

MICRONESIA

EXECUTIVE SUMMARY

The Federated States of Micronesia is a constitutional republic composed of four states: Chuuk, Kosrae, Pohnpei, and Yap. Individual states enjoyed significant autonomy and traditional leaders retained considerable influence, especially in Pohnpei and Yap. The elected unicameral Congress selects the president from among its four members elected from at-large state districts. On May 10, Congress reelected Emanuel Mori as president. The most recent elections for Congress, held in March, were considered generally free and fair, despite technical problems and some allegations of fraud in Chuuk. Security forces reported to civilian authorities.

Continued discrimination and violence against women and widespread corruption constituted to be the most prevalent human rights problems in the country.

Other reported human rights problems included judicial delays, domestic violence, and child neglect.

In some instances the government took steps to punish officials and their friends who committed abuses, but in many instances impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices. There were reports of beatings while in police custody in Chuuk and one substantiated case of a foreigner beaten by the

chief of police while in custody. At year's end the case was under investigation, and the police chief was removed from office.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. The government permitted prison visits by independent human rights observers, but none occurred during the year.

At year's end the four states' prisons had approximately 95 inmates held in facilities with a total capacity of 150 prisoners. Pohnpei held 18 persons, including one woman; Yap held 16 persons, including one female inmate; Kosrae held 13 inmates (all male); and Chuuk reportedly held 48 inmates, including one female prisoner and one mentally ill prisoner. Pretrial detainees usually were held within the same facility but separately from convicted prisoners. The female prisoners were held separately from male prisoners.

There were no designated juvenile detention facilities, and the states seldom incarcerated juvenile offenders. Crimes by juveniles usually were resolved in a traditional, mediation-based manner between the families of the perpetrator and the victim. No juveniles were incarcerated as of year's end.

Prisoners and detainees had reasonable access to visitors and potable water and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, but authorities rarely investigated such allegations. The government has the obligation to investigate and monitor prison and detention center conditions, but no information was available publicly whether it did so during the year. There is no ombudsman to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate any overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the national, state, and local police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. Three cases of abuse of power were investigated in Pohnpei. No abuse was found in one case, one officer was suspended in another case, and one officer was given a warning in the third case. One case of police brutality was under investigation in Chuuk (see section 1.c.). Law enforcement agencies in Chuuk remained staffed with friends and relatives of powerful individuals.

Arrest Procedures and Treatment While in Detention

Warrants are required for arrests, and detainees were advised promptly of the charges against them. Detainees must be brought before a judge for a hearing within 24 hours of arrest, a requirement generally observed in practice. Most arrested persons were released on bail. Detainees generally had prompt access to family members and lawyers. However, in practice not all detainees who requested help from the Office of the Public Defender received adequate legal assistance because of lack of funding and properly trained lawyers.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, although juveniles are allowed closed hearings. Judges conduct trials and render verdicts; there are no juries. Defendants enjoy a presumption of innocence and have the right to counsel, to question witnesses, to access government-held evidence, and to appeal convictions.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The Supreme Court is responsible for hearing lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of expression but does not refer specifically to speech or the press; however, the government generally respected these rights in practice.

Individuals could criticize the government publicly or privately without reprisal. The number of independent media outlets remained small, however, and there was a lack of consistently reliable access to broadcast media.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country. Foreign travel, emigration, and repatriation are addressed in other areas of the law. In practice none of these rights was restricted. The need did not arise during the year for government cooperation with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

The government has not established a system for providing protection to refugees. There were no formal requests for refugee status or asylum during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: National congressional elections in March generally were free and fair. There were allegations of polling fraud in a special election to replace the governor in Chuuk in August, and the losing candidate filed two complaints. The court rejected the complaints and upheld the election results.

Political Parties: There are no restrictions on the formation of political groups; however, there were no significant efforts to form organized political parties, and none existed. Candidates generally sought political support from family and allied clan groupings, religious groups, and expatriate citizen communities. Only one congressional candidate ran on a platform in March. He unseated an incumbent.

Participation of Women and Minorities: Cultural factors in the male-dominated society limited women's representation in government and politics. Women were well represented in the middle and lower ranks of government at both the federal and state level but were scarcer in the upper ranks. A woman held the cabinet-level position of secretary of health services, and there was one female associate justice on the national Supreme Court and one female associate justice on the Pohnpei State Supreme Court. The country's first female ambassador was appointed permanent representative to the United Nations in 2010. One woman ran unsuccessfully for national office in the March elections. There were two elected women in the Pohnpei State legislature. There were no other women in the other state legislatures or in the national legislature.

To the extent that the country is a multicultural federation, both the legislature and the executive included persons from various cultural backgrounds.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government sometimes implemented these laws effectively. However, officials generally engaged in corrupt practices with impunity. Government corruption was a serious problem, particularly in Chuuk. Criminal referrals from the Office of the National Public Auditor (ONPA) to the Department of Justice were not acted upon. The ONPA's findings and recommendations were generally ignored.

