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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Marshall Islands**

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## Introduction

1. The Government of the Republic of the Marshall Islands (GRMI) continues to ensure that human rights are a national priority. This is reflected in the *Constitution*, national legislation and policies that have been passed from 2015–2019. This is evident in the enactment of legislation that enshrines core values in the *Convention on the Rights of the Child (CRC)*, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and the *Convention on the Rights of Persons with Disabilities (CRPD)* namely the *Child Rights Protection Act, 2015*; *Rights of Persons with Disabilities Act, 2015*; *Human Rights Committee Act, 2015*; *Youth Service Corps Act, 2016*; *Birth, Deaths, Marriages Registration (Amendment) Act, 2016*; *Social Security (Amendment) Act, 2017*; *Equal Employment Opportunity Act, 2017*; *Prohibition of Trafficking in Persons Act, 2017*; *Adoptions (Amendment) Act, 2018*; *Domestic Violence Prevention and Protection Act, 2018*; *Minimum Wage (Amendment) Act, 2018*; *Senior Citizens Act, 2018*; and *Gender Equality Act, 2019*.
2. The Republic of the Marshall Islands (RMI) in keeping with its international commitments has recently ratified the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*; *International Covenant on Civil and Political Rights (ICCPR)*; *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*; *Convention on the Elimination of All Forms of Racial Discrimination (CERD)*; two Optional Protocols to the *CRC on the sale of children, child prostitution and child pornography*, and *on a communications procedure*; and the Optional Protocol to the *CEDAW* establishing the individual complaints procedure.
3. In 2019, the GRMI was elected to the UN Human Rights Council (UNHRC). The officially took up the position in January 2020.
4. Climate change and health outbreaks remain the most significant threat to the RMI. The GRMI is working with development partners and donors including national, regional and international organizations to combat the ongoing impacts of climate change.

## I. Methodology and consultation process

5. The national Human Rights Committee (HRC) is composed of senior officials within the GRMI, and civil society organizations (CSOs).
6. The national report methodology involved collaboration of the national HRC which met in November 2019, to discuss strategies for report writing. The national HRC has a working human rights matrix developed by the Pacific Community (SPC) Regional Rights Resource Team (RRRT) containing the recommendations from the 2<sup>nd</sup> round of Universal Periodic Review (UPR) reporting which was regularly updated by the GRMI Human Rights Office based within the Ministry of Culture and Internal Affairs. The national HRC, including member CSOs convened a workshop to discuss the various achievements made and to populate the existing human rights matrix. A second workshop finalized the structure and content of the national report. The national report was then forwarded to members of the national HRC for additional review and comments before finalization. The national report was officially endorsed by the Cabinet in 2020 before submission to the UN.

## **II. Developments since the previous review, background of the State under review, and framework for the promotion and protection of human rights, including constitutional, legislative, policy and jurisprudential measures; human rights infrastructure such as a national human rights institution; and the scope of international obligations identified in the “basis of review” in resolution 5/1**

### **A. National laws and legislations**

7. Key legislative developments since the last UPR report include: (a) Child Rights Protection Act, 2015; (b) Rights of Persons with Disabilities Act, 2015; (c) Human Rights Committee Act, 2015; (d) Youth Service Corps Act, 2016; (e) Birth, Deaths, Marriages Registration (Amendment) Act, 2016; (f) Social Security (Amendment) Act, 2017; (g) Equal Employment Opportunity Act, 2017; (h) Prohibition of Trafficking in Persons Act, 2017; (i) Adoptions (Amendment) Act, 2018; (j) Domestic Violence Prevention and Protection (Amendment) Act, 2018; (k) Minimum Wage (Amendment) Act, 2018; (l) Senior Citizens Act, 2018; and (m) Gender Equality Act, 2019.

### **B. National measures and policies**

8. Key policy development includes: National Strategic Development Plan 2015-2017; National Policy on Disability Inclusive Development Action Plan (2014-2018); RMI Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management – 2013-2018; Agenda 2020: A Framework for Progress (Agenda 2020); National Gender Mainstreaming Policy 2015; National Reproductive Health Policy/Strategy 2014-2016; RMI Prevention of Adolescent Pregnancy Strategy 2014-2016; National Energy Policy and Energy Action Plan 2016; RMI Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management (JNAP); RMI Economic Briefs FY 2015-2019; 2050 Climate Strategy: “Lighting the Way” (2018); and Marshall Islands Energy Roadmap (2018).

