

# **Status of Human Rights in Micronesia for the 51<sup>st</sup> Session of the Universal Periodic Review**

## **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Federated States of Micronesia (Micronesia) for the 51<sup>st</sup> session of the Universal Periodic Review (UPR).

## **Background**

2. Micronesia is an island country located in the Pacific Ocean and has a population of approximately 105,550 people.<sup>1</sup> The population is predominantly Christian, with approximately 54.7% identifying as Roman Catholic, 41.5% as Protestant Christian, and 3.8% as other.<sup>2</sup>

3. Micronesia's last review was held on January 18, 2021.<sup>3</sup> As a result of the review, Micronesia received 154 recommendations, 141 of which it supported.<sup>4</sup> It was recommended by New Zealand, and supported by Micronesia, that the government "[i]ncrease efforts to investigate, prosecute and convict traffickers, and improve procedures to identify and support victims of human trafficking."<sup>5</sup> Further, Micronesia supported a recommendation made by Iran, Portugal, Timor-Leste, and Vanuatu, to "[r]atify the International Covenant on Civil and Political Rights."<sup>6</sup> No recommendations were made regarding religious freedom.

4. In our last UPR on Micronesia, we urged the government to take steps to enhance its law enforcement capability to identify cases of human trafficking and ensure perpetrators are brought to justice. Additionally, no recommendations were made regarding religious freedom.

## **Legal Framework**

5. Section 10 of Article 4 of the Constitution of Micronesia states that "[s]lavery and involuntary servitude are prohibited except to punish crime."<sup>7</sup>

6. Human trafficking is criminalized in Micronesia. Under Section 615 of the Revised Code of the Federated States of Micronesia:

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<sup>1</sup> *Micronesia*, BRITANNICA, <https://www.britannica.com/place/Micronesia-republic-Pacific-Ocean>.

<sup>2</sup> *Id.*

<sup>3</sup> *Universal Periodic Review – Micronesia (Federated States of)*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/fm-index>.

<sup>4</sup> *Infographic – Micronesia*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/FM/InfographicsMICRONESIA\\_FEDERATED\\_STATES\\_OF.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/FM/InfographicsMICRONESIA_FEDERATED_STATES_OF.pdf).

<sup>5</sup> OHCHR, UPR of Micronesia (Federated States of)(3<sup>rd</sup> Cycle – 37<sup>th</sup> Session): Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/FM/UPR37\\_Micronesia\\_Thematic\\_List\\_of\\_Recommendations.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/FM/UPR37_Micronesia_Thematic_List_of_Recommendations.docx).

<sup>6</sup> *Id.*

<sup>7</sup> CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA 1978 (REV. 1990) art. 4 § 10, [https://antislaverylaw.ac.uk/country/micronesia-\(federated-states-of/?dataset=adld](https://antislaverylaw.ac.uk/country/micronesia-(federated-states-of/?dataset=adld).

A person who knowingly recruits, transports, transfers, harbors or receives another person for the purpose of exploitation, by threat, use of force, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person shall be guilty of human trafficking. Upon conviction, a person guilty of this offense shall be imprisoned for not more than 15 years, or fined not less than \$5,000 but not more than \$25,000, or both.<sup>8</sup>

7. Micronesia is not a party to the International Covenant on Civil and Political Rights (ICCPR), but does have an obligation to uphold the rights enshrined in the Universal Declaration of Human Rights (UDHR).<sup>9</sup> Article 4 of the UDHR states that “[n]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”<sup>10</sup>

8. Micronesia is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>11</sup> Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.<sup>12</sup>

## Human Trafficking

9. In our last UPR on Micronesia, we urged the government to enhance its efforts to identify victims of human trafficking and increase training for law enforcement personnel so that cases of human trafficking can be prosecuted thoroughly. Unfortunately, since its last UPR, the number of victims identified and perpetrators prosecuted remains low.

10. Micronesia, like many of the Pacific Island countries, is susceptible to the exploitation and recruitment of human trafficking victims.<sup>13</sup> These victims are trafficked for both forced labor and sexual exploitation.<sup>14</sup> Sex traffickers target Micronesian women and girls and

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<sup>8</sup> REVISED CODE OF THE FEDERATED STATES OF MICRONESIA §615, [https://antislaverylaw.ac.uk/country/micronesia-\(federated-states-of/?dataset=adld](https://antislaverylaw.ac.uk/country/micronesia-(federated-states-of/?dataset=adld).

<sup>9</sup> *Ratification Status for Micronesia (Federated States of)*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=113&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=113&Lang=EN) (last visited Apr. 29, 2025).

<sup>10</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights art. 4 (Dec. 10, 1948).

<sup>11</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, United Nations Treaty Collection, [https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg\\_no=xviii-12-a&chapter=18](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18).

<sup>12</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, art. 9 § 1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

<sup>13</sup> *New UNODC Report Examines Patterns and Prevalence of Trafficking in Persons in the Pacific Islands*, UNODC (Oct. 2, 2023), <https://www.unodc.org/roseap/pacific/2023/10/trafficking-persons-report-pacific-islands/story.html>.

<sup>14</sup> *Id.*

exploit them by forcing them into commercial sex with foreign crewmembers on fishing vessels.<sup>15</sup> Further, traffickers have recruited Micronesian citizens through promises of good paying jobs in the United States of America and its territories.<sup>16</sup> However, these promises of jobs are lies, and the victims are forced into commercial sex, domestic servitude, or forced labor, when they arrive at their destination.<sup>17</sup>

11. While the exact number of human trafficking victims in Micronesia is unknown, it is estimated that there could be as many as 2,400 victims who have been trafficked over the last five years across Micronesia and five other island countries in the Pacific.<sup>18</sup> Below, we have highlighted two cases of human trafficking that have occurred since Micronesia's last review.

