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Draft report of the Working Group on the Universal Periodic Review*

Marshall Islands

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-second session from 4 to 15 May 2015. The review of Marshall Islands was held at the 12th meeting on 11 May 2015. The delegation of Marshall Islands was headed by H. E. Mr. Tony A. deBRUM, Minister of Foreign Affairs. At its 17th meeting held on 15 May 2015, the Working Group adopted the report on Marshall Islands.
2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Marshall Islands: China, Congo and Mexico.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Marshall Islands:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/22/MHL/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/22/MHL/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/22/MHL/3).
4. A list of questions prepared in advance by Belgium, Germany, Liechtenstein, Mexico, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Marshall Islands through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of the Republic of the Marshall Islands, headed by H. E. Mr. Tony A. deBrum, Minister of Foreign Affairs, thanked the Office of the High Commissioner for Human Rights, the Human Rights Council and the Working Group of the Universal Periodic Review (UPR) for allowing Marshall Islands to present its second State Report on its human rights situation. The delegation also thanked the Regional Rights Resource Team of the Secretariat of the Pacific Community (RRRT), the Pacific Islands Forum Secretariat (PIFS) and their bilateral partners for assistance in the preparations leading up to the submission of Marshall Islands second State Report as well as their participation before the UPR Working Group.
6. The Republic of the Marshall Islands stated that with a population of over roughly 60,000 people, it consists of low-lying coral atolls (29) and islands (5) in the central Pacific with a total land area of approximately 181 sq. km scattered over an exclusive economic zone of 2 million sq. km of ocean.
7. The Republic of the Marshall Islands emphasized that after World War II, it was administered by the United States of America under a United Nations-mandated Pacific Islands Trust Territory. During that period, the United States of America detonated in the country, namely the atolls of Bikini and Enewetak, 67 atmospheric, land, and underwater atomic and thermonuclear weapons from 1946 to 1958, or the equivalent of 1.6 Hiroshima bombs every single day for the 12 years of the United States Nuclear Testing Program.

Such was the legacy of the United States, and to this day outstanding issues arising of the Nuclear Testing Program are yet to be resolved. The Republic of the Marshall Islands adopted its Constitution in 1979, and on 21 October 1986, it entered into the Compact of Free Association with the United States. An amended version of the Compact was signed in 2003.

8. The Republic of the Marshall Islands stated that it had made important strides from its first UPR in 2010. In addition to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), it was now a State Party to the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention Against Corruption (UNCAC). Prior to the accession to CRPD, consultations had to occur so as to develop the National Policy on Disability Inclusive Development, which was approved by the “*Nitijela* (Parliament)” in late 2014. The Policy was developed in line with CRPD, the Pacific Regional Strategy on Disability and the Incheon Strategy. Subsequent to acceding to CRPD, Marshall Islands had drafted a Bill on the Rights of Persons with Disabilities, which was with the *Nitijela*. The country received the technical assistance of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), PIFS and the Pacific Disability Forum throughout the entire process.

9. With respect to the other core human rights treaties and existing optional protocols, the Cabinet of the Republic of the Marshall Islands had approved the accession of the country to these treaties and optional protocols subject to their Constitutional processes. Given Marshallese limited resources, the country had to be careful and not only accede to these important treaties and protocols, but also domestic them as well in order to ensure proper implementation.

10. The Republic of the Marshall Islands reported that the *Nitijela* enacted a number of legislations that supported the Bill of Rights and criminalized any violations thereto, particularly the *Domestic Violence Prevention and Protection Act 2011*, an updated *Criminal Code 2011* and the *Marshall Islands Public School System Act 2013*. Also introduced to the *Nitijela*, in addition to the Bill on the Rights of Persons with Disabilities, were two Bills for Child Protection and the Human Rights Commission, respectively, the latter of which was to codify the Resource Development Committee and its monitoring and implementation responsibilities with respect to human rights.

11. Furthermore, and in addition to the National Policy on Disability Inclusive Development, the Republic of the Marshall Islands stressed that it had a National Strategic Plan (NSP) with technical assistance from the United Nations Development Programme (UNDP). The plan covers a 3-year increment period starting 2015-2017 which will continually be updated so as to meet longer term objectives which will be achieved in 5 sectors: Social Development; Environment, Climate Change and Resiliency; Infrastructure Development; Sustainable Economic Development; and Good Governance.

12. The Republic of the Marshall Islands added that the Cabinet recently adopted a number of important gender-inclusive national policies including the Gender Equality Policy, the aforementioned NSP, the National Climate Change Policy Framework and the National Energy Policy, among others. They all incorporated goals and outcomes to progress gender equality and advancement of women, and called for the development of gender sensitive strategies for climate change responses and advancement of woman in decision-making and economic empowerment.

13. Regarding violence against women, the Republic of the Marshall Islands indicated that the *Nitijela* passed the *Domestic Violence Prevention and Protection Act 2011* (DVPPA) after several years of work by the NGO community, including Women United Together Marshall Islands, and other advocates. A Domestic Violence Prevention and

Protection Task Force was established in 2012 as an attachment to Secretary of Internal Affairs to ensure the law was implemented, make recommendations, pooling resources and lobby for *Nitijela's* financial support in the Ministry of Internal Affairs' recurrent budget. To further help the work of eliminating domestic violence, the Government submitted an application to United Nations Trust Fund and was awarded \$372,000 for the implementation of the Act for 3 years according to the Act Costing Table developed by UNDP. Furthermore, a recent Family Health Study Survey (FHSS) assisted by the United Nations Population Fund (UNFPA) began in 2012 and was projected to be launched later this year. One of the recommendations of the study was to improve administrative data collection and analysis in health, justice, education and social services. This will strengthen the referral system between essential services while allowing the country to carry its analysis of the services to ensure that they were responding to the high prevalence rates of violence against women recorded in the FHSS, and make policy and program reform where administrative reporting was low. The Republic of the Marshall Islands stated that it urgently needed international assistance at the grassroots and local levels to better achieve visible implementation on domestic violence.

