



General Assembly

Distr.: General
4 January 2011

Original: English

Human Rights Council
Sixteenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Republic of the Marshall Islands

* Previously issued as document A/HRC/WG.6/9/L.10. The annex to the present report is circulated as received.

Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–4	3
I. Summary of the proceedings of the review process.....	5–55	3
A. Presentation by the State under review.....	6–25	3
B. Interactive dialogue and responses by the State under review.....	26–55	7
II. Conclusions and/or recommendations.....	56–57	11
Annex		
Composition of the delegation.....		15

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review of the Republic of the Marshall Islands was held at the 10th meeting, on 5 November 2010. The delegation of the Marshall Islands was headed by the Minister for Foreign Affairs, John M. Silk. At its 14th meeting, on 9 November 2010, the Working Group adopted the report on the Republic of the Marshall Islands.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Marshall Islands: Bahrain, Brazil and Zambia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Republic of the Marshall Islands:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/9/MHL/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MHL/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MHL/3).
4. A list of questions prepared in advance by Germany, Latvia, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to the Republic of the Marshall Islands through the troika. Those questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

5. During the interactive dialogue, 21 delegations made statements. Recommendations made during the dialogue are found in section II of the present report.

A. Presentation by the State under review

6. At the 10th meeting, on 5 November 2010, the Minister for Foreign Affairs presented the national report, which had been prepared with the participation of civil society organizations. Referring to budgetary constraints faced by the Republic of the Marshall Islands, the head of the delegation expressed appreciation to OHCHR, the Regional Rights Resource Team of the Secretariat of the Pacific Community, and bilateral partners such as Germany and Canada for their generosity and assistance concerning the participation of the Marshall Islands delegation in the review.
7. The Marshall Islands noted that the preparation of the national report had been the culmination of months of consultations by the Resource Development Committee, which had been established by the Cabinet late in 2009 to prepare for and subsequently develop the report with communities and among Committee members, noting that the Committee comprised not only Government offices, but non-governmental organizations as well. However, owing to the sporadic services of the local airline, committee consultations had been limited to the urban centres of Majuro and Ebeye.

8. The Marshall Islands noted that, with a population of more than 60,000 people, its territory consisted of low-lying coral atolls (29) and islands (5) in the central Pacific, with a total land area of approximately 181 square kilometres, scattered over an exclusive economic zone of 2 million square kilometres of ocean.

9. After the Second World War, the Marshall Islands had been administered by the United States of America under a United Nations-mandated Pacific Islands Trust Territory. It was during this Trust Territory period, from 1946 to 1958, that 67 atmospheric, land and underwater atomic and thermonuclear weapons had been detonated in the Marshall Islands, namely, the atolls of Bikini and Enewetak, for the 12 years of the United States Nuclear Testing Programme. One of those tests, known as the Bravo shot, had irradiated the people of Rongelap and Utrik. Outstanding issues related to the legacy of the Nuclear Testing Programme had yet to be resolved.

10. The Marshall Islands had adopted its Constitution in 1979 and had entered a Compact of Free Association with the United States in 1986. An amended version of the Compact had been signed in 2003.

11. Compact financial assistance was the mainstay of the Marshall Islands' economy. Agricultural production was primarily subsistence and was concentrated on small farms. The most important commercial crops were coconuts and breadfruit. Small-scale industry was limited to handicrafts, tuna processing and copra. The tourist industry was a small source of foreign exchange, employing less than 10 per cent of the labour force, although there was potential for growth. The Marshall Islands had few natural resources, and imports far exceeded exports. The official languages were Marshallese and English.

12. The Marshall Islands noted that its Government operated under a mixed parliamentary-presidential system. The Marshall Islands had a bicameral Parliament, comprising the Council of *Iroij* (upper house) and the *Nitijela* (lower house). The President, who was the Head of State and Government, and the Cabinet were elected by the *Nitijela*. Legislative authority rested with the *Nitijela*, which comprised 33 elected Senators. The Council of *Iroij*, which comprised 12 chiefs, had an advisory role, particularly in the review of legislation affecting customary law and practices, including with regard to land tenure.