9. In 2018, GRMI initiated the review process of the National Strategic Plan (NSP) 2017-2019 with the aim of developing a ten-year strategy for ensuring long term guidance of the Government’s activities. The drafted NSP 2020-2030 will go through final consultations in February 2020. GRMI aims for endorsement of the NSP 2020-2030 by March 2020 and intends to hold a meeting for international development partners in Summer 2020 to introduce the NSP.

### **C. Official authorities and government organizations concerned with human rights**

10. The following government departments and CSOs continue to contribute to the overall promotion, protection and implementation of human rights nationally: (a) Office of the Chief Secretary; (b) Ministry of Foreign Affairs and Trade; (c) Ministry of Culture and Internal Affairs; (d) Ministry of Health and Human Services; (e) Ministry of Education, Sports and Training; (f) Attorney General’s Office; (g) Public Defenders Office; (h) the Economic Policy Planning and Statistics Office (EPPSO); (i) Youth to Youth in Health; (j) Women United Together Marshall Islands (WUTMI); and (k) Marshall Islands Council of NGOs (MICNGOs).

### **III. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of the review”, national legislation, voluntary commitments, national human rights institutions, public awareness of human rights, and cooperation with human rights mechanisms**

11. In November 2016, GRMI requested technical assistance from the SPC RRRT and the Asia Pacific Forum of National Human Rights Institutions (APF) to undertake a scoping study on the feasibility of establishing a National Human Rights Institution (NHRI). The scoping study was conducted in March 2017. The study’s results were submitted to the GRMI in September 2017. The following recommendations were made for the GRMI to consider: (a) establish a NHRI as a Constitutional Office with a status equivalent to that of the Office of the Auditor General; (b) to ask the Constitutional Convention to consider the establishment of an Ombudsman Office with both good governance and human rights mandates; (c) to include in the Ombudsman Office (if one is established) a structure composed of a Chief Ombudsman and an Ombudsman or Deputy Ombudsman with a specific responsibility for human rights – both full time; (d) to enact legislation to provide the NHRI a broad mandate to promote and protect the human rights of every person in the RMI; and (e) to foster dignity, equality and security of everyone in the RMI, including women; children; and people with disabilities; as well as citizens and residents, whether permanent or temporary.

12. Currently, GRMI has not established a national human rights mechanism which is compliant with the Paris Principles. The national *Human Rights Committee Act 2015* establishes an intergovernmental committee, with CSO participation, that has wide and broad powers that ensure the promotion, protection and implementation of human rights nationally.

### **IV. Action taken regarding recommendations arising from the second UPR round**

**Acceptance of international norms – (Recommendations 75.1, 75.2, 75.3, 75.4, 75.6, 75.7, 75.8, 75.9, 75.10, 75.11, 75.12, 75.13, 75.14, 75.15, 75.16, 75.17, 75.18, 75.19, 75.20, 75.21, 75.22, 75.23, 75.24, 75.25, 75.26, 75.27, 75.28, 75.29, 75.30, 75.31, 75.32, 75.33, 75.34, 75.35, 75.36)**

13. On 17 March 2015, the RMI acceded to the Convention on the Rights of Persons with Disabilities (CRPD). On 12 March 2018, the RMI acceded to the International Covenant on Civil and Political Rights (ICESCR), the International Covenant on Economic Social and Cultural Rights (ICCPR) and the Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment (CAT). On 11 April 2019, the RMI acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The Working Group of the national HRC with the technical and administrative support of the Ministry of Culture and Internal Affairs (MOCIA) is currently in the process of putting together the initial reports for the ICESCR, ICCPR, CERD and CAT. These initial reports will be submitted in 2020.

14. On 29 January 2019 the RMI acceded to the CRC-OP-SC (Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography). On 5 March 2019, the RMI acceded to the individual complaints procedures for the CEDAW-OP (Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women) and the CRC-OP-IC (Optional Protocol to the Convention on the Rights of the Child on a communications procedure). The national HRC will, in 2020, begin advocacy and awareness of the optional protocols within the government ministries and departments and with CSOs.

15. To date, GRMI has acceded to 11 core human rights instruments and optional protocols, and has amongst the highest rates of participation in the Pacific region. The Ministry of Foreign Affairs and Trade is currently working on plans to undertake Cabinet and Parliamentary consideration for the ratification of: (a) Convention Against Torture Article 22 – Individual Complaints; (b) International Covenant on Civil and Political Rights 1<sup>st</sup> and 2<sup>nd</sup> Optional Protocols; (c) International Covenant on Economic Social and Cultural Rights Optional Protocol; (d) CRPD Optional Protocol; and (e) acceptance of the CERD individual complaints procedure under Article 14. .