14. The Republic of the Marshall Islands mentioned other policies developed which were the National Youth Policy (2009-2014) with assistance from NGOs and regional development partners; the National Reproductive Health Policy/Strategy (2014-2016) with assistance from the Pacific Sub-regional Office of UNFPA; the country Prevention of Adolescent Pregnancy: A 3-Year Strategy (2014-2016) with assistance from UNFPA; and the Marshallese Joint National Plan for Climate Change Adaptation and Disaster Risk Management (2014-2018) assisted by the Secretariat of Applied Geo Science and Technology under the Secretariat of the Pacific Community, the Secretariat of the Pacific Regional Environment Programme and UNDP. The delegation thanked these international and regional partners, and asked for their continued support.

15. The Republic of the Marshall Islands emphasized that these accomplishments were made while it continued to face the challenges of climate change and the lingering effects of the United States of America Nuclear Testing Program. The country had been outspoken in seeking to address the human rights dimension of climate change, including in early 2009 when it told the Human Rights Council in a formal report that climate risks will seriously threaten nearly each and every core human right sector, including right to statehood for its entire nation. In 2013, the country led efforts for the Pacific Islands Forum Leaders to adopt the Majuro Declaration, which sets forward national commitments to reduce emissions. This principle - that every nation commits to action, large and small, rich and poor - had helped to change multilateral politics. The country was also working very hard to secure a strong and practical post-2020 climate agreement in Paris, but the Paris agreement under the UNFCCC was very likely to leave a serious exposure to human rights risks.

16. The Republic of the Marshall Islands also emphasized that impacts in its local communities continued to worsen, a recent drought affected a quarter of its nation and necessitated the United Nations OCHA's important involvement. Unusually strong king tides and coastal flooding had devastated local communities. This was also a shared issue in its wider Pacific region as seen from the recent hurricanes in the Federated States of Micronesia and Vanuatu. While natural events had always occurred in small islands, it was irrefutable that there were climate drivers and that the scale and intensity of impacts was increasing.

17. The Republic of the Marshall Islands highlighted that the Special Rapporteur on the implications for human rights of environmentally sound management and disposal of hazardous wastes visited the country in March 27-30, 2012 and the United States of America in April 24-27, 2012 "to assess the impact of human rights of the Nuclear Testing

Program conducted in the Republic of the Marshall Islands by the United States of America from 1946 to 1958". One of the issues identified in his report was the limited access to information relating to the Program. Many of the historical documents provided to the Republic of the Marshall Islands were incomplete and in "Deleted Version Only" form and labelled as Extracted, Redacted or Sanitized with information of unknown nature and volume removed. Following the Special Rapporteur's report, the country had been trying to gain access to this information as recently as 27 April 2015 but to no avail. The repeated failure or refusal of the United States of America to provide full access to these records could only be taken as a blatant indignity toward and lack of respect for the Marshallese people and represented an ongoing violation of basic human rights.

18. Despite these challenges and other constraints such as human and financial resources, the delegation stated that the Republic of the Marshall Islands continued to do its utmost to address recommendations from the first UPR to improve the country's capacity to address human rights issues. As did in 2010, the Republic of the Marshall Islands once again requested the kind assistance of the international community for the following:

- a) Technical and financial assistance for capacity-building of public servants and Government elected officials with respect to implementation of human rights in the country;
- b) Technical and financial assistance in improving public awareness programs of both the Government and NGOs with respect to human rights of the Marshallese people; and
- c) Technical and financial assistance for the Republic of the Marshall Islands to address climate change, educational and health issues.

19. The Republic of the Marshall Islands reiterated its commitment to fulfilling its human rights obligations. Although a small island developing State, a lot of progress had been made in 5 years, and the country was confident that more progress was forthcoming. It recognized that more work needed to be done, none of which will be relegated. The country will continue to do its part in the promotion and protection of human rights for the Marshallese people and the improvement thereof, but it would like to point out that this is a collaborative, universal effort requiring the partnership and assistance of the international community. To that end, the Republic of the Marshall Islands looked forward to the recommendations of the Working Group, which will be seriously considered given its domestic process.

B. Interactive dialogue and responses by the State under review

20. During the interactive dialogue, 43 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

21. The Netherlands noted the standing invitation extended to the Special Procedures and welcomed steps taken to implement recommendations by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. It was concerned about the protection of the rights of people living with HIV/Aids, tuberculosis and/or other sexually transmitted diseases. It noted the steps taken in the field of women's rights and that improvements could be made regarding the political participation of women. The Netherlands made recommendations.

22. New Zealand was conscious of the challenges faced by small island developing States. It congratulated the Marshall Islands on ratifying CRPD and commended its development of domestic legislation. It noted that violence against women was an ongoing problem and offered to share its own experiences in dealing with domestic violence. New Zealand made recommendations.

23. The Philippines appreciated the ratification of CEDAW and CRC, recalling that during the first UPR, the Marshall Islands received numerous recommendations regarding ratification of core international human rights treaties. It inquired regarding the actions taken towards the ratification of these treaties. It noted that the Marshall Islands was delayed in submitting periodic reports in compliance with its obligations under these human rights conventions. The Philippines made a recommendation.

24. Portugal welcomed the steps taken to protect and promote human rights since the first UPR, including the adoption of the 2013 Public School System Act which established a public and free of charge school system. It welcomed the Marshall Islands' determination to prevent adolescent pregnancy as reflected in the development of its 2014-2016 strategy. Portugal made recommendations.