13. It was against that backdrop and the vulnerability of the Marshall Islands to external shocks such as the global financial crisis, as well as many other challenges, that the human rights of the Marshallese people needed to be considered. Although there were generally no clear violations of human rights on the part of the Government, issues had arisen whereby the Marshall Islands had difficulty in fulfilling its human rights obligations towards its people.

14. The Bill of Rights contained in article II of the Constitution guaranteed basic rights such as freedom from discrimination, freedom of religion, freedom of speech and association, freedom from slavery and servitude, the right to personal autonomy and privacy, the right to health, education and legal services, and the right to an ethical Government. The Constitution further provided that the Attorney General was to act in the name of any person directly affected by any alleged violation of the Constitution. Moreover, the *Nitijela* had adopted legislation supporting the Bill of Rights and criminalizing any violations thereof. The Marshall Islands had acceded to only two core human rights conventions thus far, and, although no specific implementing legislation had been adopted, a number of obligations were covered under the above-mentioned legislation.

15. In promoting and protecting human rights, the Constitution, as the supreme law of the land, guaranteed the separation of the three branches of the Government and the independence of the judicial branch. Rights related to arrest, detention and fair trial were also provided under the Constitution. Freedom of speech and of the press was also expressly guaranteed under the Constitution. Furthermore, the Constitution expressly

recognized the right to an ethical Government and obliged the Government to “take every step reasonable and necessary to conduct government in accord with a comprehensive code of ethics”. Universal and equal suffrage was also protected and promoted by the Government. This had been exemplified following the 2007 general elections, when allegations of misconduct had been raised against the Chief Electoral Officer. An independent Commission of Inquiry had been established shortly thereafter, which had criticized the then Minister of Internal Affairs for interfering in the civil service hiring process, which had resulted in the hiring of unqualified individuals to manage the election process. Participation in the Government process through representation had proved to work following the vote of no confidence on 12 October 2009 and the election of a new President by the *Nitijela*.

16. The Marshall Islands noted that, regardless of the legislative and policy gaps with respect to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, it would continue to work on capacity and technical constraints as a way forward towards the full implementation of both Conventions.

17. The Marshall Islands highlighted several major challenges that it faced with respect to the promotion and protection of human rights. The first such challenge was climate change. Given that it was an island nation with land only 2 metres above sea level, the adverse effects of climate change, particularly sea-level rise, were a human rights concern. Not only were lives at risk, but livelihoods, food security, economic security, educational security and health security were also threatened. Consequently, the impact of climate change could place significant demands on already scarce resources.

18. As a result of potential climate impacts, Marshall Islands citizens were likely to experience serious violations of fundamental international human rights as well as specific civil rights under their Constitution. Adverse effects of climate change on human rights could be direct, but were often indirect and gradual. The thin freshwater lens was an immediate issue with regard to the continued viability of the country’s islands. Adaptation actions that had been taken had not been sufficient, and the Marshall Islands was not in a position to assure its citizens of their basic rights over the long term. Consequently, more action by the international community was needed, including further analysis of protection mechanisms for those who might be permanently displaced owing to the inundation of low-lying island States such as the Marshall Islands. Furthermore, more cooperation, coordination and assistance were needed to ensure sustainable development in developing countries such as the Marshall Islands. International human rights law needed to complement the United Nations Framework Convention on Climate Change by emphasizing that international cooperation was not only expedient, but also a human rights obligation. The Marshall Islands continued to place emphasis on multilateral negotiations, but, given the uncertain progress, could no longer rely solely on political negotiations under the Convention to fully safeguard its essential human rights.

