STANDING COMMITTEE REPORT NO. 17-79

RE: C.R. No. 17-87/H&SA

SUBJECT: THE ACCESSION OF THE FEDERATED STATES OF MICRONESIA TO THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF A CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

JANUARY 28, 2012

The Honorable Isaac V. Figir
Speaker, Seventeenth Congress
Federated States of Micronesia
Third Regular Session, 2012

Dear Mr. Speaker:

Your Committee on Health and Social Affairs, to which was jointly referred C.R. No. 17-87, entitled:

> "A RESOLUTION TO APPROVE THE ACCESSION OF THE FEDERATED STATES OF MICRONESIA TO THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF A CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY.",

begs leave to report as follows:

Your Committees on External Affairs and Health & Social Affairs held a joint public hearing on this matter with the Department of Foreign Affairs, the Department of Health & Social Affairs, and SBOC on January 24, 2012 on the above-captioned resolution.

Secretary of Foreign Affairs Robert stated that his department wholeheartedly supported this resolution as protection for our children against such hideous crimes as sale and prostitution. He also stated that it was time that the Federated States of Micronesia took its place as a global citizen in assisting in human rights protection. The

Secretary of Health & Social Affairs also stated that her department strongly supported this resolution to prevent the exploitation of the children of this country. The Secretary of Health & Social Affairs further stated that this resolution was important as there had been information of some child pornography having been imported to the Federated States of Micronesia in the past. Her position was that though we are fortunate, at this time, not to have a substantial or on going problem we should not wait to take action to protect our children. The hearing was continued to allow the Department of Justice to be present to comment on any relevant legal issues.

The hearing was continued on January 25, 2012, in addition to your Committees on External Affairs and Health & Social Affairs, the Departments of Justice, Foreign Affairs, SBOC and Health & Social Affairs were in attendance. The Department of Justice gave the historical background to the Convention on the Rights of the Child, that was signed in 1993 and its optional protocol regarding the sale of children, child prostitution and child pornography, thereby satisfying questions your Committee on Health and Social Affairs had regarding the ratification process. The FSM already signed the protocol in 2002 therefore the proper legal process for this resolution is ratification. All reference to "accession" should be struck in C.R. No. 17-87 and "ratify" or "ratification" inserted. Your Committee on Health and Social Affairs was further advised by the Departments of Foreign Affairs and Justice that a review of state and national laws will be made if the optional protocol is ratified and any necessary legislation will be drafted to ensure full implementation.

After due deliberation your Committee strongly favoured the adoption of C.R. No. 17-87 particularly in light of the overwhelming support of the Departments of Foreign Affairs and Health & Social Affairs. The Committee recommends that C.R. No. 17-87 be amended to strike any reference to "accession" and insert "ratify" or "ratification" as

explained by witnesses from the Department of Justice, which is the proper legal process in this instance.

Your Committee recommends the following amendments to C.R. No. 17-87:

1. Page 1, title, delete title; and insert "To ratify the Optional Protocol to the Convention on the Rights of a Child on the Sale of Children, Child Prostitution and Child Pornography" in lieu thereof.

2. Page 2, line 22, delete "accede to"; and insert "ratify" in lieu thereof.

3. Page 3, line 2, delete "Second Special Session, 2011,"; and insert "Third Regular Session, 2012," in lieu thereof.

4. Page 3, line 3, delete "accession"; and insert "ratification' in lieu thereof.

Your Committee on Health and Social Affairs is in accord with the intent and purpose of C.R. No. 17-87, and recommends its adoption in the form attached hereto as C.R. No. 17-87, C.D.1.

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Respectfully submitted,

/s/ Tony H. Otto
Tony H. Otto, chairman

/s/ Yosiwo P. George
Yosiwo P. George, vice chairman

Dohsis Halbert, member

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Florencio S. Harper
Florencio S. Harper, member

/s/ Berney Martin
Berney Martin, member

Joseph J. Urusemal, member