25. The Russian Federation noted with satisfaction the progress achieved, including the new Criminal Code and a National Strategic Plan 2015-2017. It appreciated the policies to promote gender equality, improve the quality of life of persons with disabilities, and for the development of youth. It highlighted the need for the international community to provide support related to healthcare and the environment. The Russian Federation made recommendations.

26. Rwanda noted with appreciation the legislative development, national measures and policies aimed at promoting and protecting human rights. It commended the Domestic Violence Prevention and Protection Act. It noted with appreciation the development of the National Gender Policy, scheduled for review by Cabinet in early 2015 and inquired regarding its outcome. It commended the adoption of the Disability Inclusive Development Policy. Rwanda made recommendations.

27. Sierra Leone commended efforts to address human rights issues in a holistic manner by engaging various stakeholders at the regional and international levels and noted that the Marshall Islands were well on their way to meeting target 4 of the MDGs. It commended climate change management initiatives and encouraged the Marshall Islands to continue to seek technical assistance from the international community. Sierra Leone made recommendations.

28. Singapore welcomed the Marshall Islands' accession to the United Nations Convention against Corruption and commended them for including good governance as one of the five sectors of activities through which it seeks to achieve the objectives of its National Strategic Plan. It acknowledged the Marshall Islands' efforts in protecting and promoting the rights of women. Singapore made recommendations.

29. Slovenia commended the Marshall Islands for ratifying CRPD. It welcomed efforts in the field of gender equality and empowerment of women, including the adoption of the Domestic Violence Prevention and Protection Act of 2011 and the work on a new national gender policy. It noted efforts in ensuring the right to education but remained concerned about the high-school dropout rates. Slovenia made recommendations.

30. Spain recognized the efforts made by the Marshall Islands in the area of rights of persons with disabilities and congratulated it on the recent ratification of CRPD. Spain made recommendations.

31. Responding to questions, the Republic of the Marshall Islands underlined concerning gender equality that even though there was only one female member in the Parliament out of 33, a number of the country's positions in the public service were held by women such as the Head of Public Service Commission. The Republic of the Marshall Islands strived to bring along its goals of gender equality in this small country.

32. In terms of public health, the Republic of the Marshall Islands had some of the best records in both follow-up and treatment of HIV-AIDS and tuberculosis.

33. The Republic of the Marshall Islands also appreciated comments regarding its continuous efforts securing nuclear justice for people who have been exposed to radiation during the Testing Program and their descendants. It was working on solving issues regarding claims that had been adjudicated but not paid and also to hold the United States of America responsible for the monitoring of exposed areas and homelands that cannot be resettled because of high level of radiation. This continued to be a work in progress. The Republic of the Marshall Islands has met some milestones but there were still a lot of impediments to the final resolution of this issue beginning with the freedom and access to information which it knew the United States possessed but never shared invoking security reasons.

34. Sweden referred to the Committee on the Rights of the Child's recommendation to the Marshall Islands that corporal punishment of children be prohibited in all settings and that the Criminal Code authorises the use of force to correct children's misconduct. It noted that despite legal prohibition, violence against women was a widespread problem. Sweden made recommendations.

35. Thailand welcomed legislative and political reforms, in particular the adoption of the Domestic Violence Prevention and Protection Act in 2011, the new Criminal Code and the active cooperation with international organizations. It encouraged the Marshall Islands to intensify its effort to adopt and apply a Global National Policy on Disabilities. It also encouraged awareness-raising programmes to prevent sexually transmitted diseases and early pregnancy. Thailand made recommendations.

36. Timor-Leste noted with appreciation the adoption of a new law on education in 2013 that ensures the right to education, as well as the adoption of the Domestic Violence Prevention and Protection Act. It noted that the Marshall Islands was in the process of reviewing its legislation concerning persons with disabilities. Timor-Leste made recommendations.

37. The United Kingdom of Great Britain and Northern Ireland commended the Marshall Islands' efforts to implement recommendations, despite capacity and resource challenges. It welcomed measures to combat gender-based violence and protect the rights of children. It was concerned that levels of sexual and gender-based violence remained high and encouraged the Marshall Islands to take further action in this area and ensure perpetrators of domestic violence are prosecuted. The United Kingdom of Great Britain and Northern Ireland made recommendations.

38. The United States of America noted that the Government had approved the formation of a National Task Force on Human Trafficking, but stated that it had not demonstrated efforts to prosecute alleged traffickers, protect victims, or prevent trafficking. It stated that additional Government efforts were needed to raise awareness and enforce laws prohibiting employment discrimination, particularly with regard to persons with disabilities. The United States of America made recommendations.

39. Uruguay congratulated the Marshall Islands on their recent ratification of CRPD and encouraged it to continue its efforts aimed at harmonizing domestic legislation with international human rights obligations. Uruguay made recommendations.

40. The Bolivarian Republic of Venezuela listed the legislative changes that had taken place during the last years, such as the new Penal Code and the Domestic Violence Prevention and Protection Act of 2011. It highlighted the National Strategic Plan of 2014, the National Gender Policy and the Public School System Act. The Bolivarian Republic of Venezuela made a recommendation.

41. Algeria commended the efforts deployed by the Marshall Islands to promote and protect human rights, in particular the adoption of the Domestic Violence Prevention and

Protection Act. It also congratulated the Marshall Islands on the measures adopted for the protection of children. It noted that the review of national report referred to the major challenges such as climate change and nuclear tests. Algeria made recommendations.

42. Argentina congratulated the Marshall Islands for the establishment of the National Strategic Plan 2015-2017 and the National Policy on Disability Inclusive Development 2014-2018. Argentina made recommendations.