Public officials are not subject to financial disclosure laws. The Office of the Attorney General has primary responsibility for combating government corruption. However, the national attorney general, appointed in 2007, was suspended from practice before the bar in 1999 due to allegations of improper practices and at year's end remained suspended. Although the president attempted to reappoint him, the national Congress did not confirm the appointment. At year's end the office was filled by an acting attorney general.

There is no national law providing for public access to government information. The speaker of Congress can declare any congressional documents confidential. State laws and practices varied. Legislative hearings and deliberations generally were open to the public. Information from other branches of government also was accessible; however, retrieval sometimes was delayed by the loss or mishandling of records. In March the state legislative building in Chuuk burned and all records destroyed. There were no reported cases of government denial of access to media,

but there were only a small number of media outlets, and their reporting resources were limited.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although there are no official restrictions, no local groups concerned themselves exclusively with human rights. Several groups addressed problems concerning the rights of women and children, and the government cooperated with these groups.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law provide explicit protection against discrimination based on race, sex, or language, but societal discrimination against women remained a problem. There are no laws against family violence or trafficking in persons.

Women

Rape and Domestic Violence: Sexual assault, including rape, is a crime. There is no specific law against spousal rape. Sexual assault involving a dangerous weapon or serious physical or psychological harm to the victim is punishable by up to nine years' imprisonment in Chuuk and 10 years' imprisonment in the other three states, and a fine of up to \$20,000 (the U.S. dollar is the national currency) in Kosrae and \$10,000 in the other states. If neither a dangerous weapon nor serious physical harm is involved, the assault is punishable in all states by up to five years' imprisonment or a fine. Due to social stigma such crimes were underreported, and few cases were prosecuted. The curriculum at the police academy included programs to train police officers to recognize the problem. According to police and women's groups, there were a number of reports of physical and sexual assaults against women, both citizens and foreigners, outside the family context.

Reports of spousal abuse, often severe, continued during the year. Although assault is a crime, there were no specific laws against domestic abuse. Effective prosecution of offenses was rare. In many cases victims decided against initiating legal charges against a family member because of family pressure, fear of further assault, or the belief that the police would not involve themselves actively in what is seen as a private family problem. Within the traditional extended family unit, violence, abuse, and neglect directed against spouses or children were deemed offenses against the family, not just the individual victims, and were addressed by a complex system of familial sanctions. However, traditional methods of coping

with family discord were breaking down with increasing urbanization, monetization of the economy, and greater emphasis on the nuclear family. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

There were no governmental facilities to shelter and support women in abusive situations. In Chuuk a private facility for women's groups, funded by a foreign government, was opened at year's end, but it did not include a shelter. In 2010 the Pohnpei Department of Public Safety began a program of domestic violence education that included a hotline and training of its officers to handle domestic violence situations.

Sexual Harassment: The law does not prohibit sexual harassment, and anecdotal reports suggested it was pervasive.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children, and the information and means to do so free from discrimination. Access to information on contraception, prenatal care, skilled attendance at delivery, and postpartum care were widely available through private and public medical facilities. From 2005-09 the maternal mortality rate was estimated as 128 per 100,000 live births. According to indicators published by the Population Reference Bureau, skilled health personnel attended an estimated 80 percent of births, and an estimated 46 percent of married women ages 15-49 used modern contraceptive methods. The government conducted public information campaigns on reproductive health matters through posters and billboards; other types of local media were not readily available.

Discrimination: Women have equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment. The largest employers were the national and state governments, and women received equal pay for equal work. The public sector comprised approximately half of the country's jobs, with 5,000 plus in state and municipal government positions and approximately 2,500 in national government and government agencies or public enterprises. Societal discrimination against women continued, however, and cultural mores encouraged differential treatment for women. For example, in Yap women are prohibited from entering a meeting hall during men's meetings. In Chuuk women must bow in the presence of men during formal meetings. Nonetheless, women were active and increasingly successful in private business. A national women's working group composed of female national government employees, including the secretary of health and social services, was

formed to advise the government. Additionally, several small nongovernmental organizations (NGOs) were interested in women's issues, particularly those associated with family violence and abuse. The Women's Interest Section of the Department of Health and Social Services worked to protect and promote women's rights.

The Chuuk Women's Advisory Council, an NGO, received a foreign government grant for a multipurpose center to be used initially as an office and eventually as a shelter for victims of domestic violence as well. At year's end it was only being used as an office.

In July 2010 the national government held a National Women's Conference that adopted three resolutions: asking all states to pass mandatory maternity leave for state employees, as the national and Kosrae State governments already had done; urging state governments to pass necessary laws to address domestic violence and other forms of violence against women; and endorsing a pending congressional bill to provide reserved seats for women in Congress. None has been enacted.

