations of inhumane conditions, there were no known complaints of physical abuse submitted during the year.

Independent Monitoring: The government permitted prison visits by independent human rights observers and by religious groups visiting imprisoned members throughout the year.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

Under the constitution a warrant issued by a court was required for an arrest if there was adequate time to obtain one. The courts interpreted this requirement to exempt situations such as a breach of the peace or a felony in progress. The law provided detainees the right to a prompt judicial determination of the legality of their detention. Authorities generally respected this right and informed detainees promptly of the charges against them.

There was a functioning bail system, and detainees could request bond immediately upon arrest for minor offenses. The constitution required bail

be set at a reasonable rate. Most serious offenses required the detainee to remain in jail until authorities could arrange a hearing, normally the morning after arrest. Detainees were allowed access to a lawyer of their choice and, if indigent, to one provided by the state. The law stipulated the first court appearance had to occur within 24 hours of the first working day after arrest.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provided for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibited such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

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

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government respected these rights.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

Access to Asylum: The law did not provide for granting asylum or refugee status, and the government had no system for providing protection to refugees. The country had no history of receiving refugees or asylum seekers.

Section 3. Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government, including their representatives in the legislature (Nitijela), in free and fair periodic elections held by secret ballot and based on universal and equal

suffrage. The constitution also recognized the hereditary Council of Iroij's right to decide on matters of custom and tradition, including land tenure. The council consisted of 12 traditional clan chiefs.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National legislative elections in 2019 were generally regarded as fair and free of abuses and irregularities.

Participation of Women and Members of Marginalized or Vulnerable Groups: No laws limited participation of women or members of marginalized or vulnerable groups in the political process; two of 33 members of the legislature elected in 2019 were women, and one of 33 mayors was a woman. Perceptions of women's and men's traditional leadership roles, the expectation women should be caregivers, and lack of awareness of women's contributions to society created barriers for women to obtain political qualifications or experience.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and although the government generally implemented the law effectively, officials sometimes engaged in corrupt practices with impunity. Freedom House reported corruption was a chronic problem, particularly in foreign aid allocation, government procurement, and transfers. High-ranking public

officials were rarely prosecuted for corruption, often due to conflicts of interest.

Corruption: In May, two dual People's Republic of China-Marshallese citizens were convicted and sentenced to 42 and 31 months in prison for conspiracy in connection with a multiyear scheme to bribe five high-level officials to win their support for the establishment of a semiautonomous administrative zone on Rongelap Atoll.

In March the trustee stated a trust fund supporting displaced residents of an atoll affected by nuclear testing, valued at \$71 million in 2016, had less than \$100,000 remaining in the fund. According to press reports, large sums were diverted to personal accounts associated with the local mayor when the local government controlled the fund.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without

government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials often were cooperative and responsive to their views.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including by a spouse, was a crime with a maximum penalty of 25 years' imprisonment; the law was gender neutral, although there were no cases of men alleging rape. Domestic violence was also a crime. Complainants could file for either a temporary or a permanent protective order, which required the alleged perpetrator keep 150 feet away from the complainant. Temporary protective orders had a duration of 28 days. Permanent protective orders remained in effect until the complaint was withdrawn. The law also required all citizens to report suspected domestic violence. The government did not enforce laws on rape and domestic violence effectively.

Police response to allegations of rape and domestic violence was intermittent, although there was a police domestic violence unit with both an investigative and community outreach role. The Attorney General's Office prosecuted rape cases brought to its attention. Prosecutions for domestic violence were sporadic, and awareness of the law was low outside the capital. Court rules protected women during testimony in rape cases,

primarily by shielding a survivor who testified as a witness from the accused, but human rights advocates reported hesitancy among survivors to report these crimes to police despite awareness-raising efforts.

Various studies have suggested sexual violence of all types was common but frequently unreported. Government health offices provided limited counseling services when spousal (or child) abuse was reported, but there were no government shelters for domestic violence survivors.

Nongovernmental organizations (NGOs) continued efforts to raise awareness of domestic violence through marches and information sessions. The NGO Women United Together in the Marshall Islands partnered with government and other donors for its *Weto in Mour* (A Place of Life) Violence against Women and Girls Support Service, which provided survivors with safe accommodations, basic necessities, and transport fares to enable them to attend legal appointments. The nonprofit Micronesian Legal Services Corporation offered free legal services to survivors to obtain protective orders.

Other Forms of Gender-based Violence or Harassment: Sexual harassment was a crime, defined as unwelcome conduct of a sexual nature that made a person feel offended, humiliated, or intimidated. The law was generally not well enforced.

Discrimination: Women generally enjoyed the same legal rights as men; the government generally enforced these rights. The inheritance of property

and traditional rank was matrilineal on most atolls, although representation of property rights was often delegated to male family members. Tribal chiefs, customarily the husband or eldest son of the woman landowner, were the traditional authorities in the country.

Women were represented in the workforce in proportion to their share of the general population and served in a wide range of important roles in the government bureaucracy. There was no law on equal pay for equal work, although equal pay was in effect for government employees. Women faced strict dress codes that restricted wearing pants in some government buildings.

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

Access to contraceptives including emergency contraceptives, prenatal care, skilled attendance at delivery, and postpartum care was available on Majuro and Kwajalein Atolls, and outer island dispensaries. On remote atolls only infirmaries with minimally trained attendants were available, limiting the quality of available care, particularly prenatal care. Parents or guardians had to provide consent for medical treatment affecting reproductive health for children. Cultural and religious barriers sometimes blocked access to contraception.