19. Thus, the Marshall Islands had recently engaged Columbia University's Climate Law Centre in New York to further explore a more structured approach to the complex issues regarding the long-term risks of climate change, including risks to its statehood, and to the threat of forced external and internal migration. Those long-term risks were very complex and had potential implications for human rights, territorial integrity, security and legal redress. The Marshall Islands hoped that Columbia University's international academic conference on this issue to be held early next year would result in a more coherent understanding on the part of international policy experts and decision-makers.

20. Long-term risks could be sharply reduced by immediate action that could be taken now. In that regard, the Marshall Islands had produced a 2010 national climate road map that outlined specific actions and strategies that could be taken, with international

assistance, to better safeguard local communities. As part of its own efforts, the Marshall Islands had committed to reducing its emissions – which were already on a small scale – by 40 per cent over the next decade, with international support.

21. The Marshall Islands sought to move towards urgent and immediate action. The Government actively sought to ensure that financing matched needs. Action taken over the next few years would largely determine the ability of the Marshall Islands to ensure its national survival and the enjoyment of fundamental freedoms. Without concerted action and the support of the international community, the Marshall Islands might prove to be among the first nations to experience wholesale threats to its very statehood.

22. Climate change was a real concern for the Marshallese people, insofar as it placed lives and livelihoods at risk and could lead to poverty, loss of land, loss of customs and culture, and loss of identity. Vulnerable groups, including, in particular, women, children, the elderly and persons with disabilities, were most exposed to such risks. The Marshall Islands would continue its dialogue with the international community in that regard, as it continued to be a strong supporter of the fast-start climate financing concept under the Copenhagen Accord. In that regard, the Marshall Islands called upon the international community to assist it in addressing the issue of climate change, and to focus not only on building capacity and partnerships, but also on providing assistance with specific, “shovel-ready” projects that would produce visible, concrete and measurable results in safeguarding communities and resources.

23. The other challenge related to the lingering effects of the Nuclear Testing Programme. Two United Nations Trusteeship resolutions, adopted in 1954 and 1956, had responded to Marshallese petitions to halt testing, with a variety of specific assurances. People continued to develop radiogenic cancers, and a 2004 report by the Nuclear Cancer Institute had indicated that hundreds of additional cancer cases were anticipated. The Marshall Islands faced severe challenges in providing health care to these people in addition to providing primary and secondary health care. Moreover, most of the people of the Bikini, Enewetak, Rongelap and Utrik atolls continued to be displaced from their islands, and some would never see their islands, as they had been vaporized during the nuclear testing. Although the Marshall Islands was appreciative of the United States’ efforts to address these issues, more needed to be done. The Marshall Islands thus called upon the United States, as well as the international community and specialized agencies, to help overcome the challenges related to the legacy of the Nuclear Testing Programme. The Marshall Islands would continue to work with the United States Congress, which was currently reviewing a bill that would address some of these concerns, and further pursue its dialogue with the international community and specialized agencies. A United Nations resolution on the effects of atomic radiation, which was pending in the General Assembly, called on the Secretary-General to report on these effects in the Marshall Islands.

24. The Marshall Islands noted that there were constraints hindering it in fulfilling its human rights obligations, particularly with respect to those under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. In addition to the above-mentioned challenges, limited financial and technical resources, remoteness and the unique geography of its islands were some of the obstacles preventing better traction in advancing the human rights situation on the ground. In the light of that situation, the Marshall Islands had requested the international community to provide technical and financial assistance to: (a) support capacity-building of public servants and elected officials with respect to the implementation of human rights in the Marshall Islands; (b) improve public-awareness programmes of both the Government and non-governmental organizations with respect to human rights; and (c) address climate change, educational and health issues.

25. In conclusion, the Marshall Islands emphasized that it was indeed committed to fulfilling its human rights obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and continuing to adhere to the Universal Declaration on Human Rights as well as the Charter of the United Nations. Owing to capacity and resource issues, the country had yet to ratify the other core human rights conventions, but was considering doing so. Overall, however, the Marshall Islands required the partnership and assistance of the international community in order to improve upon its human rights situation.

