

Micronesia 2023 Human Rights Report

Executive Summary

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

There were no credible reports of significant human rights abuses.

The government sometimes took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, but impunity was a problem.

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, including extrajudicial killings, during the year.

In January a Yap State court convicted two local men (one a former police officer) for the 2019 murder of Rachelle Bergeron, a foreign national who was the acting attorney general for Yap State. Separate charges of murder and associated acts were with the Yap State Supreme Court, while the national Supreme Court addressed counts of weapons and ammunition

possession. Observers believed the killing could have been related to Bergeron's work as acting attorney general.

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 law prohibited such practices, and there were no credible reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Administration: There was no prison ombudsperson to respond to complaints. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, but they rarely investigated such allegations.

Independent Monitoring: The government was obliged to investigate and monitor prison and detention center conditions. The government permitted

visits by independent human rights observers and foreign diplomatic officials conducted monitoring visits to the detention centers in Yap and Kosrae during the year.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

Warrants were required for arrests, and authorities advised detainees promptly of the charges against them. Authorities generally observed the requirement to bring detainees before a judge for a hearing within 24 hours of arrest. Courts released most arrested persons on bail or after they relinquished their passports. Detainees generally had prompt access to family members and lawyers. A shortage of trained lawyers prevented many accused persons from receiving adequate legal representation.

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 law 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 that 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 although it did not refer specifically to speech, the press, or other media.

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 generally 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 related rights.

e. Protection of Refugees

The government had no occasion to cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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.

Section 3. Freedom to Participate in the Political Process

The constitution and law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National congressional elections in March were widely reported to be 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 historically

marginalized groups in the political process; however, cultural factors in the male-dominated society limited women's representation in government and politics. There were notably few women in the upper ranks of government. Women held two of nine cabinet-level positions. Three women were elected in the March congressional election, but Congress refused to seat one of the three, a decision challenged in the courts and undecided as of year's end.

The country was a multicultural federation, and both Congress and the executive branch included persons from various cultural backgrounds.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively, but some officials reportedly engaged in corrupt practices with impunity. There were anecdotal reports of corruption.

Corruption: The Attorney General's Office had primary responsibility for combating government corruption. The office operated somewhat independently, with sufficient resources. The public auditor referred some corruption cases to the Department of Justice during the year.

Section 5. Governmental Posture Towards

International and Nongovernmental Monitoring and

Investigation of Alleged Abuses of Human Rights

Although there were no official restrictions, no local groups concerned themselves exclusively with human rights. Women's associations throughout the country addressed the rights of women and children, and government officials were often cooperative and responsive to their views.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Sexual assault of women or men, including rape, was a crime. There was no specific law against spousal rape. Sexual assault involving a dangerous weapon or serious physical or psychological harm to the survivor was punishable by a maximum nine years' imprisonment in Chuuk and 10 years' imprisonment in the other three states. If neither a dangerous weapon nor serious physical harm was involved, the assault was punishable in all states by a maximum five years' imprisonment. Crimes within families went largely unreported due to the social stigma and family pressure associated with domestic violence, and authorities rarely prosecuted cases. According to police and women's groups, there were several reports of physical and sexual assaults against women outside the family context. A foreign national serving as a senior official of the government was arrested and charged with multiple crimes

including sexual abuse, human trafficking, sexual servitude of a minor, criminal solicitation, prostitution, and kidnapping, among others.

Traditionally, extended families addressed domestic violence, abuse, and neglect by a complex system of culturally defined familial sanctions.

Traditional methods of coping with family discord, however, were breaking down with increased urbanization, monetization of the economy, and greater emphasis on the nuclear family. No institution replaced the traditional system or directly addressed the problem of family violence.

The national government operated shelters in Chuuk, Pohnpei, and Kosrae available to all survivors of sexual, domestic, and human trafficking crimes. The Pohnpei Department of Public Safety's program against domestic violence included a hotline to handle domestic violence cases. The national government hotline on human trafficking also reported receiving domestic and sexual assault calls. Local women's groups and religious organizations provided counseling and support services for domestic violence survivors within their communities.

Other Forms of Gender-based Violence or Harassment: The law did not prohibit sexual harassment; anecdotal reports suggested it occurred.

Discrimination: Women had equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment for women. The government enforced the law effectively. The

largest employers were the national and state governments, and they paid women and men equally for equal work although this was not mandated by law. Women were underrepresented in all employment sectors except for services.

Societal discrimination against women continued, however, and cultural mores encouraged discriminatory treatment of women. Examples included many instances of women being pressured to drop out of school if they became pregnant, and being discouraged from returning to school if they became mothers.

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

The government provided support to survivors of sexual violence in the form of counseling and legal and medical assistance, including emergency contraception and postexposure prophylaxis, in partnership with nongovernmental organizations. Social stigma, community pressure, physical remoteness, and poor communications all hindered access to the limited contraception and reproductive health services available in the health-care system.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provided for equal protection under the law regardless of race or ethnicity. The law did not provide protection against employment

discrimination based on national origin. There were no known cases of racial- or ethnic-based discrimination during the year.

The national and states' constitutions barred noncitizens from owning land, and foreign investment laws limited the types of businesses they could own and operate.

Children

Child Abuse: Child abuse was illegal, although the constitution provided for a right of parental discipline. There was no data on enforcement of the law by the government. Cultural attitudes regarding parental discipline limited reporting of abuse or neglect. There were no shelters for child victims of domestic abuse.

Child, Early, and Forced Marriage: The minimum legal age for marriage was 18.