16. Continue cooperation with special procedures, including the further extension of standing invitations to Special Procedures, and to continue responding positively to communication and follow-up to recommendations (including the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes). Build upon the existing standing invitation to the HRC Special Procedures by inviting the following mandates: on the human rights to safe drinking water and sanitation, on the right to education, on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and on violence against women, its causes and consequences.

### **Cooperation with treaty bodies – (Recommendation 75. 64)**

17. In 2016, GRMI submitted its combined initial, second and third periodic reports on the implementation of the *CEDAW* and the combined third and fourth periodic reports on the implementation of the *CRC*. In 2019, GRMI submitted its initial report on the *CRPD*. GRMI received recommendations from the *CEDAW* and *CRC* Committees and will continue to work towards implementing the recommendations with the direction, advice, and support of the national HRC and key national, regional and international organizations. The national HRC will work with the mandated offices for Gender and Child Rights under MOCIA and with other stakeholders to pursue the effective and timely implementation of the recommendations.

### **Cooperation with other international mechanisms and institutions – (Recommendations 75.61; 75.63, 75.63, 75.66)**

18. The GRMI continues to cooperate with OHCHR and the UNHRC. The RMI, in pursuing constructive and meaningful relationship with UN agencies, international mechanisms, and institutions, acknowledges and recognizes the assistance of member countries, partners, and donors including national, regional and international organizations in its work as a member of the UNHRC (2020-2021).

19. As secretariat to the national HRC, and as the seat of the Community Development Division, the Ministry of Culture and Internal Affairs (MOCIA) continues to work with its national, regional and international partners to lead treaty implementation in country. A few initiatives already underway: OHCHR acts as a partner for capacity building and report tracking; UNICEF is currently offering Technical Assistance on Child Protection and Early Childhood Development initiatives; and SPC RRRT is continuing work to assist RMI in treaty reporting and capacity development within the Community Development Division.

20. UNICEF, in partnership with the Australian Volunteers International and MOCIA has placed a dedicated child protection specialist in Majuro to work on creating child protection mechanisms for the GRMI. UNICEF provides assistance to the GRMI with regards to the development of a comprehensive review of legislative compliance to the *CRC* with specific focus on early childhood development.

21. MOCIA has worked in partnership with UN Women on the implementation of the *CEDAW*. The assistance from UN Women has also led to the development and completion of the National Review for the Beijing Platform for Action (BPFA+25) and the completion of the combined *CEDAW* reports. A partnership with United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) has allowed for the development and enactment of the *Gender Equality Act, 2019*.

22. GRMI continues to engage with the OHCHR to: (a) Ensure accountability and active dialogue with key actors to address complex and challenging human rights situations; (b) Improve the Universal periodic review mechanism to better identify and address unique issues; and (c) strengthen the voluntary technical assistance trust fund to support the participation of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) in the work of the UNHRC and other avenues that boost the voices of the most vulnerable communities and United Nations Member States without diplomatic representation in Geneva.

23. GRMI will continue to engage, participate and constructively contribute to international deliberations in international human rights forums, including co-sponsorship of resolutions of the UNHRC and the General Assembly on key issues such as: (a) human rights defenders; (b) civil society space; (c) reprisals against human rights defenders; (d) the renewal of the mandate of the Special Rapporteur on the situation of human rights defenders at the Council; (e) strengthening Council membership and standards; (f) applying objective, rights-based criteria in addressing situations of concern; and (g) constructive engagement at the Council generally, including with subsidiary bodies and special procedures mandate holders.

24. In 2019 GRMI committed to build upon the existing standing invitation to the HRC Special Procedures by inviting the following mandates: on the human rights to safe drinking water and sanitation, on the right to education, on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and on violence against women, its causes and consequences.

### **Constitutional and legislative framework – (Recommendations 75.37, 75.38, 75.43)**

25. RMI's *Constitution* recognizes the right of all persons to equality under the law and prohibits discrimination based on multiple grounds, including gender. In 2017, the adoption of temporary special measures in the form of electoral quotas for women in *Nitijelā* and the inclusion of sexual orientation and disabilities as grounds for non-discrimination were both proposed as amendments to the *Constitution*. However, both proposals were unfortunately defeated during the 2017 Constitutional Convention.