43. Armenia noted the steps taken for raising awareness about human rights including through mass media, the open invitation extended to all special procedures of the Human Rights Council, and the initiatives to promote women's rights. However, Armenia was concerned that the Marshall Islands had not yet ratified numerous core international human rights instruments. It also encouraged the Marshall Islands to take additional measures to promote human rights education. Armenia made recommendations.

44. Australia congratulated the Marshall Islands for the enactment of the Domestic Violence Prevention and Protection Act 2011, while recognising that efforts were still required to address the challenges of domestic violence. It also commended the country's participation in the visit of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, and stated to be pleased to assist the Marshall Islands in implementing the Special Rapporteur's recommendation to improve water sanitation and waste management. Australia made recommendations.

45. Belgium welcomed the efforts deployed by the Marshall Islands to follow-up on the results of the first UPR, in particular it commended the adoption of the Domestic Violence Prevention and Protection Act of 2011 which represented a real stride forward. Despite the globally positive records of the Marshall Islands in human rights sphere, Belgium suggested expanding the ratification of international human rights instruments and approving the implementation of existing legislation. Belgium made recommendations.

46. Responding to other questions, the Republic of the Marshall Islands indicated that it was a matriarchal society. Traditionally, women bore the most important aspect of the island life regarding the passage of land rights. The sense of belonging in the community in an extended family or a clan situation was based on where you must work, own a land and be a caretaker for the future children of that land. That was the most important aspect of the Marshallese society that controlled the behaviour of adults in the community. Over the past decades, with the urbanization of islands populations, with the need to be displaced not just by choice but for various reasons including drugs, famines, floods and other reasons, the population did not lend themselves to the traditional manner of dealing with extended family issues. As a result, they should rely on a modern law and processes to which access was limited and understanding was even more limited.

47. The Republic of the Marshall Islands strived to make sure that avenues by Government for the prevention of domestic and gender violence and the protection of children including guaranteeing their rights to health and education were part of the country's constitutional responsibility. It still remained a task and a challenge for the Government to ensure that first of all domestic violence was avoided and then when it occurred it was properly prosecuted and prevented to future expansion. The Republic of the Marshall Islands underlined that it was doing its best to deal with this problem with the assistance of regional organizations, the United Nations as well as non-governmental organizations.

48. The Republic of the Marshall Islands stated that the updated Criminal Code of 2011 was close to international human rights standards such as provisions for human trafficking. A task force on human trafficking had been established and the Government would be working closely with the International Organization for Migration on the implementation of

the United States Office grant to monitor and combat trafficking in persons. The Republic of the Marshall Islands asked for closer cooperation with the United States of America and requested more information on how to track down, prevent and prosecute trafficking in persons.

49. Brazil commended the Marshall Islands for the review of the legal framework to strengthen women's rights. It also noted the progress made with regard to the rights related to disability. Brazil made recommendations.

50. Canada welcomed the enactment of the law addressing domestic violence. It encouraged the Marshall Islands to finalize the remaining Protocols and develop strategies to implement the Domestic Violence Prevention and Protection Act 2011. However, Canada remained concerned with reports of child malnutrition and limited access to healthcare and immunizations in rural communities. It encouraged the Marshall Islands to continue to work toward the achievement of their United Nations Millennium Development Goals. Canada made recommendations.

51. China welcomed the ratification by the Marshall Islands of CRPD and other important international human rights instruments; its accession to the United Nations Convention against Corruption; the enactment of the Domestic Violence Prevention and Protection Act which was an important step in strengthening legal protection for women and children; its revision of Criminal Code to criminalize human trafficking and the fact that it pursued national strategic plan and took measures to implement policies on gender equality, disability, inclusive development and child protection. China noted that as a small island State, the Marshall Islands was facing financial difficulties, lack of capacity and resources in the protection and promotion of human rights and called upon the international community to provide it constructive help. China made recommendations.

52. The Congo noted with satisfaction that the Marshall Islands has marked an important stage in its development through adopting an inclusive policy to improve the country's capacity to address human rights issues. In the context of the recommendations of the first cycle of the UPR, the Congo welcomed the ratification of CRPD and the progress achieved in the empowerment of women. The Congo made recommendations.

53. Costa Rica highlighted the importance of being a party to the main human rights instruments and encouraged strengthened cooperation with human rights treaty bodies, Human Rights Council and its special procedures and the Office of the High Commissioner for Human Rights. Costa Rica welcomed the standing invitation made to special procedures and noted the measures taken to step up efforts to deal with the problem of domestic violence and encouraged the continued waging of an effective war on this scourge. Costa Rica made recommendations.

54. Cuba noted the adverse effects of nuclear tests carried out in some of the Marshall Islands, which had been exacerbated by the negative consequences of climate change. Cuba highlighted the progress made with the enactment of the new Criminal Code in line with international human rights standards as well as the adoption of the Domestic Violence Prevention and Protection Act 2011, the Marshall Islands Public School System Act 2013 and the National Policy on Disability Inclusive Development. Cuba made recommendations.

55. Denmark was pleased to note the accepted first cycle recommendations to ratify CAT. Denmark was pleased that a draft paper had been prepared seeking a decision from the Cabinet to direct the national reporting and monitoring body to plan and consult with relevant stakeholders on accessions to human rights treaties. Denmark made a recommendation.

56. Egypt noted that, despite accepted UPR recommendation, the Marshall Islands had not ratified the majority of key human rights treaties including ICCPR and ICESCR. Egypt was also concerned that indigenous rights had been hugely impacted by, inter alia, environmental contamination and displacement. Egypt was also concerned that the people experienced threats of increased droughts, fresh water shortages, sanitation problems, food security and coastal erosion. Egypt made recommendations.