B. Interactive dialogue and responses by the State under review

26. Cuba noted that the Marshall Islands, as a small island State, had been a victim of successive processes of colonization and neo-colonization, and that its trusteeship status had been officially terminated by the United Nations only in 1990. Despite a number of challenges, the Marshall Islands sought to advance the socio-economic development of the country. Education and health care were among the priorities identified by the Government. Cuba referred to the negative impact of climate change on the efforts made by the country in these and other areas. Cuba made recommendations.

27. Algeria welcomed the frank way in which the national report addressed the human rights situation. It noted the vulnerability and challenges faced by the Marshall Islands, as well as their impact on the realization of human rights. It also noted that the combination of several factors, including the small size of the economy, the high cost of transportation and the fragility of the ecosystem, had had a negative impact on the realization of human rights. Algeria highlighted the rights and the freedoms provided for in the Marshall Islands Constitution. Algeria believed that accession to the two fundamental international human rights covenants would enhance the legal and institutional framework in the human rights area.

28. Mexico acknowledged progress made in connection with human development, education, health care and the environment. In particular, it emphasized efforts to include human rights protection in national policies on climate change. It requested further information about legislative measures currently under way, as well as practices, concerning all forms of discrimination against women, including in relation to increased participation by women in decision-making. Mexico made recommendations.

29. China expressed appreciation for the constructive approach of the Marshall Islands in its engagement with the universal periodic review process. It noted that the Marshall Islands attached great importance to the promotion and protection of human rights and had made efforts and progress in the areas of freedom of religion, freedom of expression and the right to health, as well as education. China understood the specific challenges facing the Marshall Islands in the area of human rights, in particular in the light of the impacts of the economic and financial crisis, climate change and the historical legacy. China suggested that the Marshall Islands consider acceding to relevant human rights instruments.

30. Slovenia welcomed the Government's commitment to human rights and noted with appreciation that the Constitution prohibited discrimination based on gender, race, colour, language, religion, political or other opinion, national or social origin, place of birth, family status and descent. However, Slovenia noted that the Constitution did not address discrimination based on disability. It also noted that women remained largely underrepresented in political life. It inquired whether the Marshall Islands planned to accede to the core international human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Slovenia made recommendations.

31. France noted that the Constitution of the Marshall Islands guaranteed fundamental human rights, but asked about measures to bring national legislation into line with international obligations under the Convention on the Elimination of All Forms of Discrimination against Women. In particular, France expressed concern at the persistence of domestic violence against women. Furthermore, France inquired about measures taken by the Government of the Marshall Islands to combat corruption. France made recommendations.

32. Australia welcomed the commitment of the Marshall Islands to fulfilling its human rights obligations, particularly under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Child. However, it expressed concern at reports of violence against women. While welcoming the commitment of the Marshall Islands to meet its obligation to help people with disabilities, it encouraged the country to ratify the Convention on the Rights of Persons with Disabilities. Australia made recommendations.

33. Morocco noted that the national report had indicated progress made in the area of human rights and welcomed the Government's willingness to further improve the human rights situation. In particular, it welcomed the efforts made to reinforce the judiciary, improve the conditions of arrest and detention, and enhance the freedoms of expression, information, religion, assembly and association. Morocco noted with appreciation the efforts made to combat violence against women and to ensure respect for women's rights. Morocco reiterated its call to the international community to support the Marshall Islands in fulfilling its obligations under the Convention on the Elimination of All Forms of Discrimination against Women. Morocco noted that the Marshall Islands would need financial assistance to address the challenges posed by climate change. Morocco asked whether the Government envisaged developing a legal framework relating to persons with disabilities, including legislation to facilitate their access to public spaces.

