



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

17 May 2021

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of the Marshall Islands and welcome the constructive engagement of your Government during the 36<sup>th</sup> session of the UPR Working Group in November 2020.

As the final outcome report on the review of the Marshall Islands has been recently adopted by the Human Rights Council at its 46<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of the Marshall Islands – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 65 delegations and the presentation made and responses provided by the delegation of the Marshall Islands. I have also considered the actions taken by the Government of the Marshall Islands to implement the 102 recommendations fully supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I congratulate the Marshall Islands for its appointment as a Member State to the Human Rights Council (2020-2021). I also acknowledge the achievements made in the field of human rights, including the adoption of legislative amendments in different areas to promote and protect human rights, and the accession to four core human rights treaties and two Optional Protocols to the Convention on the Rights of the Child. I encourage the Marshall Islands to ratify other human rights treaties to which it is not yet party and harmonize national legislation to ensure their full application.

I acknowledge the efforts to combat trafficking in persons through national, regional and international partnerships, and to protect and promote the rights of women and children. I encourage to strengthen legislative and policy measures to combat gender-based violence and discrimination, by adopting a comprehensive strategy to address the root causes of discrimination and violence against women, and to address the human rights impacts of climate change and natural disasters, particularly on women and children.

I am conscious of the challenges faced by the Marshall Islands to fully realize economic and social rights and the financial constraints to elaborate and implement development policies that aim to address human rights obligations. I encourage to seek technical and financial cooperation from the international community, including my Office, to support your country to continue making progress towards the 2030 Agenda for Sustainable Development which places human rights at the heart of the Sustainable Development Goals (SDGs).

./..

H.E. Mr. Casten Ned NEMRA  
Minister of Foreign Affairs and Trade  
Republic of the Marshall Islands

I encourage the Marshall Islands to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage the Marshall Islands to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:  
[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Marshall Islands to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office, including my Regional Office in the Pacific, may assist the Marshall Islands in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet  
High Commissioner for Human Rights

cc: Mr. Sanaka SAMARASINHA  
Resident Coordinator, UN Multi-Country Office Fiji  
Republic of Fiji

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the two Optional Protocols to the International Covenant on Civil and Political Rights, the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on a communications procedure, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Treaty on the Prohibition of Nuclear Weapons, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Amendments to the Rome Statute of the International Criminal Court on the crime of aggression, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the eight core conventions of the International Labour Organization to which the country is not yet a party.
- Submitting the overdue reports to the Committee against Torture, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee on Economic, Social and Cultural Rights, and continuing to submit periodic reports to the treaty bodies on time.
- Pursuing efforts to cooperate with the international human rights mechanisms and intensifying cooperation with the special procedures mandate-holders, including by accepting a visit to the country of the Special Rapporteur on trafficking in persons, especially women and children.

### **National human rights framework**

- Establishing an independent national human rights institutions compliant with the Paris Principles.
- Ensuring sufficient financial and human resources for the implementation of the Child Rights Protection Act 2015, the Rights of Persons with Disabilities Act 2015, the Human Rights Committee Act 2015 and the Gender Equality Act 2019.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Introducing comprehensive anti-discrimination legislation which protects individuals from all forms of discrimination.
- Promoting gender equality and ensuring that equal opportunities are available to women and girls in all areas.

*Development, the environment, and business and human rights*

- Ensuring that rural women, children, persons with disabilities and indigenous and local communities are meaningfully engaged in the development and implementation of climate change and disaster risk reduction policies.
- Strengthening efforts to address the human rights impacts of climate change and natural disasters, particularly the negative socio-economic impact on women and children, including through international technical assistance and cooperation.
- Developing a comprehensive strategy with targeted measures to address the consequences of the nuclear testing programmes by the United States of America, including environmental harm, intergenerational health impact, and the livelihoods of the people of the Marshall Islands, especially women and girls, and replenishing the nuclear trust fund.

**B. Civil and political rights**

*Right to life, liberty and security of person*

- Improving the conditions of detention facilities, including sanitation, hygiene and ventilation, in compliance with international standards, and creating specialized prison facilities for female and juvenile prisoners.
- Implementing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), aimed at guaranteeing the rights of women prisoners.
- Explicitly prohibiting corporal punishment in all settings, including by amending the Child Rights Protection Act 2015, the Criminal Code of 2011 and the Domestic Violence Prevention and Protection (Amendment) Act 2018.

*Administration of justice, including impunity, and the rule of law*

- Strengthening the judicial system, including through the allocation of sufficient human, technical and financial resources, as well as systematic capacity-building on women's rights and gender equality for relevant judicial authorities.
- Intensifying efforts to address the long-term effects of the nuclear tests conducted between 1946 and 1958, especially with regard to achieving justice and accountability.
- Bringing the justice and prison system for children into full compliance with the Convention on the Rights of the Child and other relevant standards, and amending the Criminal Code to raise the minimum age of criminal responsibility to 18 years.

