



Department of State Human Rights Reports for 2000
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[Africa](#) | [East Asia and the Pacific](#) | [Europe and the New Independent States](#) | [Latin America, the Caribbean, and Canada](#) | [Near East and North Africa](#) | [South Asia](#) | [Appendixes](#) | [More about the Reports](#) | [Home](#)

MARSHALL ISLANDS

The Republic of the Marshall Islands, a self-governing nation under the Compact of Free Association with the United States, is composed of 29 atolls and 5 islands in the central Pacific, with a total land area of about 70 square miles. The approximately 51,000 inhabitants are of Micronesian origin and concentrated primarily on Majuro and Kwajalein atolls. The Constitution provides for free and fair elections and executive and legislative branches. The legislature consists of a 33-member Parliament (Nitijela), and a Council of Chiefs (Iroij), which serves a largely consultative function dealing with custom and traditional practice. The President is elected by majority Nitijela vote, and he appoints his Cabinet from its membership. The Constitution provides for an independent judiciary; however, past governments have attempted to influence the judiciary.

Under the Compact of Free Association, the United States is responsible for defense and national security, and the Marshall Islands has no external security force of its own. The national and local police forces have responsibility for internal security. These agencies honor constitutional and legal civil rights protections in executing their responsibilities.

The economy depends mainly on transfer payments from the United States. Coconut oil and copra exports, a small amount of tourism, import and income taxes, and fishing licensing fees generate limited revenues.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were occasional instances of denial of due process for detainees. Violence against women and child abuse are problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution expressly forbids such practices, and there were no reports that officials employed them. Security forces generally respect this prohibition.

Prison conditions, while Spartan, meet minimum international standards.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government generally observes these prohibitions. Nonetheless, there were several reported cases of arbitrary detention lasting over 24 hours in which persons were denied their rights to be charged or released within the specified time, or to be informed of the charges against them.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in the past, the Government has attempted to influence judicial matters through legislative or administrative means. A foreign national former high court judge who had had disagreements with the previous government was terminated prematurely by it in June 1999 but was appointed to the Supreme Court in May. In January, in his inaugural address, President Note pledged to protect the independence of the judiciary, following the past 4 years during which three chief justices resigned or were terminated by the Government. During the year, there have been no known incidents of executive pressure on the judiciary.

The judiciary consists of a Supreme Court with appellate jurisdiction, a High Court with general jurisdiction in civil and criminal matters and appellate jurisdiction over subordinate courts at the district and community levels, and a Traditional Rights Court with jurisdiction in cases involving matters of customary law and traditional practice.

The Constitution provides for the right to a fair trial, and the Government generally respects this right.

There were no reports of political prisoners.

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

The Constitution provides for freedom from such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally honors these rights

in practice. Unlike past years, when government influence led to occasional self-censorship by the media in areas of political or cultural sensitivity, there were no known instances of self-censorship during the year.

There is a privately owned weekly newspaper with articles and opinions in both English and the Marshallese language.

There is one radio station, which is government owned. In the past, live broadcasts of the legislative session were cut when remarks were critical of the Government; however, this did not occur under the Note Government. A cable television company broadcasts a variety of foreign news and entertainment programs and occasional videotaped local events.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

During the year, seeking to halt an alleged spate of illegal entries by Chinese and other foreign nationals, the Government launched an alien registration drive. In addition the Government is considering regulations that would reserve certain types of businesses for citizens.

There are no recent reports of refugees. The Government has not formulated a policy regarding refugees, asylees, or first asylum.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections. The Nitijela (Parliament) and mayors are elected by secret ballot every 4 years with universal suffrage for citizens 18 years of age and older. The most recent Nitijela election was held on November 15, 1999, and, in a record turnout, voters signaled dissatisfaction with the incumbent government by defeating five of the eight incumbent ministers seeking reelection. On January 3, President Kessai Note was selected unopposed by the Nitijela from among its 33 members. The President subsequently selected 10 cabinet ministers from among the Nitijela members. Executive power is centralized in the President and his Cabinet. This group dominates the legislature as well. There are no restrictions on the formation of political parties. Political activity by foreigners is prohibited.