34. Hungary noted the growing number of non-governmental organizations in the Marshall Islands and expressed appreciation for efforts to further enhance the basic rights of citizens. It expressed concern, however, at the lack of a clear prohibition of bigamy and at the exemption of marriages from legislative requirements. While acknowledging educational reforms aimed at enhancing the basic rights of young citizens, it expressed concern at allegations of child abuse and neglect, lawful corporal punishment within the family, problems in the area of birth registration, the high number of teen-age pregnancies and barriers to the enjoyment by disabled children of their rights. Hungary made recommendations.

35. Slovakia welcomed the fact that the Marshall Islands Constitution guaranteed freedom of speech and of the media. However, it noted several areas of concern, including with respect to incidents of child neglect, abuse and domestic violence, as well as the apparent lack of data, mechanisms, resources, public debate and awareness-raising measures in that regard. Slovakia made recommendations.

36. Turkey expressed appreciation for the fact that the Marshall Islands had achieved universal suffrage and noted improvements in the participation of women in local government. It observed that the country had prohibited corporal punishment in school as an unlawful disciplinary measure and hoped that that prohibition extended to all areas of social life. Turkey hoped that measures to eradicate gender-based violence would succeed, and expressed support for efforts to improve the birth registration system. It wished to learn more about efforts to harmonize national legislation with the main human rights instruments.

37. New Zealand acknowledged that the Marshall Islands had made progress in improving its human rights situation with limited resources. It noted that the country had

not yet ratified the Convention on the Rights of Persons with Disabilities, the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights and that, as indicated in the national report, more work needed to be done before the Convention on the Rights of Persons with Disabilities could be ratified and the related regional Biwako Millennium Framework could be implemented. New Zealand noted evidence that violence against women was an ongoing problem. It also acknowledged that overcrowding in some islands and the isolation of others had led to specific health problems. New Zealand made recommendations.

38. Canada welcomed efforts by the Marshall Islands to ensure full respect for human rights, but noted that the country had not yet signed or ratified major international human rights treaties. It also noted the vulnerability of the Marshall Islands to climate change and welcomed efforts to include human rights protection in national policies adopted in that regard. It welcomed the inclusion of the principle of non-discrimination in the Constitution. Canada encouraged efforts to address gender-based violence and to continue work on the Millennium Development Goals. Canada made recommendations.

39. Germany requested detailed information about plans to assist victims of gender-based violence. In particular, it inquired about support provided to victims by the police and by health and legal aid providers, and about education and sensitivity training provided to them in that regard. It also asked whether the Marshall Islands had any plans to accede to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol thereto. Germany made a recommendation.

40. Spain welcomed the fact that the Constitution of the Marshall Islands included the main human rights principles within the framework of a democratic society and urged the country to further develop the legal and institutional framework for their promotion and protection. Spain also welcomed the abolition of the death penalty in the Constitution. It requested information about whether the Marshall Islands intended to establish a national human rights institution pursuant to the Paris Principles and about the situation of vulnerable children, including with respect to the existence of protection policies and institutions. Spain made recommendations.

41. Argentina requested information about legislative measures adopted with a view to eliminating discrimination against women and providing women and children with financial, institutional and technical means to overcome intra-family violence and its consequences. Argentina made recommendations.

42. Chile noted that the national report of the Marshall Islands attested to its commitment to the promotion of human rights as well as to its realistic approach. It considered that the international community should play an important role by providing technical assistance and financial support to assist the Marshall Islands in complying with its human rights commitments. Chile commended the examination by the Government of reported irregularities in the 2007 general elections, through the designation of an Independent Investigation Commission. Chile requested information about measures adopted at the national level to ensure compliance with obligations set out in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Chile made recommendations.

43. The United Kingdom was pleased to note that civil society had been consulted in the process of preparing the national report and was interested to learn how civil society could be involved in the follow-up process. It welcomed the creation of the Women in Development Office and the Child Rights Office to implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, but wished to receive further information about the national plan to implement those treaties. While acknowledging the unique challenges

facing the Marshall Islands owing to the nuclear legacy and the need to address resulting health issues, the United Kingdom was concerned that the particular focus on that issue risked overshadowing the importance of providing accessible child and adolescent health care, especially the vaccination of children. The United Kingdom believed that there was a pressing need to ratify the Convention on the Rights of Persons with Disabilities and underlined the importance of amending the Constitution to prohibit discrimination against persons with disabilities. The United Kingdom inquired about progress in establishing an ombudsman's office and a national human rights commission. It made recommendations.