57. Estonia noted steps to implement previous recommendations including on the rights of persons with disabilities with the approval of the National Policy on Disability. Estonia commended the enactment of a new Criminal Code closely in line with international human rights standards and of the Domestic Violence Prevention and Protection Act 2011, which criminalized domestic violence. Estonia encouraged continued cooperation with special procedures. Estonia made recommendations.

58. Fiji congratulated the introduction of proactive laws and policies to prevent and deal with gender-based violence against women and girls, particularly the 2011 Domestic Violence law, the Child Protection Act and the recently approved National Gender Policy. Fiji shared with the Marshall Islands the challenges accompanying the loss of land and livelihood as a result of climate change and of the course set to empower communities to be able to enforce social and economic rights in jeopardy as a result of climate change. Fiji made recommendations.

59. Responding to questions, the Republic of the Marshall Islands thanked Fiji for its cooperation in the context of its participation to the UPR Working Group session. The Republic of the Marshall Islands reaffirmed that the Parliament would certainly adopt in the course of the year those treaties and optional protocols before it. The Republic of the Marshall Islands stressed that because it adopted its Constitution in 1978-79 after many neighbouring countries, it had the benefit of learning from their laws and their judiciary history to draft and approve a Bill of Rights that was quite extraordinary. The Republic of the Marshall Islands has been trying the last decades to harmonize its domestic legislation in line with international treaties and protocols despite many obstacles and impediments to implement these treaties.

60. The Republic of the Marshall Islands stated that in some parts of the country, it was still distributing drinking water. It indicated that when it had to decide to build a prison for women or a maternity ward, the chance was that the latter would be chosen first. It emphasized that it was not for lack of political will but a matter of directing limited resources and that the Republic of the Marshall Islands would abide by its commitments made in the context of UPR and regional meetings to implement them as soon as possible.

61. France welcomed the ratification of CRPD by the Marshall Islands and its standing invitation to United Nations special procedures. France regretted that the Marshall Islands had still not ratified the two fundamental international Covenants in line with its commitments from the first UPR cycle. France made recommendations.

62. Germany acknowledged the challenges facing the Marshall Islands, especially resource constraints and the consequences of climate change. Germany welcomed steps taken since the first UPR such as the development of a National Strategic Plan and policies on disability, youth and gender as well as revision of the Criminal Code, criminalizing all forms of domestic violence. Germany noted that some gaps remained in the enjoyment of all human rights, especially for vulnerable groups. Germany made recommendations.

63. Indonesia commended the implementation of the National Strategic Plan 2015-2017, including on social development, climate change and resilience and good governance. Indonesia commended the adoption of gender and disability policies and the new Criminal Code in line with international human rights standards. Indonesia appreciated the

establishment of the Resource Development Committee to address human rights issues and the UPR reporting process. Indonesia made recommendations.

64. Ireland welcomed the introduction of legislation on domestic violence and the right to education. Ireland hoped that steps would be taken as soon as possible to ratify ICCPR and ICESCR. Ireland recognized efforts, including through compensation, to address the detrimental legacy of nuclear weapons testing programmes. Ireland urged implementation of the recommendations of the Special Rapporteur on Toxic Waste to develop a health strategy and plan of action. Ireland was concerned at the low level of women's representation in politics and noted the challenges of poor immunization coverage and child malnutrition. Ireland made recommendations.

65. Israel recognized the significant efforts taken to address the constant threat of the effects of climate change and that they demanded increased attention and growing budget allocations. Israel highlighted such measures taken as accession to CRPD, development of gender, disability and youth policies and prevention of adolescent pregnancy strategy, creation of a Disability Coordination Office, enactment of Domestic Violence Prevention and Protection Act and measures taken to ensure free and public education. Israel made recommendations.

66. Japan appreciated that the Marshall Islands had recently become a party to CRPD. Japan welcomed policies formulated on gender equality, domestic violence and persons with disabilities and the National Strategic Plan. Japan encouraged enhanced efforts to promote gender equality. Japan expected the steady implementation of relevant policies and the Domestic Violence Prevention and Protection Act concerning the reportedly high incidence of violence against women, underage pregnancy and cases of child abuse. Japan made a recommendation.

67. Maldives respected the progress achieved since the first review, given the immense challenges of small island States struggling with the severe consequences of climate change. Maldives commended the 2011 Domestic Violence Prevention and Protection Act and encouraged its prompt and effective implementation. Maldives noted progress in implementing a national programme aimed at eliminating violence against children and encouraged the expeditious passing into law of the Child Protection Bill. Maldives welcomed the ratification of CRPD. Maldives made recommendations.

68. Mexico congratulated the Marshall Islands on ratifying CRPD, on awareness-raising programmes in different local media and on its mobile team expanding capacity building and the delivery of information on reproductive health, family planning and food security. Mexico welcomed the commitment to combat the effects of climate change and noted that the lack of capacity and insufficient resources were major obstacles to fully dealing with problems and commitments on human rights. Mexico made recommendations.

69. Montenegro welcomed the adoption of the Domestic Violence Prevention and Protection Act 2011 and asked about activities for its full implementation and of any intention to define 18 years as the legal age of marriage for girls. Montenegro also asked the Marshall Islands for information on the expected finalization of its internal accession procedure and on becoming a party to specific treaties. Montenegro inquired on the measures taken to strengthen laws and policies on child protection and integrate them into existing mechanisms. Montenegro made recommendations.

70. Morocco highlighted the commitment of the Marshall Islands to social and economic development with the adoption of the National Strategic Plan (2015-2017). It welcomed the visit of the Special Rapporteur on Toxic Wastes. Morocco welcomed the measures taken aiming at accession to the main international human rights instruments, including CAT, ICPED and OP-CEDAW. It highlighted the adoption of the new Penal

Code and various policies and strategies on disability, reproductive health, family planning and climate change. Morocco made recommendations.