The government provided sexual and reproductive health services to sexual

violence survivors, including emergency contraception and postexposure prophylaxis, on Majuro and Kwajalein Atolls.

Systemic Racial or Ethnic Violence and Discrimination

No laws specifically addressed the protection of members of racial or ethnic minority groups from persecution. The constitution provided equal protection and freedom from discrimination for all persons and prohibited the creation of laws or judicial actions that discriminated against any person based on race, color, religion, language, gender, political opinion, place of birth, national or social origin, family status, or descent.

Children

Child Abuse: Child abuse and neglect were criminal offenses, but public awareness of children's rights remained low, and the government did not enforce the law effectively. The law required teachers, caregivers, and other persons to report child abuse and exempted them from civil or criminal liability for making such a report. Child abuse and neglect remained common.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18 for both men and women. Marriage before age 18 required parental consent. According to the UN Population Fund database, 26 percent of women ages 20-24 were married before age 18. There were no known

government measures to prevent or mitigate early marriage.

Sexual Exploitation of Children: Sexual relations were illegal for boys younger than age 15 and for girls younger than age 16. The statutory rape law, which provided penalties of up to 25 years' imprisonment for violators, was largely unenforced. The law criminalized the commercial sexual exploitation of children, including child sex trafficking, child pornography, and other forms of sexual exploitation, and prescribed penalties of up to 20 years' imprisonment, a fine, or both. The law stipulated authorities could not punish child survivors of commercial sexual exploitation and these survivors should have access to support services. The law was generally enforced, although reports of child sexual exploitation persisted.

Antisemitism

There were few Jewish residents in the country, and there were no reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or

Sex Characteristics

Criminalization: No law criminalized consensual same-sex sexual conduct between adults, and lesbian, gay, bisexual, transgender, intersex, and queer (LGBTQI+) persons were not disproportionately targeted under neutral laws.

Violence and Harassment: While there were no official reported acts of violence against LGBTQI+ persons, NGOs and activists reported such acts could go unreported or misreported due to societal discrimination.

Discrimination: Neither the constitution nor law provided specific protection against discrimination for LGBTQI+ persons. Traditional cultural and societal norms meant LGBTQI+ individuals rarely reported instances of discrimination and generally had little possibility of recourse. The country's religious culture could bring indirect social costs to publicly revealing one's sexuality. Same-sex marriage was not legal.

Availability of Legal Gender Recognition: The government did not allow changes to legal documents to reflect an individual's gender identity. Nonbinary or intersex options were not available on government documents.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of so-called conversion therapy being practices in the country.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no formal restrictions on organizing or speaking out about LGBTQI+ matters. Cultural and religious beliefs, however, discouraged public expression of LGBTQI+ matters or organized events.

Persons with Disabilities

Persons with physical, sensory, intellectual, and mental disabilities faced difficulties in obtaining employment and accessing education, health care, public buildings, transportation, and other state services on an equal basis with others.

The public school system was responsible for supporting special education for children with disabilities and continued to incorporate awareness programs for students with disabilities, in particular those with hearing disabilities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for freedom of association, and the government interpreted this right as allowing persons to form and join independent labor unions. The law did not address collective bargaining or the right to strike. The law did not specifically prohibit antiunion discrimination, nor did

it require the reinstatement of workers fired for union activity.

In view of the absence of unions or worker organizations, there were no reports of government enforcement of laws respecting their establishment or operation. Legal penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination, and penalties were rarely applied against violators.

There were two NGOs promoting the rights of workers.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibited exploitation of children younger than age 18, including in the worst forms of child labor, child begging, and child domestic work. The government effectively enforced the law. There was no law or regulation setting a minimum age, hours of work, or occupational health restrictions for employment of children. Government inspections found no evidence of child labor. Penalties for child labor were commensurate with those for other analogous crimes such as kidnapping and were rarely applied against violators.

Children typically did not work in the wage economy, but reports persisted it was common for them to assist their families in fishing, agriculture, retailing, and other small-scale enterprises. Additionally, children often sold food on behalf of churches and other religious groups. Particularly in the subsistence economies of the more remote atolls, copra (dried coconut kernels) production could take children from school and reduce educational outcomes. The government reported it found no evidence of this during its inspections.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law established a minimum wage which was not above the poverty line. Foreign employees and local trainees of private employers who invested in or established a business in the country were exempt from minimum-wage requirements, provided the employer received government authorization. The cabinet could also exempt qualified export-oriented industries from minimum wage laws. Most foreign workers, who constituted approximately 30 percent of the workforce (excluding agroforestry), and most of the professional and technical classes in the country earned considerably more than the minimum wage. The law provided for a standard 40-hour workweek but placed no restrictions on the amount of overtime that could be worked.

Occupational Safety and Health: Occupational health and safety (OSH) standards were generally appropriate for the main industries of the country. OSH experts did not actively identify unsafe conditions. No legislation provided protection for workers who filed official complaints regarding conditions that endanger their health or safety. The law did not provide for workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. Penalties for violations were not commensurate with those for similar crimes and penalties were rarely applied against violators.

The Department of Labor conducted inspections related to wages, hours, and occupational safety and health. Inspectors had the right to conduct unannounced inspections and issue sanctions. The number of inspectors were insufficient to enforce compliance.

Informal sector workers, an estimated 25 percent of the workforce, were not covered by wage, hour, OSH, and other labor laws and inspections.