44. Latvia thanked the Marshall Islands for its constructive engagement with the universal periodic review process. It noted that freedom of speech and press freedom were guaranteed under the Constitution and that they were generally respected. Latvia touched on the issue of standing invitations to special procedures and noted a recent visit request by the Special Rapporteur on toxic waste. Latvia made a related recommendation.

45. The United States commended the Marshall Islands for its efforts to promote human rights. However, it noted that more work was needed to improve prison conditions, curtail corruption, increase public access to public information, increase reporting of cases involving domestic violence, and address child abuse. The United States also noted that women and children continued to face discrimination and unequal access to education, training and other types of opportunities. It was concerned at the poor conditions in prisons and at the lack of specialized prison facilities for female prisoners and juveniles. The United States made recommendations.

46. Maldives expressed understanding with regard to the challenges and vulnerabilities that the Marshall Islands faced owing to climate change and severe technical and financial capacity constraints, as well as the consequences for the promotion and protection of human rights. Maldives congratulated the Marshall Islands on its efforts in the area of renewable energy and sustainable development, and its commitment to integrating the protection of human rights into its national policies to combat climate change. Maldives made recommendations.

47. The Marshall Islands thanked all participants for their contributions to the review. It noted that, because it was a small country, the implementation of all international obligations in the area of human rights would require some time, as well as additional financial resources. Nevertheless, the Marshall Islands would attempt to adhere to human rights norms set out in relevant conventions.

48. In response to questions regarding its prison system, the Marshall Islands noted that it had planned for some time to build a new prison, but that that had proved difficult as a result of resource constraints. Half of the country's budget was allocated to education and health-care services, which were mandatory as constitutional priorities and under a bilateral agreement on the use of funding from the United States.

49. The Marshall Islands acknowledged that some constitutional amendments might be needed in order to make more specific some of the provisions on the principle of non-discrimination, although the Constitution already contained a number of concrete provisions in that regard.

50. With regard to the prosecution of sexual crimes and violence against women and children, the Marshall Islands provided an update on progress in made in specific cases, but noted that such crimes were not always related to poverty or lack of education. The country noted that it was actively prosecuting such crimes, but that, in some instances, the prevailing extended family structures in the Marshall Islands inhibited reporting. The Marshall Islands was fighting concepts of family privacy and family pride insofar as they inhibited reporting, but acknowledged that further efforts needed to be made.

51. The Marshall Islands also noted that a new draft Criminal Code, which was based on the model Penal Code of the United States, was expected to be adopted early next year and would address many issues that had been raised during the dialogue.

52. With regard to the ratification of international instruments, the Marshall Islands noted that it indeed intended to attend to the issue, but that further action also depended on resources.

53. On the question of women's rights, the Marshall Islands noted that it was working with an umbrella organization, Women United Together, which represented various women's groups in the country and was aimed at educating and providing information about pertinent issues. It was funded by a United Nations trust fund, and the hope was expressed that the studies and projects conducted within this cooperation framework would address the issues that had been raised. The Marshall Islands also noted that, although this was not evident from the composition of the delegation, a considerable number of women held prominent and high-level positions in the Marshall Islands. In addition, the local culture assigned a privileged position to women, insofar as title to land was passed through the maternal line.

54. Concerning questions related to the rights of the child, the Marshall Islands was currently working with the United Nations Children's Fund on child protection baseline research. This research included a review of child protection legislation and regulatory compliance, institutional stocktaking of child protection and social welfare systems as well as inter-agency collaboration; and assessment of current knowledge, attitudes and practices on key child protection issues. The research would give the Marshall Islands an opportunity to determine the extent of sexual violence and abuse against children and enable it to take additional action to address concerns in that area.