Children

Birth Registration: A child acquires citizenship if one or both parents were citizens. Individual states maintain birth records.

Education: Although a compulsory education law requires all children to begin school at age six, not all did so, nor did they stay in school, and the law was not enforced. The law permits children to leave school when they reach the age of 14 years or after completing the eighth grade, but many students leave school before that.

Child Abuse: Child abuse is illegal, although the constitution provides for a right of parental discipline. Cultural attitudes regarding parental discipline limited the reporting of abuse, although there were some anecdotal reports of child abuse and neglect.

Sexual Exploitation of Children: The states' statutory rape laws apply to children age 13 and below in Chuuk, Yap, and Kosrae and age 15 and below in Pohnpei. The maximum penalties vary according to state--Chuuk: five years' imprisonment, \$5,000 fine; Kosrae: 10 years, \$20,000 fine; Yap: 10 years, \$10,000 fine; and Pohnpei: five years, \$5,000 fine. Only Pohnpei has a statute prohibiting child pornography. Both Chuuk and Pohnpei have provisions against exhibiting "adult

films” in general; Yap and Kosrae have no such provisions. Both Chuuk and Pohnpei impose a penalty of six months’ imprisonment for violations.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no known Jewish communities in the country, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination in public service employment against persons with physical disabilities. There were no reports of discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, access to health care, or provision of other state services; however, persons with disabilities usually did not seek employment outside the home. The government provided children with disabilities, including learning disabilities, special education, including instruction at home if necessary and if foreign funding was available. Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. In practice many buildings had ramps or only one story. There was one elevator in the two-story Pohnpei State government building. No policies or programs ensured access to information and communications for persons with disabilities.

Due to a lack of facilities for treating mentally ill persons, the government housed some individuals with mental illnesses but no criminal background in jails. The authorities provided separate rooms in jails for persons suffering from mental illness, and state health departments provided medication as part of their programs to provide free treatment to all mentally ill residents.

The national Health Services Department is responsible for protecting the rights of persons with disabilities but does not provide significant services.

National/Racial/Ethnic Minorities

Each of the country's four states has a different language and culture. Traditionally the state of Yap had a caste-like social system with high-status villages, each of which had an affiliated low-status village. In the past those who came from low-status villages worked without pay for those with higher status. In exchange, those with higher status offered care and protection to those subservient to them. The traditional hierarchical social system has been gradually breaking down, and capable people from low-status villages can rise to senior positions in society. Nonetheless, the traditional system affected contemporary life. Persons from low-status backgrounds tended to be less assertive in advocating for their communities' needs, and low-status communities sometimes continued to be underserved.

The national and state constitutions prohibit noncitizens from purchasing land, and foreign investment laws limit the types of businesses noncitizens can own and operate. The national Congress granted citizenship to non-Micronesians only in rare cases. There is no permanent residency status. For the most part, however, noncitizens shared fully in the social and cultural life of the country.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws criminalizing same-sex sexual activity. There were no reports of violence, official or societal discrimination, or workplace discrimination, against lesbian, gay, bisexual, or transgender persons.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Although the law does not specifically provide for the right of workers to join a union, under the constitution citizens have the right to form or join associations, and national government employees by law can form associations to "present their views" to the government without being subject to coercion, discrimination, or

reprisals. No workers, including foreign workers, were prohibited from joining unions, but for a variety of reasons--including the facts that most private-sector employment was in small-scale, family-owned businesses and the majority of the remaining working-age population was engaged in subsistence farming and fishing--there were no unions. No law deals specifically with trade unions or with the right to collective bargaining.

There is no specific right to strike, but no law prohibits strikes. There were no employment-related disputes or demonstrations during the year.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor. There are no laws against trafficking in persons.

See section 7.d. and the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

National and state laws do not establish a minimum age for employment of children. In practice there was no employment of children for wages, but children often assisted their families in subsistence farming and in family-owned shops.

d. Acceptable Conditions of Work

The minimum hourly wage for employment with the national government was \$2.65. All states had a minimum hourly wage for government workers: \$2.00 in Pohnpei, \$1.25 in Chuuk, \$1.42 in Kosrae, and \$1.60 in Yap. Only Pohnpei had a minimum wage for private sector workers: \$1.35 per hour. The minimum wage was enforced through the tax system, and this mechanism was believed to be effective. Statistics were not readily available, but salaried persons were relatively well-off. As of 2000, 28.4 percent of the population was in the subsistence economy.

National law sets a standard of an eight hour/five day workweek, with premium pay for overtime. A federal regulation requires that employers provide a safe workplace. No law for either the public or private sector permits workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

Working conditions aboard some foreign-owned fishing vessels operating in the country's waters continued to be very poor. Crewmen reported a high incidence of injuries, beatings by officers, and nonpayment of salary.