Sexual Exploitation of Children: The law set a maximum penalty of 30 years' imprisonment and a substantial fine for child trafficking. The states' statutory rape laws applied to children aged 13 or younger in Yap and Kosrae, 15 or younger in Pohnpei, and 17 or younger in Chuuk. The maximum penalty for conviction varied by state: in Chuuk and Pohnpei, it was five years' imprisonment and a fine, while in Kosrae and Yap it was 10 years' imprisonment and a fine. The age of consent also varied by state: in Pohnpei and Chuuk it was 18, in Kosrae and Yap it was 15. Only Pohnpei had

a statute prohibiting child pornography. Chuuk and Pohnpei had provisions against filming explicit movies of underage children, but Yap and Kosrae did not. Chuuk and Pohnpei imposed a penalty of six months' imprisonment for such abuses. There were no prosecutions for child pornography during the year, and enforcement against child trafficking was inconsistent.

Antisemitism

There was a very small Jewish community, and there were no known 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: The law did not criminalize consensual same-sex sexual conduct between adults. Neither did the law criminalize other sexual or gender characteristic-related behaviors. No laws were applied disproportionately to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

Violence and Harassment: There were no criminal justice mechanisms to aid in the prosecution of bias-motivated crimes against members of the LGBTQI+ community. While there were no official reports of violence or harassment, there were unofficial reports on the killing of a foreign-national gay man in Kosrae in the early hours of April 6. Kosrae police arrested two men whom prosecutors charged with multiple crimes, including murder. Initially the crime appeared to be a hate crime, but motives for the crime were unclear. Widespread discrimination and stigma could prevent LGBTQI+ individuals from reporting incidents to authorities or nongovernmental organizations.

Discrimination: The law did not prohibit discrimination, including in employment, based on sexual orientation, gender identity or expression, or sex characteristics; nor did it recognize LGBTQI+ individuals, couples, and their families. The culture stigmatized public acknowledgment or discussion of certain sexual matters, including sexual orientation and gender identity. Persons rarely publicly identified as LGBTQI+.

Availability of Legal Gender Recognition: There was no legal process by which individuals could update their gender markers on identity documents to bring them into alignment with their gender identity, nor was there a nonbinary gender marker available.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of the practice of so-called conversion therapy to change a person's

sexual orientation or gender identity or expression.

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

There were no restrictions on speaking out on LGBTQI+ matters such as so-called antigay propaganda laws, “hate speech” laws, and no restrictions on the ability of LGBTQI+ organizations to legally register or convene events such as Pride festivities.

Persons with Disabilities

Persons with disabilities could access education, health services, public buildings, and transportation on a limited basis. Government information and communication on disability concerns was not always provided in accessible formats. The law prohibited discrimination against persons with physical and intellectual disabilities in public-service employment; however, there were reports of employment discrimination against persons with disabilities, who had little opportunity for gainful employment. The National Disability Policy mandated accessibility to public buildings and services for persons with disabilities and provided for access to information and communications for persons with disabilities. The law provided for access to health services and education for persons with disabilities. Enforcement of these laws and provision of services was uneven.

By law students with disabilities had the right to separate education and training until age 21, but there were no separate education facilities. The

government provided children with disabilities separate education in mainstream schools and at home if necessary and if foreign funding was available.

The government held some persons with mental disabilities deemed to be a threat to themselves or to others in jails because of a lack of psychiatric care facilities or community-based support services. These persons, not suspected or charged with any crime, were housed separately from criminal convicts or suspects, and state health departments provided free medication and treatment.

Other Societal Violence or Discrimination

The traditional hierarchical social system affected contemporary life. Authorities sometimes continued to underserve low-status communities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Although federal law did not prohibit workers from joining unions, there were no unions. Most private-sector employment was in small-scale, family-owned businesses or in subsistence farming and fishing. No nongovernmental organizations focused on unions or labor matters.

Under the constitution citizens had the right to form or join associations and government employees could form associations to “present their views” to the government without being subject to coercion, discrimination, or reprisals. Federal law was mute on trade unions, collective bargaining, antiunion discrimination, and the right to strike.

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 did not prohibit the worst forms of child labor. National and state laws did not establish a minimum age or prescribe limits on hours or occupations for employment of children. There were no reports of employment of children for wages, but children often assisted their families in subsistence farming and family-owned shops. Penalties were not commensurate with those for analogous serious crimes and penalties were rarely applied against violators. There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum hourly wage for employment with the national government was above the official estimate for the poverty income level. Three of the country's four states had no set minimum wage laws; the minimum wage in Pohnpei State was less than the poverty level. It was unclear whether these provisions applied to part-time workers.

Federal and state laws set a standard eight-hour workday and a five-day workweek, with premium pay for overtime. There were no legal provisions prohibiting excessive or compulsory overtime.

Occupational Safety and Health: The law required that employers provide a safe workplace; implementing regulations were appropriate for the country's main industries. It was unclear if these provisions applied to part-time workers. Occupational safety and health (OSH) experts responded to workers' complaints but did not independently identify unsafe working conditions. Workers could remove themselves from situations that endanger health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The Public Health and Environmental Protection Agency enforced OSH standards. The Department of Justice's

Division of Immigration and Labor enforced wage and hour laws for foreign workers, and the Department of Administrative Services was responsible for Micronesian workers. The government did not effectively enforce OSH or wage and hour standards, but the tax system monitored the minimum wage effectively through random audits. Penalties were commensurate with those for similar crimes but were rarely applied against violators. The number of labor inspectors was sufficient to enforce compliance, and inspectors had the authority to make unannounced inspections and initiate sanctions.

Approximately one-half of workers were in the informal economy where wage, hour, OSH, and other labor laws and inspections did not apply, predominantly in subsistence agriculture and fishing.