71. Namibia encouraged the Marshall Islands to continue its efforts to promote and protect the rights of its people despite the challenges of climate change and environmental disasters. It was pleased to note the enactment of the Domestic Violence Prevention and Protection Act in 2011 and inquired regarding the status of the National Women's Policy. Namibia made recommendations.

72. The Republic of the Marshall Islands thanked States representatives who encouraged them and commended the work that has been done since the last UPR. It thanked Israel for the installation of drinking water facilities in Eba which will ensure that children are attending school and access to clean drinking water. It also mentioned the good cooperation with Japan along with the European Union in a programme of energy supply in the country. The Republic of the Marshall Islands will continue to work with neighbouring countries including Maldives to deal with climate change issues.

73. The Republic of the Marshall Islands considered that the most important human right was the right to exist. Countries in the Pacific and particularly the Republic of the Marshall Islands have been subjected to forces beyond their control in terms of displacement of population as well as difficulty in providing basic health and education to their populations. The Republic of the Marshall Islands did consider this responsibility to be less important just because there were other priorities. It was a matter of making choices on what to address first and what to address next. The Republic of the Marshall Islands viewed the right to exist primarily important.

74. The Republic of the Marshall Islands emphasized that there were communities in the country that would be forbidden for human habitation for the next years. Displaced persons from the Nuclear Testing Programme remained scattered not only throughout the Republic of the Marshall Islands but also throughout the United States of America and in other parts of the world. Their human rights should be part of this discussion. The country also had issues with climate change over which it had absolutely no control. The Republic of the Marshall Islands had been vocal in world fora on this issue because it was a right to exist issue. The Republic of the Marshall Islands stressed the need to anticipate and have answers now to the increase of the ocean as to what to do with the population, displaced people and how to secure their other human rights in the future. The Republic of the Marshall Islands reiterated its Government commitment to ensure that UPR recommendations were implemented.

II. Conclusions and/or recommendations**

75. The following recommendations will be examined by Marshall Islands which will provide responses in due time, but no later than the 30th session of the Human Rights Council in September 2015:

75.1. Ratify the International Covenant on Civil and Political Rights (New Zealand);

75.2. Ratify the International Covenant on Economic, Social and Cultural Rights (New Zealand);

**Conclusions and recommendations will not be edited

- 75.3. **Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (Portugal);**
- 75.4. **Ratify or accede to the remaining core international human rights treaties (Rwanda);**
- 75.5. **Ratify the seven core international human rights instruments including the CAT, ICCPR, ICERD and ICESCR and their optional protocols (Sierra Leone);**
- 75.6. **Continue working towards the ratification of existing human rights treaties (Slovenia);**
- 75.7. **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);**
- 75.8. **Ratify the Optional Protocols to the Convention on the Rights of the Child, as previously recommended (Spain);**
- 75.9. **Ratify the International Covenant on Civil and Political Rights (Timor-Leste);**
- 75.10. **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Timor-Leste);**
- 75.11. **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (United Kingdom of Great Britain and Northern Ireland);**
- 75.12. **Consider ratifying the International Covenant on Civil and Political Rights and its Optional Protocols, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uruguay);**
- 75.13. **Consider becoming party to the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);**
- 75.14. **Accelerate the process of acceding to the two international human rights Covenants and also to strengthen the rights of persons with disabilities (Algeria);**
- 75.15. **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance as well as the other international human rights core instruments that the country is not yet a party to (Argentina);**
- 75.16. **Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**
- 75.17. **Accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Armenia);**

- 75.18. **Ratify the International Covenant on Civil and Political Rights and its two Optional Protocols (Belgium);**
- 75.19. **Ratify all the core international human rights treaties to which the country is not yet a party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the International Convention for the Protection of All Persons from Enforced Disappearance (Brazil);**
- 75.20. **Take immediate action to accede to the major human rights instruments, leading with the ICCPR and the ICESCR (Canada);**
- 75.21. **Accede to international human rights instruments (Costa Rica);**
- 75.22. **Intensify efforts to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a view to have ratified the Convention when Marshall Islands meet the Council for its third UPR review (Denmark);**
- 75.23. **Ratify all significant human rights treaties, so as to reinforce the implementation of, and compliance with, international human rights law in the country (Egypt);**
- 75.24. **Take steps to ratify the Kampala Amendments to the Rome Statute of the ICC (Estonia);**
- 75.25. **Ratify ICCPR and the two optional Protocols (ICCPR-OP1 and ICCPR-OP2) (Estonia);**
- 75.26. **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the optional protocol (OP-CAT) (Estonia);**
- 75.27. **Ratify ICCPR and ICESCR (France);**
- 75.28. **Ratify the ICPPED (France);**
- 75.29. **Ratify ICCPR-OP 2, aiming at the abolition of the death penalty (France);**
- 75.30. **Strengthen its national mechanisms for the prevention of torture, by considering its accession to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);**
- 75.31. **Join more human rights treaties and their Optional Protocols, especially the ICCPR and ICESCR (Israel);**
- 75.32. **Continue its efforts towards early ratification of the main international human rights treaties, including the ICCPR and ICESCR (Japan);**
- 75.33. **Accelerate the analysis process for the ratification of international human rights treaties to which it is not yet a State Party and take appropriate**

measures for reporting progress on the implementation of the instruments to which it is already a party (Mexico);

75.34. Ratify the International Covenant on Civil and Political Rights (Montenegro);

75.35. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);

75.36. Consider ratifying the ICESCR and the ICCPR and its Optional Protocols (Namibia);

75.37. Include sex and disability as grounds for non-discrimination in the Constitution (Slovenia);

75.38. Revise the Constitution to add in gender and disability as grounds for which no one may be discriminated against (Belgium);