26. GRMI welcomes any recommendations regards to the inclusion in the *Constitution* of sex and disability as grounds for non-discrimination. RMI will need to go through another Constitutional Convention and Referendum, but the issue is addressed in current legislation.

27. A Constitutional Convention is used in the RMI to consider proposed constitutional amendments that have been endorsed by the Legislature. The convention cannot propose new amendments and can only debate those approved by the parliament. The Constitutional Convention is expected to take place every ten years.

28. Of the accepted proposals from the 2017 Constitutional Convention, the adopted Ombudsman proposal will proceed to Referendum in June 2020. Two-thirds (2/3) approval of the votes validly cast is required for this to be adopted.

### **Institution and policies – (Recommendations 75.44, 75.45, 75.46, 75.47, 75.48, 75.49, 75.50, 75.51, 75.60)**

29. RMI *Nitijelā* passed the *Human Rights Committee Act* in 2015. The Act provides for the specific roles, functions, membership, powers and administration of the committee. The national HRC is mandated by law to create a complaints mechanism for the redress of human rights violations and for other related purposes. The national HRC is mandated to coordinate, organize and facilitate treaty reporting for the GRMI. The national HRC is composed of 17 mandated members from senior levels of Government, CSOs and others deemed appropriate by the Committee's Chairperson (Chief Secretary of GRMI).

30. In addition, the *Human Rights Committee Act, 2015* also establishes a Working Group comprising of technical government officers within the GRMI and representatives from CSOs. The Working Group is mandated to (a) implement Committee decisions; (b) develop strategic plans for the implementation of ratified human rights norms and standards; (c) prepare UPR reports and other national treaty body reports; (d) make recommendations on treaty ratification including the Optional Protocols; (e) research best practices for implementing human rights norms and standards; and (f) perform such other functions as are conferred on it by the Committee.

31. The *Human Rights Committee Act, 2015* establishes the appointment of specific complaints subcommittees to deal with complaints regarding specific human rights concerns in the country. The current committee being made up of many enforcement agencies has referred a number of matters to the relevant members. For example, a complaint from nurses of the hospital were referred to the Secretary of Health (a member of the national HRC) addressed the concerns. Though the Complaints Mechanisms are not formally established, complaints are being referred to relevant agencies as needed.

32. GRMI committed in 2019 to strengthen the existing Human Rights Committee, including pursuing legislative amendments or referendum to ensure compliance with Paris Principles, and to gain GANHRI “A Status” Classification. In particular, reforms will ensure the Committee or related institutions will be structured to provide full independence and autonomy, while still ensuring the current appropriate advisory participation from government sources of knowledge.

### **Political framework and good governance – (Recommendations 75.52, 75.53)**

33. Various government ministries and departments continue to have specific development arrangements with local governments in the outer island atolls. The core aims of development arrangements are health, education, water, sanitation, climate change, and nuclear assistance.

34. A Good Governance Training with Ergonosys LLC through the Public Service Commission has been opened for registration to senior public service officials. The Office of the Attorney General also conducted a briefing of Members of Parliament on “Good Governance” in January 2020, as part of the induction process following RMI National Elections 2019.

### **Human rights education and training – (Recommendation 75.58)**

35. Staff from various GRMI departments have participated in trainings aimed at promoting, respecting, protecting and implementing human rights such as: (a) quality rights on mental health services training; (b) gender analysis training; (c) women in economic empowerment; (d) SPC RRRT Human Rights workshop and curriculum design; (e) Violence against children training (WHO); (f) Psychological First Aid Trainers; (g) Gender Based Violence response for healthcare providers (UNFPA); and (h) UN OHCHR Trust Fund participation.

36. The Public-School System (PSS) under the Ministry of Education, in partnership with the SPC’s RRRT and EQAP divisions, is incorporating a Social Citizenship Education curriculum into the school curricula for Grades 9–12. This curriculum includes human rights and responsibilities, gender equality and ending violence against women. This is a part of the *Pacific Partnership to End Violence Against Women and Girls* program.

### **Non-discrimination – (Recommendations 75. 42, 75.54, 75.93)**

37. The GRMI continues to uphold the rights enshrined in the *Constitution*. The national HRC recognizes the need to consider and undertake more research on the issues relating to

*sexual orientation and gender identity* before embarking on national consultations with government and relevant statutory bodies regarding these culturally sensitive topics.

38. *The Rights of Persons with Disabilities Act, 2015* (RPDA) recognizes and provides for equal recognition before the law. Section 1107 of the *RPDA* recognizes persons with disabilities (PWD) as persons before the law and having capacity on an equal basis with others in all aspects of life.