There are no legal impediments to women's participation in government and politics. One woman was elected to the Nitijela in the 1999 elections. Society is matrilineal, and those men and women who exercise traditional leadership and land ownership powers derive their rights either from their own positions in the family, or from relationships deriving from their mother's and sister's lineage. However, urbanization and the movement of the population away from the lands that they control is leading to a decline in the traditional authority exercised by women. Women's cultural responsibilities and traditionally passive roles are not seen to be managerial or executive in nature, and women remain underrepresented in Parliament and in senior government positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

While there are no official restrictions, no local nongovernmental human rights organizations have been formed. No international human rights organization has expressed interest or concern or visited the country.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, and the Government generally respects these provisions.

Women

The Government identifies spousal abuse as common. Wife beating is not condoned in society, and most assaults occur while the assailant is under the influence of alcohol. The Government's health office provides counseling for reported spouse and child abuse cases, but advises that many cases go unreported. Assault is a criminal offense, but women involved in domestic violence are reluctant to prosecute spouses in the court system. Women's groups publicize women's issues and attempt to create a greater awareness of the rights of women. Violence against women outside the family occurs, and women in the urban centers would assume a risk by going out alone after dark.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. No instances of unequal pay for equal work or of sex-related job discrimination were reported. However, while women workers are very prevalent in the private sector, many of them are in low paying jobs with little hope of advancement.

Children

The Government is committed to children's welfare through its programs of health care and free education, but these have not been adequate to meet the needs of the country's sharply increasing population.

It is estimated that up to 20 percent of elementary school age children do not attend school on a regular basis. The Government does not enforce the compulsory education law due to a lack of classrooms and teachers. The Government's enrollment report indicates that only two-thirds of those completing eighth grade attend high school. Of that number, 50 percent eventually graduate.

Child abuse and neglect are criminal offenses; however, awareness of children's rights remains low among the general population. The law requires teachers, caregivers, and other persons to report instances of child abuse and exempts them from civil or criminal liability as a consequence of making such a report. However, there are few reports and few prosecutions. Child abuse and neglect are considered to be on the increase. Apparently contributing to the problem are the influences on family life and traditional values arising from increased urbanization, unemployment, population pressures, two-earner households, and the availability of alcohol and illegal gambling.

People with Disabilities

There is no apparent discrimination against disabled persons in employment, education, or in the provision of other state services. There are no building codes, and there is no legislation mandating access for the disabled.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of free association in general, and the Government interprets this right as allowing the existence of labor unions, although none has been formed to date. The Constitution does not provide for the right to strike, and the Government has not addressed this issue.

In mid-October, there was a weeklong strike against the government-owned Air Marshall Islands. Although the Attorney General's Office has indicated that some of the strikers apparently were in violation of national labor laws, there has been no retaliation against any of the strikers. In December the airline managers were relieved of their duties.

b. The Right to Organize and Bargain Collectively

There is no legislation concerning collective bargaining or trade union organization. However, there are no impediments to the organization of trade unions or to collective bargaining. Wages in the cash economy are determined by market factors in accordance with the minimum wage and other laws.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits involuntary servitude, and there is no evidence of its practice. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law does not prohibit the employment of children. Children typically are not employed in the wage economy, but some assist their families in fishing, agriculture, and other small-scale domestic enterprises. The law requires compulsory education for children from 6 to 14 years of age, but the Government does not enforce this law due to a lack of classrooms and teachers. There is no law or regulation setting a minimum age for employment of children.

The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

A government-specified minimum wage is established by law, and it is adequate to maintain a decent standard of living in this subsistence economy where extended families are expected to help less fortunate members. The minimum wage for all government and private sector employees is \$2.00 per hour. (The U.S. dollar is the national currency.) The Ministry of Resources and Development oversees minimum wage regulations, and its oversight has been deemed adequate. Foreign employees and Marshallese trainees of private employers who have invested in or established a business in the country are exempt from minimum wage requirements. This exemption does not affect a significant segment of the work force.

There is no legislation concerning maximum hours of work or occupational safety and health. Most businesses are closed, and people generally refrain from work on Sunday.

A government labor office makes recommendations to the Nitijela on working conditions, such as the minimum wage, legal working hours and overtime payments, and occupational health and safety standards in accordance with International Labor Organization conventions. The office periodically convenes board meetings that are open to the public. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions.

f. Trafficking in Persons

There are no specific laws concerning trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.