75.39. Bring national legislation into line with international commitments made by the Marshall Islands on non-discrimination against women, in particular the Convention on the Elimination of All Forms of Discrimination Against Women and continue its efforts to implement the Convention (France);

75.40. Adopt and implement the Child Protection Bill, preventing children from becoming victims of child abuse and raising awareness for their rights publically (Germany);

75.41. Ensure that all forms of discrimination based on gender or sexual orientation are fully prohibited; implement the legal protection foreseen and provide assistance for victims of gender-based, sexual or domestic violence (Germany);

75.42. Continue with the current law reform effort to include measures protecting against discrimination based on sexual orientation, gender identity or disability (Israel);

75.43. Continue efforts to strengthen the legal and institutional framework in the field of human rights (Morocco);

75.44. Establish a national commission on human rights (Rwanda);

75.45. Consider establishing a national human rights institution which is in line with the Paris Principles, which would help monitor and better integrate human rights norms into national policies (Sierra Leone);

75.46. Establish a national institution to promote and protect human rights in accordance with the Paris Principles (Uruguay);

75.47. Establish a national commission on human rights to coordinate, provide capacity development and assist with strengthening human rights implementation throughout the country (Egypt);

75.48. Establish a national human rights institution in conformity with the Paris Principles (France);

- 75.49. Continue efforts to establish a national human rights institution that is in line with the Paris Principles and allocate adequate resources (Germany);
- 75.50. Further strengthen its National Human Rights Institution in accordance with the Paris Principles and pursue the development of a comprehensive National Human Rights Action Plan (Indonesia);
- 75.51. Request assistance from the specialized agencies, funds and programmes of the United Nations in order to establish a national human rights institution which would strengthen, coordinate and develop the required measures to respect the human rights of all in the country (Mexico);
- 75.52. Promote good governance and transparency at the national and at all administration levels, strengthen public and private sector accountability; and develop a human rights policy and management framework, including annual reporting on their social, environmental and economic impact, with appropriate monitoring and evaluation (Egypt);
- 75.53. Continue to promote good governance and rule of law through effective policy coordination at national and at all levels (Singapore);
- 75.54. Actively implement the policy to promote gender equality, to improve the quality of life of persons with disabilities and development of youth (Russian Federation);
- 75.55. Endorse and begin implementing the National Gender Policy (Estonia);
- 75.56. Implement the National Gender Policy and work with women's civil society groups to implement it in all spheres of national life (Fiji);
- 75.57. Make national planning and national budgeting gender responsive (Fiji);
- 75.58. Adopt and seek technical assistance from donor agencies to implement a national training programme for judges, lawyers, civil society groups and school children on their rights to water, food security, life, education and health in relation to climate change, and the ways in which the courts can help to develop a Pacific jurisprudence on the relationship between climate change and human rights (Fiji);
- 75.59. Take all necessary steps to promptly adopt and implement a comprehensive national disability policy in full compliance with international standards (Maldives);
- 75.60. Design a strategy to manage resources more efficiently, so as to deal with the most pressing human rights issues, and pay particular attention to the marginalized sectors of the population (Mexico);
- 75.61. Continue to enhance its partnership with Specialized Agencies of the United Nations in order to implement human rights and boost its cooperation with special procedures mandate holders of the Human Rights Council (Congo);

- 75.62. **Step up existing cooperation with international bodies in respect of the human right to water and sanitation, in particular with the United Nations Environment Programme and with the Special Rapporteur on the human right to safe drinking water and sanitation (Spain);**
- 75.63. **Continue to engage its regional and international partners with the view of seeking technical and other assistance towards its full compliance with its human rights treaty obligations (Philippines);**
- 75.64. **Submit the overdue reports to CEDAW and CRC Committees at the earliest possible stage (Portugal);**
- 75.65. **Seek technical assistance and cooperation to combat the high prevalence of non-communicable diseases and its root causes (Maldives);**
- 75.66. **Strengthen cooperation and partnership, including with OHCHR, to continue with the implementation of national policy in the matters of disability, health and disaster management (Morocco);**
- 75.67. **Pursue efforts to combat all forms of discrimination against women (Algeria);**
- 75.68. **Take the necessary measures to review its domestic legislation in order to guarantee the free and compulsory birth registration of all children born in the country (Argentina);**
- 75.69. **Introduce a national plan of action to combat violence against women (New Zealand);**
- 75.70. **Build on the Domestic Violence Prevention and Protection Act and the National Gender Policy to implement more concrete programmes and policies to combat violence against women and children, and to promote the full and equitable participation by women in society (Singapore);**
- 75.71. **Continue its efforts in effective implementation of Domestic Violence Prevention and Protection Act, including through awareness raising and changing mind-sets and attitudes (Slovenia);**
- 75.72. **Step up measures of awareness-raising on gender-based violence to promote the prevention of this phenomenon (Spain);**
- 75.73. **Take all appropriate measures to end domestic violence (Sweden);**
- 75.74. **Continue combating violence against women and children by prohibiting the right to use force and severe corporal punishment of children at home, and effectively enforcing the existing laws in this area, especially the Domestic Violence Prevention and Protection Act (Thailand);**
- 75.75. **Take further steps to combat domestic violence, including a greater gender sensitization (Timor-Leste);**
- 75.76. **Move towards swift implementation of its National Gender Policy as a positive step towards the goal of eliminating gender based violence (United Kingdom of Great Britain and Northern Ireland);**

75.77. Effectively implement the Domestic Violence Prevention and Protection Act through advocacy and awareness-raising amongst targeted audiences (Australia);