39. Section 1119 of the *RPDA* states that person with disabilities, including women with disabilities, have the right to work and earn a living on an equal basis with others. This includes the right to: (a) work in the open market; (b) be employed in any occupation and at any level in the public and private sectors; (c) be protected from forced labor and exploitation; and (d) enjoy just and decent work, including equal remuneration for work of equal value, a safe and health working environment, and protection from harassment.

40. In addition, Section 1119(3) of the Act makes it unlawful to discriminate against a person, directly or indirectly, on the basis of disability, especially in hiring processes such as advertising, interviewing, selection criteria, and recruitment conditions; terms of conditions of employment such as remuneration, hours of work, leave, and other benefits; assignment of work; opportunities for promotion, transfer or training, or any other benefits associated with employment; opportunities for work experience, apprenticeships, and vocational training; membership of or participation in any professional or trade organizations; and decisions about dismissal, demotion, or retrenchment.

41. Section 1119(4) of the *RPDA* provides for employers to make any workplace adjustment that may be reasonably required to accommodate the employment of PWD and to facilitate their effective work performance.

42. The Act states that any refusal by an employer to make requested workplace adjustment constitutes unlawful discrimination on the basis of disability. Employment quotas, or other special measures taken to achieve or accelerate equality for PWD in the area of employment, do not constitute unlawful discrimination against other persons. RMI has prepared amending legislation, which provides numerous amendments to many GRMI legislation that is out of line with *CRPD* standards. This Bill is awaiting consideration by the new *Nitijelā*.

43. GRMI also passed the *Equal Employment Opportunity Act, 2017* and *Gender Equality Act, 2019* which both include clauses of non-discrimination. The *Equal Employment Opportunity Act, 2017* ensures all employees are treated equally in regards to employee benefits.

### **Prohibition of torture and cruel, inhuman or degrading treatment – (Recommendations 75.85, 75.86, 75.87)**

44. In March 2018, GRMI acceded to the *CAT*. Section 6 (3) of the *Constitution* states that no person shall be subjected to torture or to inhuman and degrading treatment, to cruel and unusual punishment, or to excessive fines or deprivations.

45. The *Child Rights Protection Act, 2015* addresses child abuse and neglect. The Act defines child abuse or neglect as “the acts or mission of any person which have resulted in the physical or psychological health or welfare of a child to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed”.

46. The *Public-School System Act, 2013* explicitly prohibits corporal punishment in the public-school system. Article 331 appears to extend the prohibition to non-public schools: “No non-public school shall be established except in conformity with this Chapter....” Non-public schools are defined as religiously or community group-supported schools and any schools’ which charges for tuition or attendance (Article 302). In Section 9(2) (on the right to education), the *Child Rights Protection Act, 2015* states “Corporal punishment shall be prohibited”. Moreover, PSS Child Protection Policy prohibits the use of corporal punishment by “all regular and volunteer teachers and staff”.

47. However, the prohibition in these laws is undermined by the *Criminal Code, 2011*, which allows the use of force including for the maintenance of discipline, stating in Section 3.08(2): “The use of force upon or toward the person of another is justifiable if: ... (2) the actor is a teacher or a person otherwise entrusted with the care or supervision for a special purpose of a minor and: (a) the force is reasonable and the actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and (b) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under Subsection (1)(b) of this Section.” Although some force is permitted “for the purpose of safeguarding or promoting the welfare of a minor” the force used must be “reasonable and not designed to cause substantial risk to that minor.” GRMI intends to conduct a review of the *Criminal Code, 2011* in light of other statutes.

48. Corporal punishment is unlawful as a disciplinary measure in penal institutions. Article 40 of the *Child Rights Protection Act, 2015* states, “children who are restricted in or deprived of their liberty shall be held in a manner that avoids harm to their dignity and is appropriate to their age. Those responsible for the care and guard of child detainees must protect them from physical, psychological, and sexual violence, respect their human rights, and ensure decent, humane, and just treatment” and “...discipline at detention places shall preclude torture, cruel, and degrading treatment. It shall be prohibited to subject a child detainee to additional punishment. The use of restraint or force shall only be allowed when the child poses an imminent threat of injury to her/himself or others, but never as punishment.”

49. Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in the *Criminal Code, 2011*.

