



The Federated States of Micronesia

Submission to the Committee on the Rights of the Child

Convention on the Rights of the Child

83rd Pre-Sessional Working Group, June 2019

NGO Report

Submitted By

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Introduction

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, strives to strengthen equal rights and opportunities worldwide by improving the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers on laws and policies that work to support economic opportunity, social and civic engagement, human health, development, well-being, and equity for all 193 UN member states. The WORLD Policy Analysis Center submits the following brief in advance of the 83rd Pre-Sessional Working Group of the Committee on the Rights of the Child. We are delighted that during its June 2019 meeting, the Committee will hear from and embark on discussions with The Federated States of Micronesia to build on The Federated States of Micronesia's valuable ratification of the CRC.

This brief will focus on the following two areas of exploration:

- General Principles: Equality and Non-Discrimination
- Special Protections: Child Labor

GENERAL PRINCIPLES: EQUALITY AND NON-DISCRIMINATION (ARTICLE 2)

Article 2.1 of the CRC states that:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

THE FEDERATED STATES OF MICRONESIA'S CONSTITUTIONAL PROVISIONS

As the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing human rights. We reviewed full text constitutions as of May 2017 for all 193 UN member states available from official government sources to determine whether the constitution took any approach to equality across the grounds listed in article 2.1 of the CRC by prohibiting discrimination based on each specific status, guaranteeing equal rights, guaranteeing





equality before the law, or guaranteeing overall equality or equal opportunities. The Federated States of Micronesia's constitution prohibits discrimination based on the following factors captured in the CRC:

- Sex
- Race
- National, ethnic or social origin
- Language
- Property

These guarantees are embedded in Article IV of The Federated States of Micronesia's Constitution:

Section 3. A person may not be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws.

Section 4. Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.

Several groups guaranteed equality in the CRC are not covered by the constitutional provisions above including **persons facing discrimination based on disability, religion, and political or other opinion.**

RECOMMENDATION

We hope the Committee will have a dialogue with The Federated States of Micronesia to determine whether existing legal guarantees extend to ensure equality across disability, religion and political or other opinion through constitutional case law or legislation not captured above. Where these guarantees are not in place, we hope the Committee will work with The Federated States of Micronesia to add these legal guarantees of equality across all persons regardless of disability, religion, and political or other opinion, consistent with the CRC commitments.

SPECIAL PROTECTIONS: CHILD LABOR (ARTICLE 32)

Article 32.1 States that:

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.





Article 32.2.a states that:

States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

Article 32.2.b states that:

States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(b) Provide for appropriate regulation of the hours and conditions of employment;

THE FEDERATED STATES OF MICRONESIA'S LEGISLATIVE PROVISIONS

We systematically reviewed national labor and child-related legislation available through the International Labor Organization's NATLEX database as of October 2016 for all 193 UN member states to determine whether national legislation established a minimum age for admission to employment, hazardous work, limits on hours of work, or guaranteed nightly rest for children. While we recognize there may be other policies governing child labor, we found no evidence of legislation in The Federated States of Micronesia that explicitly protects children from work in any of these areas.

RECOMMENDATION

Our review of all labor and child-related legislation submitted to the ILO and available in NATLEX in 2016 did not identify any national legislative provisions that protect children from work in The Federated States of Micronesia. **We hope the Committee will examine with The Federated States of Micronesia whether such legislation exists and if it does not, urge The Federated States of Micronesia to pass and implement legislation that establishes a minimum age for admission to employment of 15 years or older, protects all children from hazardous work, and ensures that work does not interfere with schooling by ensuring hours of work for school-aged children are limited to less than 6 hours a day with at least 12 hours of guaranteed nightly rest to be consistent with CRC and ILO standards.**





SUMMARY OF KEY RECOMMENDATIONS

- We hope the Committee will have a dialogue with The Federated States of Micronesia to determine whether they have legal guarantees to ensure equality/non-discrimination across disability, religion, and political or other opinion, and where these guarantees are not in place, urge The Federated States of Micronesia to expand legislative and/or constitutional guarantees of equality to cover these groups who are covered by the CRC.
- We hope the Committee will explore with The Federated States of Micronesia whether legislation exists that:
 - Establishes a minimum age for admission to employment of 15 years or older.
 - Protects all children from hazardous work.
 - Ensures work does not interfere with schooling by:
 - Ensuring hours of work for school-aged children are limited to less than 6 hours a day with at least 12 hours of guaranteed nightly rest.

If such legislative guarantees are not in place, we hope the Committee will urge The Federated States of Micronesia to pass and implement them.

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