



U.S. DEPARTMENT of STATE

Marshall Islands

Country Reports on Human Rights Practices - 2002

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The Republic of the Marshall Islands is a self-governing nation under the Compact of Free Association with the United States. The Constitution provides for free and fair elections and executive and legislative branches. The legislature consists of a 33-member Parliament (Nitijela), as well as 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 country has no external security force. The national and local police forces have responsibility for internal security. These agencies observed constitutional and legal civil rights protections in executing their responsibilities.

According to 2000 statistics, the population was approximately 57,000, was of Micronesian origin, and was concentrated primarily on the Majuro and Kwajalein Atolls. The economy depended mainly on transfer payments from the United States. Coconut oil and copra exports, a small amount of tourism, import and income taxes, an open ship registry, a tuna loining plant, ship chandlery and fishing licensing fees generated limited revenues.

The Government generally respected the human rights of its citizens, and the law and the 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 were problems. The Republic of the Marshall Islands was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution forbids such practices, and there were no reports that government officials employed them.

Prison conditions, while Spartan, generally met international standards, and the Government permitted prison visits by independent human rights observers. Male juveniles and adults were detained separately, but female juveniles and adults were held at the same facilities. Pretrial detainees were not separated from the general prison population.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Nonetheless, the Chief Justice of the High Court admitted in 2001 that arbitrary detentions did occur. 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. However, it appears that such violations were due mainly to inefficiency; the courts and the Attorney General's office worked with the police during the year to improve communications between the courts and police when suspects were detained.

Families had access to detainees, and detainees had the right to lawyers of their choice. There is a functioning system of bail, and the State provides a lawyer if the defendant is indigent. The Constitution and law do not prohibit forced exile; however, the Government did not employ this practice.

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.

The employment of a foreign national High Court judge, who had disagreements with the previous government, was terminated prematurely in 1999, but he was appointed to the Supreme Court in 2000. In his 2000 inaugural address, President Note pledged to protect the independence of the judiciary, following the previous four years during which three chief justices had resigned or been terminated by the Government. During the year, there were no known incidents of executive pressure on the judiciary. Few citizens are trained in the law. Therefore, the judicial system relied almost entirely on noncitizen judges, public prosecutors, and defense lawyers; most private attorneys were also noncitizens. Since the election of President Note, the Government increased judges' salaries by 20 percent to better attract and retain qualified judges.

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 an independent judiciary generally enforced this right.

There were no reports of political prisoners.

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

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. In the past, government influence has led to occasional self-censorship by the media in areas of political or cultural sensitivity; however, there were no known instances of self-censorship during the year.

A privately owned weekly newspaper published articles and opinions in both English and Marshallese.

There were two radio stations, one of which was government owned; the other was religious and offered news broadcasts from the Voice of America, the British Broadcasting Corporation, and Radio Australia. In the past, live broadcasts of the legislative session had been interrupted when they included remarks critical of the Government; however, this did not occur during the year. A government station broadcast public service announcements. A cable television company broadcast a variety of foreign news and entertainment programs and occasional videotaped local events.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

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

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

For more detailed information see the [2002 International Religious Freedom Report](#).

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

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

Beginning in 2000, the Government launched an alien registration drive to counter alleged increases in illegal entries by Chinese and other foreign nationals. During the year, the Government periodically conducted "sweeps" to locate and ultimately deport undocumented aliens. In 2001 the Government enacted regulations restricting the operations of certain businesses to citizens. In 1996, as a means of attracting foreign investment, the Government issued so-called investment passports (which conveyed Marshall Islands citizenship) to approximately 3,000 noncitizens. It halted this practice in 1997 following allegations of abuses and fraudulent passport sales, and the Nitijela officially banned such passport sales in 2001 citizenship legislation. These "investment" passports are expiring, and the Government is examining such passports more closely, denying renewal in cases such as those with no record of first-time issuance. There were no provisions in the 2001 law for the removal of any person who loses citizenship as a result of this review.

Although not a signatory, the Government adheres to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperates with the U.N. High Commissioner for Refugees. There were no recent reports of refugees. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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 exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. Executive power is centralized in the President and his Cabinet. This group dominated the legislature as well. The Nitijela (Parliament) and mayors are elected by secret ballot every 4 years by citizens 18 years of age and older. The last Nitijela election was held in 1999. In January 2000, 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. There were no restrictions on the formation of political parties. Political activity by foreigners was prohibited.

There were no legal impediments to women's participation in government and politics; however, women's cultural responsibilities, traditionally passive roles, and the generally early age of pregnancies made it difficult for women to obtain political qualifications or experience. Nevertheless, a woman was elected to the Nitijela in 1999. Society is matrilineal, and those men and women who exercised traditional leadership and land ownership powers derived their rights either from their own positions in the family, or from relationships based on their mother's and sister's lineage. However, the traditional authority exercised by women has declined with growing urbanization and movement of the population away from traditional lands.

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

While there are no official restrictions, few local nongovernmental human rights organizations have been formed.