50. GRMI will continue to work with the relevant national authorities, line ministries and departments to ensure that Article 3.08 of the *Criminal Code, 2011* that provides for the use of “justifiable” force on a child by parents, teachers and others, including for the purpose of punishing misconduct will be removed through the national legislative process. In the next reporting cycle, RMI will provide an update on the process and work undertaken to ensure repealing Article 3.08.

### **Prohibition of slavery, trafficking (Recommendation 75.84)**

51. The GRMI plans to continue actively addressing trafficking in persons through national, regional and international partnerships. The *Criminal Code, 2011*, the *Child Rights Protection Act, 2015* and the *Prohibition of Trafficking in Persons Act, 2017*, provide the legal framework for the prohibition of human trafficking in RMI.

52. The *Prohibition of Trafficking in Persons Act, 2017* is aimed at preventing and combating trafficking in persons in the RMI; protecting and assisting the victims of the such trafficking, while maintaining full respect and protecting their human rights; ensuring just and effective investigation, prosecution, and punishment of traffickers; and promoting and facilitating national and international cooperation to meet the objectives.

53. The Act defines trafficking in persons as “any person who: (a) recruits, transports, transfers, harbors or receives another person; (b) by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; (c) for the purpose of exploitation of that person”.

54. The measures provided for by the law are interpreted and applied in a way that is not discriminatory on any ground, such as race, color, religion, belief, age, family status, culture, language, ethnicity, national or social origin, citizenship, gender, sexual orientation, political or other opinion, disability, property, birth, immigration status, the fact that the person has been trafficked or has participated in the sex industry, or other status.

55. Child victims are expected to be treated fairly and equally regardless of their or their parents or the legal guardian's race, color, religion, belief, age family status, culture, language, ethnicity, national or social origin, citizenship, gender, sexual orientation, political or other opinion, disability, property, birth, immigration status, the fact that the person has been trafficked or has participated in the sex industry etc.

56. The Act also states: "If the person subjected to exploitation is a child, exploitation shall also include: (a) the use of procuring or offering of a child for illicit or criminal activities; (b) the exploitation of the prostitution of others or other forms of sexual exploitation; (c) the use in armed conflict; (d) work that, by its nature or by the circumstances in which it is carried out, is likely to harm the health or safety of children; (e) the employment or use in work, where the said child has not reached the applicable minimum working age for the said employment or work; (f) other forms of exploitation."

57. Section 1009 of the Act states that, "a victim of trafficking in persons shall not be held criminally punishable for offenses committed by them, to the extent that such involvement is a direct consequence of their situation as trafficked persons." This provision prohibits the charging or prosecution of individuals (trafficking victims) who has engaged in a sexual act in exchange for monetary compensation. (Prostitution). In doing so, this act provides immunity and protection to victims of trafficking.

58. The National Taskforce on Human Trafficking (NTHT) was created by the Cabinet in 2015 and has met regularly to identify possible violations. GRMI Attorney General's Office has been involved in joint prosecution of people smuggling offenses involving Marshallese citizens in the USA states of Utah, Arizona and Arkansas. Staff from the GRMI Attorney General's Office will present evidence of these matters in June 2020, in Utah. The Attorney General's prosecutors have undertaken training with the USA Federal Bureau of Investigation in Hawaii, USA. Funding has been obtained from the World Bank Ports Project to carry out a feasibility study of the resources available to victims of trafficking, prostitution, and domestic violence.

59. The 2019 Trafficking in Persons Report by the United States Department of State reports stated that "human traffickers exploit domestic and foreign victims in the Marshall Islands, and traffickers exploit Marshallese victims abroad". GRMI has 2 ongoing investigations into prostitution and immigration. RMI is also co-operating with US to prosecute international illegal adoption trafficking. The NTHT continues to seek avenues of partnership and with national, regional, and international partners to combat these issues.

60. In 2019 GRMI committed to consideration in Cabinet and Nitijela of the Protocol to the UN Convention against Transnational Organized Crime (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children), as well as to increase efforts to investigate and prosecute traffickers under the new law and awareness campaigns.

### **Right to participate in public affairs and the right to vote – (Recommendations 75.88, 75.89, 75.90, 75.91, 75.92)**

61. The *Elections and Referenda Act*, was held invalid by the RMI Supreme Court. As a result, postal voting is now available to all Marshallese voters living overseas.

62. Article IV of the *Constitution* and the *Elections and Referenda Act* provide that every eligible voter over the age of eighteen is qualified to be a candidate for the *Nitijelā*. Any eligible voter in a given district may run for local government office within that district.