55. In conclusion, the Marshall Islands emphasized that it appreciated the opportunity provided by this review process and that it looked forward to continued engagement.

II. Conclusions and/or recommendations

56. **The following recommendations will be examined by the Republic of the Marshall Islands, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011:**

56.1. **Adhere to the principles of the main human rights treaties and favourably consider ratifying them within a reasonably short period of time (Mexico); continue efforts to ratify the main international human rights treaties, and follow a realistic approach in this regard (Chile);**

56.2. **Examine the possibility of acceding to the two fundamental international human rights covenants, and request technical assistance from OHCHR in order to fulfil the obligations that this would entail (Algeria);**

56.3. **Take the necessary steps to pursue the signature, ratification and implementation of major international human rights instruments and, as a first priority, sign ICCPR and ICESCR, with a view to early ratification (Canada); reinforce its legal framework by acceding to international covenants for the promotion and protection of human rights to which it is not yet a party, in particular ICCPR and ICESCR (France); ratify both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (New Zealand); accede to the core international human rights instruments, namely ICCPR and ICESCR (Maldives);**

- 56.4. Ratify the main international human rights instruments so as to harmonize domestic legislation with international standards for human rights protection (Argentina);
- 56.5. Ratify the main international human rights instruments, particularly ICCPR and ICESCR, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and the Optional Protocol thereto, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocols to CEDAW and the Convention on the Rights of the Child (Spain);
- 56.6. Ratify ICCPR and the two Optional Protocols thereto, ICESCR and the Optional Protocol thereto, ICERD, the Optional Protocol to CEDAW, CAT and the two Optional Protocols to CRC, as well as CRPD (Slovakia);
- 56.7. Sign the CRPD treaty (Hungary); ratify the Convention on the Rights of Persons with Disabilities, and work to implement the Pacific Regional Strategy on Disability (Australia);
- 56.8. Sign and ratify the United Nations Convention against Corruption (Morocco);
- 56.9. Consider establishing a national human rights institution pursuant to the Paris Principles (Argentina);
- 56.10. Establish a national human rights institution, with the support of international technical and financial assistance (Algeria); establish an independent national human rights commission as the best means to respond to the people's expectations to enjoy the rule of law (Morocco); take the necessary steps towards the establishment of a national human rights institution or a similar regional body in accordance with the Paris Principles (Canada);
- 56.11. Establish a national human rights institution, including the nomination of an ombudsperson for children, provided with adequate human and financial resources to promote and strengthen accessibility for children and to enable children to submit complaints (Germany);
- 56.12. Nominate an ombudsperson for children (Hungary);
- 56.13. Ensure that human rights are afforded full legal protection (Australia);
- 56.14. Strengthen educational and awareness-raising programmes for local communities in order to promote awareness of human rights issues among society at large, and stimulate the participation of civil society organizations in the promotion and protection of human rights (Mexico);
- 56.15. Prioritize legislation on women's rights and domestic violence, and implement domestic policies aimed at eliminating violence against women (Australia); establish a national strategy to combat violence against women and girls, and take appropriate measures for coordinated, multisectoral responses in this regard (Canada); develop a national plan of action to combat violence against women (New Zealand);
- 56.16. Implement a system to counter domestic violence against women, and ensure that the perpetrators of such violence are prosecuted and appropriately punished (France); incorporate domestic violence into its criminal laws (Slovakia);