The women's NGO Women United in the Marshall Islands (WUTMI) worked on women's, children's, and family issues and played a greater role in social issues. A WUTMI leader, for example, was named to the Compact Renegotiation Team.

There is a government-sponsored committee to establish a local Red Cross chapter, and the Government hosted a Red Cross Conference on the Geneva Conventions in 2001.

No international human rights organization has expressed interest or concern or visited the country.

Section 5 Discrimination Based on Race, Sex, 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 observed these provisions.

Women

Spousal abuse was common. Domestic violence was not condoned in society, and most assaults occurred while the assailant was under the influence of alcohol. The Government's health office provided counseling for reported spousal and child abuse cases but apparently many cases went unreported. Rape and assault were criminal offenses, but women involved in domestic violence were reluctant to prosecute spouses in the court system. Women's groups under the WUTMI umbrella publicized women's issues and promoted a greater awareness of women's rights. Violence against women outside the family occurred, and women in urban centers risked assault if they went out alone after dark.

There is no legal age of consent. The law criminalizes only "forced" rape and does not specifically cite sexual assault, domestic violence, or sexual abuse. There was some national debate regarding criminalizing these acts; however, debate was hampered by cultural norms against discussion of these subjects.

In September the Parliament made prostitution illegal; however, prostitution exists on the Majuro and Kwajalein Atolls. Organized prostitution was run by and catered to foreigners, primarily the crews of foreign fishing vessels. There were no specific reports of violence against prostitutes, although the Government assumed that it existed. There is no law against sex tourism, and none has been reported.

Sexual harassment is not prohibited by law and was not considered a serious problem.

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

Children

The Government showed commitment 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.

Education is free, compulsory, and universal through eighth grade. There was no difference between the attendance rates of boys and girls.

It is estimated that up to 20 percent of elementary school age children did not attend school on a regular basis. The Government did not enforce the compulsory education law. The Government's enrollment report indicated that only two-thirds of those completing eighth grade attended high school. Of that number, 50 percent--or one-third of those who start elementary school--eventually graduated.

The Government provided subsidized essential medical services for all citizens, including children.

Child abuse and neglect are criminal offenses; however, public awareness of children's rights remained low. 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 were few reports and few prosecutions. Child abuse and neglect were considered to be on the increase. In August 2001, two young men sexually assaulted an infant and were later charged with child abuse and sodomy. At year's end, both were still free on bail awaiting further judicial action.

Persons with Disabilities

There was no apparent discrimination against persons with disabilities in employment, education, or the provision of other state services. There were no building codes and no legislation mandating access for persons with disabilities.

There were approximately 50 persons who could be medically defined as psychotic. When these individuals demonstrated dangerous behavior, they were imprisoned and visited by a doctor.

There were no reports of discrimination against persons with mental disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of free association in general, and the Government interpreted this right as allowing the existence of labor unions, although none have been formed to date.

b. The Right to Organize and Bargain Collectively

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

The Constitution does not provide for the right to strike, and the Government has not addressed this issue.

There were no strikes during the year. There have been no strikes since 1999 strikes at the government hospital and the government-owned airline.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits involuntary servitude, and there was no evidence of its practice among citizens of the country. With the increasing presence of illegal aliens, it is possible that forced or bonded labor exists; however, there were no specific reports of the problem during the year. In 2001 there were two separate reports of forced labor involving two noncitizens; one was a domestic worker and the other worked in a restaurant. The domestic employee, whose case awaited review by the Attorney General's Office at year's end, continued to work in the country. The case of the restaurant worker was settled in a civil suit in January 2001, and he returned to his home country.

The law does not specifically prohibit forced and bonded labor by children; however, such practices were not known to occur.

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

Children typically were not employed in the wage economy, but some assisted their families in fishing, agriculture, and other small-scale domestic enterprises. There is no law or regulation setting a minimum age for employment of children. The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

A government-specified minimum wage is established by law, but it was not adequate to maintain a decent standard of living for a worker and family. However, in a subsistence economy extended families are expected to help less fortunate members, and there were often several wage earners to support each family. The minimum wage for all government and private sector employees was \$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 was regarded as adequate. Foreign employees and Marshallese trainees of private employers who had invested in or established a business in the country were exempt from minimum wage requirements. This exemption did not affect a significant segment of the workforce.

There is no legislation concerning maximum hours of work or occupational safety and health. On Sunday most businesses were closed, and persons generally refrained from working.

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.

Foreign workers were protected by the law in the same manner as citizens.

f. Trafficking in Persons

There are no specific laws concerning trafficking in persons, and there were no confirmed cases of persons being trafficked to, from, or within the country during the year. However, there was increasing suspicion that foreign-born Marshallese passport holders might be using the country as a staging point for trafficking of persons to an unconfirmed destination or destinations. The Immigration Office, the Attorney General's Office, the police, and religious communities were all concerned about the issue, but no steps were taken and cooperation on the issue remained limited.