63. The RMI, like the majority of Pacific Island countries, has low representation of women in parliament compared to countries in other regions. In 2017, the adoption of a temporary special measure in the form of electoral quotas for women in Parliament and the inclusion of sexual orientation as a ground for non-discrimination were both proposed as amendments to the Constitution. Both proposals were defeated during the 2017 Constitutional Convention. However, the issue concerning temporary special measures under the *Gender Equality Act 2019* may be used to justify consideration of a Constitutional Amendment.

64. In 2015 and 2018, GRMI and Women United Together Marshall Islands (WUTMI) conducted a women's Practice Parliament and training sessions with the help of UNDP. The training allowed women who were standing or interested in standing for election the opportunity to experience life in parliament.

65. While men still dominate in most senior positions, increasing numbers of women are filling high level government positions, management, government boards, and diplomatic posts. In 2015 three women were elected to parliament, including one as head of state for GRMI. In 2016, 39% of the two highest levels of management positions employed the Public Service Commission were held by women.

66. As of January 2020, women occupy the following senior positions in government: Minister of Education, Sports and Training; Acting Chief Secretary; three Ambassadors (out of six total) and one consul-general; Secretary of Natural Resources and Commerce; Secretary of Foreign Affairs and Trade; Secretary of Finance; Administrator of Marshall Islands Social Security; Clerk of the *Nitijelā*; Chief Clerk of Courts; Clerk of Council of Iroij; Public Service Commissioner.

### **Human rights and drinking water and sanitation – (Recommendation 75.95)**

67. The GRMI is committed to ensuring that public infrastructure such as water supply, sanitation and waste management is improved nationally. The *Environment Protection Act, 1984*, and associated solid waste management regulations provide for the legal and policy framework for the management of solid waste in the RMI. Various waste minimization initiatives are being implemented nationally to reduce the amount of wastes that enter the landfill. For example, the *Styrofoam cups and plates, and Plastic Products Prohibition and Container Deposit Act* of 2016 banned the importation, sale, or distribution of Styrofoam cups and plates, disposable plastic cups and plates, and plastic shopping bags and implemented container provisions. Majuro Atoll Waste Company has started an initiative where the public can get 5 cents for each aluminum can or plastic bottle returned to the dump.

68. Improvement to public infrastructure such as water supply, sanitation and waste management is evident in national laws, national regulations, national plans, strategies and policies, local governance ordinances and international conventions, treaties and agreements namely: *Styrofoam Cups and Plates and Plastic Products Prohibition and Container Deposit Act, 2016*; *National Environmental Protection Amendment Act, 2016*; *Styrofoam Cups and Plates Products Prohibition and Container Deposit (Amendment) Act, 2018*; *National Energy Office Act, 2018*; *Ministry of Environment Act, 2018*; *Safe Sunscreen Act, 2019*; *Public Water Supply Regulations*; *RMI Sustainable Development Regulations*; *Toilet Facilities and Sewage Disposal Regulations*; *Solid Waste Regulations*; *Environmental Impact Assessment Regulations*; *Earthmoving Regulation*; *Vision 2018*; *Environmental Protection Authority Strategic Plans*; *RMI Infrastructure Development and Maintenance Plan*; *RMI Climate Change Road Map*; *RMI National Action Plan for Disaster Risk Management*; *Joint National Action Plan for Climate Change Adaptation and Disaster and Disaster Risk Management (JNAP)*; and *RMI Ministry of Health Strategic Plan*.

### **Right to just and favorable conditions of work – (Recommendation 75.96)**

69. International Labor Organization has been assisting the GRMI Labor Office (Ministry of Justice) to review all employment legislation and will return to Majuro in March 2020 for further action.

### **Right to health – (Recommendations 75.65, 75.97, 75.98, 75.99, 75.100)**

70. Section 15 of the *Constitution* of the RMI “recognizes the right of the people to health care, education, and legal services and the obligation to take every step reasonable and necessary to provide these services”. Since 2015, this constitutional provision has been progressively realized through the *Public Health, Safety and Welfare Act, 2015* and the *Marshall Islands Health Fund Act, 2019*.

71. The RMI has among the highest incidence rates of diabetes in the world and has therefore instituted a range of policy measures, including boosting preventive health care and increasing the availability of and access to traditional foodstuffs. Further, the Non-Communicable Diseases (NCD) Coalition was established in 2016 to implement prevention programs. The Coalition has conducted a hybrid survey on NCDs which has helped in the drafting of a strategic plan to combat NCDs, not yet endorsed.