12. In 2023, two individuals pleaded guilty to trafficking two victims from Micronesia to the United States of America and exploiting them for labor.<sup>19</sup> The two traffickers lured their victims by promising them jobs in the United States so that they could send money back to their families.<sup>20</sup> Once the victims arrived in the United States, their passports were taken away and they were forced to work in a meatpacking plant.<sup>21</sup> The victims never saw the money they were supposed to earn, as the traffickers kept the \$70,000 the victims had earned.<sup>22</sup> While these individuals were arrested in the United States of America, this example illustrates how victims are trafficked from Micronesia to other countries.

13. On March 15, 2022, a New Zealand man was arrested in Micronesia and charged with two counts of human trafficking and three counts of trafficking in children.<sup>23</sup> In one case, prosecutors alleged he used money to lure a minor to his apartment to be sexually exploited.<sup>24</sup>

14. These stories illustrate the horrors that victims of human trafficking are subjected to. Unfortunately, there are many human trafficking victims who are living this horror today and go unreported and uninvestigated. Since Micronesia's last UPR, the government has only secured seven human trafficking convictions.<sup>25</sup> Those convicted received prison sentences up to fifteen years and fines of \$10,000.<sup>26</sup> However, there have been no human trafficking convictions or victims identified since 2023.<sup>27</sup> This is extremely concerning, given the estimated number of human trafficking victims.

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<sup>15</sup> *Micronesia (Federated States of)*, GLOBAL ORGANIZED CRIME INDEX, [https://ocindex.net/country/micronesia\\_federated\\_states\\_of](https://ocindex.net/country/micronesia_federated_states_of).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *New UNODC Report Examines Patterns and Prevalence of Trafficking in Persons in the Pacific Islands*, *supra* note 13.

<sup>19</sup> *2 Sentenced for Trafficking Victims to Iowa, Stealing Their Paychecks*, KCCI (Mar. 22, 2023), <https://www.kcci.com/article/human-trafficking-victims-to-iowa-stealing-their-paychecks/43388217>.

<sup>20</sup> *Id.*

<sup>21</sup> William Morris, *Micronesian Couple Sentenced in Labor Trafficking Case Involving Relatives at Ottumwa Plant*, DES MOINES REGISTER (Mar. 22, 2023), <https://www.desmoinesregister.com/story/news/crime-and-courts/2023/03/22/labor-trafficking-at-iowa-meatpacker-nets-micronesian-couple-prison-term/70022491007/>.

<sup>22</sup> *Id.*

<sup>23</sup> Barbara Dreaver, *NZ Man Facing Child Trafficking Charges in Federated States of Micronesia*, 1 NEWS (Mar. 30, 2022), <https://www.1news.co.nz/2022/03/30/nz-man-facing-child-trafficking-charges-in-federated-states-of-micronesia/>.

<sup>24</sup> *Id.*

<sup>25</sup> *Country Capacity Assessment on Trafficking in Persons: Federated States of Micronesia*, IOM 30 (Apr. 2024), [https://roasiapacific.iom.int/sites/g/files/tmzbd1671/files/documents/2024-05/tip-assessment\\_fsm\\_final.pdf](https://roasiapacific.iom.int/sites/g/files/tmzbd1671/files/documents/2024-05/tip-assessment_fsm_final.pdf).

<sup>26</sup> *Id.*

<sup>27</sup> *Micronesia, Freedom in the World 2024*, FREEDOM HOUSE (2024), <https://freedomhouse.org/country/micronesia/freedom-world/2024>.

15. There are numerous factors hindering Micronesia’s ability to combat and prosecute cases of human trafficking effectively. For example, the government lacks Standard Operating Procedures (SOPs) to identify and refer victims of human trafficking proactively.<sup>28</sup> Additionally, while an anti-trafficking task force has been created in each of Micronesia’s four states, only one remains active.<sup>29</sup> Further, the government has not provided resources and education on the dangers of human trafficking for citizens who are leaving the country for work abroad.<sup>30</sup>

16. The government has taken some steps to address human trafficking.<sup>31</sup> The government has instituted an anti-trafficking training program for law enforcement officials and has allocated \$120,00 for services for victims of human trafficking.<sup>32</sup> However, it is yet to be seen if these measures will be effective, as Micronesia has not prosecuted a human trafficking case since 2023.<sup>33</sup>

17. Even though Micronesia is not a party to the ICCPR, it does have an obligation under the UDHR which states that “[n]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”<sup>34</sup> Further, Micronesia has an obligation under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime to prevent human trafficking and protect victims. Micronesia is failing to live up to these obligations as demonstrated by its lack of convictions and lack of resources dedicated to combatting human trafficking.

## Recommendations

18. It is imperative that Micronesia takes the issue of human trafficking seriously. We urge Micronesia to implement SOPs that will aid in the ability to identify victims of human trafficking so perpetrators can be held accountable, and the victims can get the help they need. Further, every state in Micronesia must have an operational human trafficking force so they can thoroughly investigate all cases of potential human trafficking. Additionally, we ask that Micronesia ratify the ICCPR and begin to protect the rights established in it.

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<sup>28</sup> *Micronesia (Federated States of)*, GLOBAL ORGANIZED CRIME INDEX, *supra* note 15.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Lydia Greene, *Human Trafficking in Micronesia*, THE BORGEN PROJECT (OCT. 5, 2023).

<sup>32</sup> *Id.*

<sup>33</sup> *Micronesia, Freedom in the World 2024*, *supra* note 27.

<sup>34</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights art. 4, *supra* note 10.