*Fundamental freedoms*

- Taking the necessary measures to ensure access to public information and considering the adoption of relevant legislation guaranteeing the right to access information.

*Prohibition of all forms of slavery*

- Strengthening the implementation of legislation against exploitation and trafficking, including children, and adopting a comprehensive national plan of action to combat human trafficking,

all forms of slavery and all forms of exploitation, including forced labour and sexual exploitation.

- Dismantling networks of human trafficking, especially across borders, and increasing efforts to investigate cases and prosecute traffickers; and expediting the adoption of the standard operating procedures for law enforcement and the review of immigration policies.
- Taking effective measures to protect the rights of women and children against sexual exploitation and trafficking, and ensuring that perpetrators are prosecuted and convicted.
- Strengthening public institutions in order to combat trafficking in persons, by allocating resources and adequate training for judicial, prosecutorial and law enforcement officials.
- Adopting measures to identify and support victims of trafficking, setting up sufficient shelters for victims, and providing adequate assistance, especially to child victims.
- Establishing a mechanism and procedures to ensure the reporting of cases of trafficking in and exploitation of children.

### **C. Economic, social and cultural rights**

#### *Right to work and to just and favourable conditions of work*

- Reducing the gender pay gap, by encouraging equal pay for equal work.

#### *Right to an adequate standard of living*

- Promoting economic and social development to reduce poverty.
- Taking steps to guarantee access to clean water and sanitation for all, and ensuring that sanitation facilities are adequately available.

#### *Right to health*

- Ensuring that the health sector is adequately funded and strengthening primary health care to reduce the high incidence of non-communicable diseases, such as diabetes as well as communicable diseases.
- Enhancing measures to ensure access to health care by women, especially those from the outer islands.
- Expanding the national cancer prevention programme to address the adverse impacts of past nuclear testing which has had a disproportionate impact on women's health.
- Taking concrete measures to tackle stigma and discrimination against persons affected by leprosy and their families and to ensure they have adequate access to health services.
- Combating the high prevalence of sexually transmitted infections and pregnancies among adolescents, and strengthening access to family planning commodities, information and services, including by updating the reproductive health policy.



### *Right to education*

- Ensuring that all children have equal access to quality education, especially for girls, children with disabilities and those living in poverty and on the outer islands; and increasing efforts to prevent children from dropping out of school, including by strengthening measures to combat child marriage, early pregnancy and child labour.
- Pursuing efforts on inclusive education and the development of school infrastructure.
- Taking measures to ensure that comprehensive and age-appropriate education on sexuality and reproductive health and rights is systematically integrated into school curricula.

### **D. Rights of specific persons or groups**

#### *Women*

- Adopting a comprehensive definition of discrimination against women, in line with the Convention on the Elimination of All Forms of Discrimination against Women.
- Strengthening legislative and policy measures to combat gender-based violence and discrimination based on gender; adopting a comprehensive strategy to eliminate patriarchal attitudes and discriminatory stereotypes concerning the roles of women and men, including through raising awareness; encouraging reporting of instances of domestic violence and collecting statistical disaggregated data on gender-based violence against women, including domestic violence; and enhancing support services for victims of domestic and gender-based violence, including by creating shelters.
- Amending national legislation in the field of equal participation of women in public and political life; enhancing the participation of women in public life; and improving women's representation in decision-making positions, Parliament and at all levels of public administration, including in electoral processes.
- Ensuring access to justice for women, by addressing physical and economic barriers, in particular for women residing in the outer islands.

#### *Children*

- Incorporating the provisions of the Convention on the Rights of the Child into its national law.
- Continuing efforts to implement legislative and policy measures on child rights protection, and taking urgent measures to prohibit violence and eliminate discrimination against children belonging to disadvantaged groups, in particular in relation to access to education, clean water and sanitation and adequate health-care services.
- Strengthening measures to combat and prevent child, early and forced marriages, as well as establishing the minimum legal marriage age at 18 years.
- Stepping up measures to combat child labour, especially its worst forms, including by adopting legislation establishing a minimum age for employment.



- Ensuring free and compulsory registration of any child born in the country, particularly in rural areas, and ensuring the registration of children born out of wedlock and of adolescent mothers.

*Persons with disabilities*

- Guaranteeing the enjoyment of rights by persons with disabilities on an equal footing with others and adopting a disability human rights-based approach in the application of legislation and of the national policy for the inclusive development of persons with disabilities.