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**Summary prepared by the Office of the High Commissioner
for Human Rights in accordance with paragraph 15 (c) of the
annex to Human rights Council resolution 5/1**

Federated States of Micronesia*

The present report is a summary of 4 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Joint Submission 1 (JS1) noted that the Federated States of Micronesia (FSM) is a party to the Convention on the Rights of the Child (CRC) and to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).²

B. Constitutional and legislative framework

2. Joint Submission 2 (JS2) noted that the Constitution of the FSM was the expression of the sovereignty of the people and the supreme law of the country.³ The Institute on Religion & Public Policy (IRPP) noted that the Constitution guarantees fundamental human rights such as right to life, liberty, property and freedom of expression and assembly.⁴ JS2 indicated that individual or fundamental civil rights are fully protected under Article IV of the FSM Code, and that traditional rights are protected under Article V of the Constitution.⁵

3. According to IRPP, the Constitution provides that all citizens have the right to worship any religion they choose.⁶ The 1979 Constitution of the FSM states that, “No law may be passed respecting an establishment of religion or impairing the free exercise of religion, except that assistance may be provided to parochial schools for non-religious purposes.” IRPP also noted that there are no laws stopping foreign missionary groups from operating on the islands.⁷

C. Policy measures

4. JS1 commended the Government for its *Nationwide Climate Change Policy of 2009*. It noted that the policy seeks to provide its citizens with information and education on the impacts of climate change, provide opportunities for public participation in decision-making addressing climate change, and increase mitigation and adaptation efforts to protect the right to an ecologically sustainable environment.⁸

5. JS2 recommended that the FSM include women’s rights in the educational curricula starting in primary school;⁹ implement regular and effective programs to raise men’s awareness about women’s rights and violence against women and take necessary legal actions against the perpetrators of violence.¹⁰

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations

1. Equality and non-discrimination

6. JS2 stressed that women and girls face discrimination within the family. Furthermore, they have unequal access to health care, education, vocational training, employment and income generation opportunities, and suffer from a lack of inclusion in social and community activities.¹¹

7. JS2 noted that following the “tradition” of bride price, girls are regarded as a valuable resource to be traded between groups of men as brides in exchange for payments,

which nowadays include cash.¹² It added that “culture” is frequently invoked as justification for discrimination against women and girls, and even violent and abusive treatment. However, the “customs” and “traditions” invoked are often distorted versions of the original, which have been modified to suit the needs of the males in the family.¹³

8. JS2 recommended that the FSM eliminate all practices that discriminate against women, and promote their economic security.¹⁴ It also recommended improving the status of girls, through special education and public information efforts to promote equal treatment of girls and boys with respect to nutrition, health care, education and social, economic and civil rights, including equitable heritable rights.¹⁵

2. Right to life, liberty and security of the person

9. JS2 recommended that the FSM take all legal and other necessary measures to provide women with adequate protection against gender based violence. New legislation and policies should include preventive actions (e.g. public information and education programmes to change attitudes concerning the roles and status of women and men), complaint procedures, protective measures and facilities (shelters, counselling and support services), compensatory provisions, and penal sanctions for perpetrators.¹⁶

10. According to JS2, the dynamics around child sexual abuse make it go unnoticed and grossly under-reported. Sexual abuse is surrounded by a culture of silence and stigma, especially when it occurs within the home. If the perpetrator is a family member, then there is a strong element of denial and guilt and preserving or protecting the 'good' name and honour of the family becomes the number one priority of adults. When the perpetrator is a powerful member of the community, there are major challenges for effective prevention, reporting, care and management. In this context, the rights of children are often sacrificed to protect the honour of the group (family, clan, community, religious group, school, etc) and the character of the abuser. JS2 added that there are no specific laws against rape, domestic violence or child and women sexual abuse. Furthermore, there is an absence of foster homes or separate homes for abused children and shelters for women.¹⁷

11. JS2 recommended that the FSM undertake comprehensive measures to eliminate all forms of exploitation, abuse, harassment and sexual violence against women, adolescents and children, and to assure that full assistance is provided to victims for their physical and mental rehabilitation.¹⁸ JS2 also recommended establishing accessible mechanisms for school girls to make confidential complaints regarding sexual harassment or violence by other students, teachers, staff or principals and to ensure the prompt and effective investigation of such complaints, as well as prompt and appropriate disciplinary action against perpetrators, including counselling, suspension, termination and prosecution, bringing criminal charges where necessary.¹⁹

12. Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment is lawful in the home.²⁰ GIEACPC also stated that corporal punishment is prohibited in schools, but that it had been unable to ascertain if this was by policy or law, and there is no mention of corporal punishment or school discipline in the State Codes of Yap, Pohnpei and Kosrae, or the draft State Code of Chuuk.²¹ According to GIEACPC, in the penal system, corporal punishment is unlawful as a sentence for crime, but it is not explicitly prohibited as a disciplinary measure in penal institutions.²² GIEACPC also noted that there is no prohibition of corporal punishment in alternative care settings.²³ It strongly recommended that the Government enact and implement legislation to ensure complete prohibition of corporal punishment of children.²⁴

3. Right to privacy, marriage and family life

13. JS2 recalled that early and forced marriages persist in the FSM and that a significant age gap between an older husband and his young wife are considered culturally acceptable. JS2 added that the imposition of early marriages results in early pregnancies and affects the psychological and sexual health and rights of women and their economic and social progress, as well as encouraging discrimination against girls. It also noted other problems associated with early marriage, such as early divorces that result on account of incompatibility.²⁵

14. JS2 recommended the FSM, *inter alia*, promote laws ensuring that women enter into marriage with free and full consent,²⁶ and design and implement rules and regulations for marriage registration. It added that those who force their daughters to marry in their childhood and those who marry underage girls should be legally prosecuted.²⁷

15. JS2 further recommended that the FSM implement public awareness-raising campaigns on early and forced marriage throughout the country, particularly in the rural areas, and increase the general level of awareness about the harms caused by child marriage. Awareness programmes should clearly explain the stance of the government and the law in this regard, and people should be informed that the government will prosecute violators of marriage laws.²⁸ JS2 also recommended promoting equal participation of men and women in family and household responsibilities and sexual reproductive health, throughout legislation and fostering an enabling environment.²⁹

4. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life

16. IRPP indicated that there is no official state religion and it is forbidden to declare one.³⁰ It further stated that there were no reported governmental abuses of religious freedom during the past few years in the FSM.³¹

17. JS2 expressed concern at the under-representation of women in appointed and elected leadership, reflected in the absence of women in the FSM Congress since independence, and the predominant male control over the highest levels of the executive, legislative and judicial branches of national, state and municipal government, including the public service.³² JS2 recommended, *inter alia*, that the FSM establish mechanisms for women's equal participation and representation at all levels of public life.³³

5. Right to social security and to an adequate standard of living

18. JS1 noted that acute environmental problems related to the extreme vulnerability of the FSM to climate change threatened the realization of a standard of living and health adequate for the well-being of all persons.³⁴ As climate change threatens agriculture, it undermines FSM citizens' right to life, to be free from hunger, and to means of subsistence, among others.³⁵

19. JS2 noted that the effects of poverty fall heavily on women and girls, leaving them very vulnerable to various forms of exploitation and exposed to greater risk of physical and sexual abuse.³⁶ JS2 added that although the FSM has integrated reproductive health services into the primary health care system, women and adolescents still lack access to sexual and reproductive facilities and information.³⁷ According to JS2, contraceptive and family planning information are not sufficiently widespread to allow women to choose and to avoid unwanted pregnancies. Further, reproductive health services are characterized by inadequately trained personnel, low staff capacity and insufficient resources to strengthen the quality of services.³⁸

20. JS2 noted that even girls who have access to education are usually not taught about reproductive health.³⁹ It observed that traditional beliefs and practices, social taboos and inadequate health care facilities are factors that inhibit young people from seeking reproductive and sexual health services and put them at risk of unwanted pregnancies, unsafe abortions and STI/HIV infections. In addition, existing services are adult-oriented and do not offer young people the opportunity to discuss their sexual and reproductive health needs and concerns freely.⁴⁰

21. JS2 recommended that the FSM implement programmes to increase young people's and parents' knowledge about sexual and reproductive health, and to change the attitudes of policymakers, service providers and religious leaders; and increase training and develop infrastructure to make sexual and reproductive health services youth friendly and available for all women.⁴¹

6. Right to education and to participate in the cultural life of the community

22. JS2 recommended, *inter alia*, that the FSM ensure the widest and earliest possible access by girls and women to secondary and higher levels of education, vocational education and technical training; provide economic assistance to encourage parents to keep girls in school, which will also reduce child labour and early marriage; and, in the same way, create scholarship programmes to help poor families to keep their children in school.⁴²