- 56.17. **Develop and strengthen the domestic legislation and policy on the protection of women and children with the aim of reducing incidences of exploitation of women and children and violence against women (United States);**
- 56.18. **Develop transparent and effective mechanisms to prevent violence, particularly violence against women and children, and make sure that such mechanisms are supported by sufficient capacity and resources to address the problem (Mexico);**
- 56.19. **Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations, in the follow-up to this review, especially to address violence against women and children and child abuse (United Kingdom);**
- 56.20. **Strengthen the adoption of necessary measures to implement a national programme aimed at eliminating violence against children (Argentina); adopt all necessary measures to prevent violence against children as well as child abuse and neglect (Slovakia); take all necessary legal and practical measures to prevent child abuse and neglect, and adopt a plan of action to combat any form of violence against children (Hungary);**
- 56.21. **Provide children with child-sensitive mechanisms for lodging complaints in case they are victims of violence and sexual exploitation (Slovakia);**
- 56.22. **Develop legislation to regulate child labour with a view to abolishing it (Morocco); develop appropriate labour legislation in relation to children, in line with the State's obligations under CRC, ensuring the inclusion of ILO Conventions No. 138, on the Minimum Age for Admission to Employment, and No. 182, on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (United Kingdom);**
- 56.23. **Review and revise existing laws to ensure that they are non-discriminatory, in accordance with international standards (Canada);**
- 56.24. **Reinforce constitutional protections against discrimination to include sex, disability, sexual orientation and gender identity as prohibited grounds for discrimination (Canada);**
- 56.25. **Develop a comprehensive policy, consistent with the provisions of CEDAW, to ensure that there is effective gender equality, and fight gender-based violence while monitoring cases of such violence, and study the reasons why they are rarely reported to the authorities (Spain);**
- 56.26. **Enact the necessary legal provisions for the advancement of women in conformity with international human rights standards (Hungary); continue its work to fill the gaps in legislation and national policies that prevent the full implementation of CEDAW (Maldives);**
- 56.27. **Ensure that the equal right of women and girls to education is carried out in practice, and take steps to guarantee equal pay for equal work (Slovenia);**
- 56.28. **Include disability as prohibited grounds for discrimination in its Constitution (New Zealand);**
- 56.29. **Develop comprehensive legislation and policies in favour of persons with disabilities, particularly with regard to non-discrimination, accessibility,**

education and awareness-raising (Spain); amend its domestic law to prohibit discrimination based on disability, and adopt a national plan to address the needs of the disabled community (United Kingdom); adopt measures to prohibit and prevent discrimination based on disability (Slovenia);

56.30. Continue to implement strategies and plans for the socio-economic development of the country (Cuba);

56.31. Continue to implement programmes and measures to ensure the enjoyment of the right to education and the right to health (Cuba);

56.32. Seek assistance from the United Nations specialized agencies, funds and programmes, especially within the framework of partnerships, with a view to realizing human rights in the areas of education, health, housing and development, and in addressing the legacy of nuclear tests (Algeria);

56.33. Take effective measures to improve the access of children to education (Morocco);

56.34. Seek to improve health outcomes for children, including by improving immunization rates and ensuring that development assistance funding reaches children in the outer islands (New Zealand);

56.35. Intensify efforts to improve the living standards in detention facilities (Slovakia); improve promptly both the prison system itself and the treatment of all prisoners to meet international recognized standards (United States);

56.36. Take a rights-based approach to adaptation to climate change (Maldives);

56.37. Extend an open and standing invitation to the special procedures of the Human Rights Council (Spain); extend a standing invitation to the special procedures of the Human Rights Council (Maldives);

56.38. Within the framework of cooperation, consider extending an open standing invitation to the United Nations special procedures (Chile); consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia).

57. All conclusions and/or recommendations contained in the present report reflect the positions 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 the Republic of the Marshall Islands was headed by the Minister for Foreign Affairs, John M. Silk, and was composed of the following members:

- Phillip Muller, Ambassador, Permanent Representative, Permanent Mission of the Marshall Islands to the United Nations;
 - Bernard J. Adiniwin, Assistant Secretary, Bureau of Multilateral Affairs, Ministry of Foreign Affairs;
 - Frederick C. Canavor Jr., Attorney General, Office of the Attorney General;
 - Caleb Christopher, Adviser, Permanent Mission of the Marshall Islands to the United Nations.
-