75.78. Finalize and implement the First response Protocol for Urgent Intervention, so that the problem of violence against women and girls be dealt with effectively and that ministries concerned be provided with the budget necessary to apply the Domestic Violence Prevention and Protection Act (Belgium);

75.79. Take steps to strengthen the enforcement of existing laws criminalizing rape and domestic violence, including by vigorously investigating and prosecuting violence against women, and providing targeted training and capacity building to law enforcement officials (Canada);

75.80. Set up its efforts for the effective implementation of those mechanisms allowing for the application of the Domestic Violence Prevention and Protection Act (Congo);

75.81. Raise the minimum age of criminal responsibility to 18 and abolish child marriage by raising the age of marriage to 18 (Sierra Leone);

75.82. Pursue efforts undertaken to prevent and more effectively punish acts of domestic violence committed against women and children, through strengthening the legislative arsenal and the resources allocated to the judiciary, police force and justice (France);

75.83. Further develop policies to combat domestic and gender based violence (Israel);

75.84. More actively conduct education and awareness campaigns on the issue of trafficking in persons and make efforts to study human trafficking in the country, adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers and women in prostitution, and investigate trafficking cases (United States of America);

75.85. Prohibit corporal punishment of children in all settings, including the home, and repeal the authorization for the use of force to correct children's misconduct in the Criminal Code (Sweden);

75.86. Reform its legislation with a view to establish the prohibition of all forms of corporal punishment of children, an indispensable component for the prevention and elimination of violence against children, as well as for the respect for children's rights, dignity and physical integrity (Brazil);

75.87. Adopt legislation to prohibit all forms of corporal punishment of children in all settings, and explicitly repeal the right to use force for "prevention or punishment of the minor's misconduct" and for the maintenance of "reasonable discipline" in the Criminal Code (Namibia);

75.88. Ensure political participation of women in governmental decision-making bodies in order to generate inclusive and balanced decision-making in matters that concern both women and men (Netherlands);

- 75.89. Take measures to promote greater participation and representation of women in public positions, especially in politics (Costa Rica);
- 75.90. Adopt temporary special measures to facilitate greater participation and representation of women in public offices, particularly in fields related to political and civil rights (Egypt);
- 75.91. Adopt measures to facilitate greater representation of women in public office and improve the participation of women in political life (Ireland);
- 75.92. Take measures to facilitate a greater participation and representation of women in public offices (Israel);
- 75.93. Provide legal protections for equality of opportunity in employment for all of its citizens, particularly for persons with disabilities (United States of America);
- 75.94. Continue strengthening its development policies, as well as its social protection programmes, that it is already implementing, so as to give a better quality of life and well-being of its people, and for this purpose it is very important to have technical cooperation and technical assistance, which the country requires (Venezuela (Bolivarian Republic of));
- 75.95. Improve public infrastructures such as water supply, sanitation and waste management so as to ensure adequate living standards and right to health for its people (China);
- 75.96. Review the current policies and develop, together with the private sector, a code of practice on HIV in the workplace, taking into account the International Standards of the World Health Organisation and the International Labour Conventions and Recommendations adopted by the International Labour Organization (Netherlands);
- 75.97. Thoroughly implement the 2014-2016 strategy to prevent adolescent pregnancy, in cooperation with UNFPA (Portugal);
- 75.98. Provide greater access to public health services with adequate health coverage, particularly in the outer islands (Thailand);
- 75.99. Request technical assistance from Specialized Agencies of the United Nations in order to promote human rights through partnership in education and health sectors in particular to face up to the consequences of the nuclear tests (Algeria);
- 75.100. Take action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 and consider applying the “Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age”, A/HRC/27/31 (Ireland);
- 75.101. Continue efforts to reduce un-attendance and drop-out rate from the educational system (Slovenia);

- 75.102. Continue its efforts and adopt further measures to promote the realization of the right to education for all in an inclusive and non-discriminatory way, including for persons with disabilities (Portugal);
- 75.103. Implement specific measures to promote inclusive education of children with disabilities (Israel);
- 75.104. Continue strengthening protection of the rights of persons with disabilities, particularly through approving a national disability strategy, which particularly focuses on boys, girls and women with disabilities (Spain);
- 75.105. Give appropriate resourcing to implement its Disability Inclusive Development Policy (Australia);
- 75.106. Adopt a practical approach in addressing its development and human rights challenges (Singapore);
- 75.107. Continue taking measures to ensure adequate protection of human rights in actions taken to address climate change (Costa Rica);
- 75.108. Pay attention to the impact of climate change on the country human rights' situation and fully address this impact with the support of the international community (China);
- 75.109. Continue leading the international dialogue in an effort to reduce the effects of climate change and to adopt effective adaptation measures (Cuba);
- 75.110. Keep up its work to combat the adverse consequences of the nuclear testing programme, including the provision by its promoters of the necessary resources to deal with those consequences (Cuba);
- 75.111. Actively seek with a help of international community a resolution to restore the natural environment, affected by the United States nuclear testing on the Islands (Russian Federation).
76. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Marshall Islands was headed by H.E. Mr. Tony A. deBrum, Minister of Foreign Affairs and composed of the following members:

- Mr. Bernard Adiniwin, Assistant Attorney General, Office of the Attorney General;
 - Mr. Laurence Enos Edwards II, Assistant Attorney General, Office of the Attorney General;
 - Mr. Warwick Harris, Deputy Director, Office of Environmental Planning and Policy Coordination;
 - Ms. Morina Mook, Chief of Waste and Pollutant, Environmental Protection Authority;
 - Mr. Caleb Christopher, Legal Advisor, Permanent Mission at the United Nations;
 - Mr. Mark Atterton, Human Rights Advisor, Ministry of Foreign Affairs.
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