23. JS1 noted that climate change also threatens FSM citizens' rights to culture and traditional knowledge, including potential loss of 9 indigenous languages.⁴³

7. Right to development

24. According to JS2, low rates of constitutional and legal literacy, lack of civic education programmes in schools, under-developed and weak media, absence of independent national human rights institutions and prevalence of customary and traditional governance and leadership practices, inhibit citizens from exercising their constitutional and human rights and freedoms to participate in development, governance and leadership at all levels. As a result, the citizens' right to develop culturally, economically, legally, politically and socially is compromised.⁴⁴

III. Achievements, best practices, challenges and constraints

25. JS2 noted that the FSM faces a number of problems rooted in its traditions and culture, including lack of education, gender discrimination, gender based violence, and poverty. In this context, negative traditional practices adversely affect the health of women and children and violate their physical integrity and fundamental rights.⁴⁵

26. JS1 noted that one of the most serious threats to the human rights of the people of the FSM is the vulnerability of their environment to the impacts of climate change.⁴⁶ It added that loss of land due to sea level rise, storm surges and coastal erosion may force many thousands of citizens to become climate migrants, moving from lower to higher elevations, from atolls to higher islands within the country, and potentially from higher islands of the FSM to other countries.⁴⁷

IV. Capacity-building and technical assistance

27. JS1 recommended, *inter alia*, that the Human Rights Council encourage the international community to assist the Government of the FSM in its efforts to mitigate and to adapt to the effects of climate change.⁴⁸ JS1 stated that the primary responsibility for the

protection of human rights of the citizens of the FSM remains with the State. However, the international community - and particularly those nations responsible for the greatest portion of greenhouse gas emissions - has a responsibility to prevent climate change from undermining the human rights of citizens of the FSM and, where circumstances render this impossible, to mitigate the harms and assist the victims.⁴⁹

V. Key national priorities, initiatives and commitments

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with "A" status)

Civil society

GIEACPC	Global Initiative to End All Corporal Punishment of Children;
IRPP	The Institute on Religion & Public Policy, Washington, USA;
JS1	Joint Submission submitted by: Earthjustice, Pohnpei Women Advisory Council (Federated States of Micronesia), Many Strong Voices, Human Rights Advocates and Greenpeace International;
JS2	Joint Submission submitted by: Sexual Rights Information of Micronesia (SRIM) and the Sexual Rights Initiative (SRI).

² JS1, para. 6.

³ JS2, para. 6.

⁴ IRPP, para. 5.

⁵ JS2, para. 6.

⁶ IRPP, para. 1.

⁷ IRPP, para. 5.

⁸ JS1, para. 15.

⁹ JS2, para. 24.

¹⁰ JS2, para. 26.

¹¹ JS2, para. 12.

¹² JS2, para. 14.

¹³ JS2, para. 10.

¹⁴ JS2, para. 28.

¹⁵ JS2, para. 30.

¹⁶ JS2, para. 29.

¹⁷ JS2, para. 16.

¹⁸ JS2, para. 33.

¹⁹ JS2, para. 27.

²⁰ GIEACPC, para. 1.1.

²¹ GIEACPC, para. 1.2.

²² GIEACPC, para. 1.3.

²³ GIEACPC, para. 1.4.

²⁴ GIEACPC, p. 1.

²⁵ JS2, para. 14.

²⁶ JS2, para. 31.

²⁷ JS2, para. 22.

²⁸ JS2, para. 23.

²⁹

³⁰ IRPP, para. 6.

³¹ IRPP, para. 7.

- ³² JS2, para. 13.
- ³³ JS2, para. 28.
- ³⁴ JS1, para. 2.
- ³⁵ JS1, para. 3.
- ³⁶ JS2, para. 9.
- ³⁷ JS2, para. 18.
- ³⁸ JS2, para. 18.
- ³⁹ JS2, para. 9.
- ⁴⁰ JS2, para. 17.
- ⁴¹ JS2, paras. 19- 20
- ⁴² JS2, para. 25
- ⁴³ JS1, para. 12.
- ⁴⁴ JS2, para. 7.
- ⁴⁵ JS2, para. 8.
- ⁴⁶ JS1, para. 13.
- ⁴⁷ JS1, para. 12.
- ⁴⁸ JS1, para. 16.
- ⁴⁹ JS1, para. 14.