72. Communicable diseases, in particular tuberculosis (at one of the world’s highest confirmed rates), also pose challenges. The Ministry of Health and Human Services conducted a mass screening program in population centers, Ebeye in 2017 and Majuro in 2018, which produced a final situation report, used for further policy and program targeting and case management.

73. GRMI has also adopted a National Reproductive Health Policy and Strategy 2016-2018, which outlines the Government’s approach to sexual and reproductive health. It was developed in line with the agenda of the International Conference on Population and Development and reflects commitments to achieving the Conference goals, and is also aligned with national frameworks.

### **Right to education – (Recommendations 75.101, 75.102, 75.103)**

74. Education is a fundamental right of every child in the RMI. This is emphasized in the *Child Rights Protection Act, 2015* and implemented under the *Marshall Islands Public-School System Act, 2013*. The latter Act creates an autonomous Public-school System (PSS) to administer education for children from kindergarten through their senior year of high school. The PSS in collaboration with SPC RRRT and EQAP recently updated its social studies curriculum to include human rights, gender and nuclear issues in the classroom, grades 9–12.

75. The *Rights of Persons with Disabilities Act, 2015* defines “inclusive education” as an education system that: (a) embraces a set of values, principles and practices that seeks meaningful, effective and quality education for all students; and (b) nurtures and encourages the diversity of learning conditions and needs not only of children with disabilities, but all children. The school system is inclusive and strives to accommodate the needs of all children in all schools while continuing to improve services. As of January 2020, seven (7) teachers are pursuing Education Degrees focused on Deaf Education or Severe Disabilities. There will be a new cohort of Special Education teachers starting their Associates Degree in Summer 2020.

76. The *RPDA* recognizes the right to education as a fundamental right for PWD and a key to allowing PWD a life with human dignity.

77. The *RPDA* recognizes that PWD have a right to education without discrimination and are entitled to quality and inclusive education as a measure of their inherent dignity and their right to equality, non-discrimination, full development of their talents and creativity, and effective and equal participation in society.

78. The *RPDA* requires that a person must not be denied admission, whether directly or indirectly, to any public or non-public school or other educational or training establishment, on the basis of an actual or perceived physical, sensory, mental, intellectual or psychosocial impairment.

79. PWD are entitled to reasonable accommodation of their individual needs, including but not limited to: (a) physical access to classrooms and other school buildings and

facilities, accessible transport, and alternative modes of instruction and educational materials, including Braille and sign language; (b) adequate support measures, including learning support assistants; (c) adjustments of entry requirements, curriculum examinations and pass marks; and (d) instructions by teachers trained in inclusive education and qualified to, teach alternative modes of instructions including Braille and sign language.

**Discrimination against women – (Recommendations 75.39, 75.55, 75.56, 75.57, 75.67, 75.70)**

80. *Nitijelā* passed the *Gender Equality Act, 2019*. The Act recognizes, protects, promotes, and enforces the human rights and fundamental freedoms of all women and girls, on an equal basis with men and boys; further implements the legal obligations of the RMI as a State Party to the *CEDAW*; and makes related provisions for specific rights of women.

81. The *Gender Equality Act, 2019* makes gender discrimination, whether direct or indirect, unlawful and prohibited in all areas. Violence against women and girls, including sexual harassment, constitutes gender discrimination, and is also covered under the *Domestic Violence Prevention and Protection (Amendment) Act, 2018 (DVPPAA)* and the *Criminal Code, 2011*.

82. The *Gender Equality Act, 2019* stipulates that it should be read and applied with the aim of attaining the following key objectives: enhanced and effective participation of women as equal partners in national and local development; gender inclusive and gender responsive development as a rights based approach to development and poverty reduction; effective collaboration and coordination with development partners; improved gender statistics, including sex disaggregated data on all areas of women's lives; and effective mainstreaming of gender equality across all policies, planning, programming, and budgets, at all levels and in all sectors.

83. The National Gender Mainstreaming Policy 2015-2019 is a result of strategic and combined efforts of the GRMI and NGOs, in collaboration with technical assistant from SPC Social Development Program (SDP). The purpose of the policy was to guide the process of developing laws, policies, procedures, and practices that aim to address the needs, priorities, and aspirations of all women and men and effectively eliminate all forms of gender discrimination and inequality. The Policy was developed in line with the *CEDAW*, the *CRC*, the Pacific Plan, the Millennium Development Goals (MDGs), the Beijing+25 Platform for Action, and the Pacific Islands Leaders Gender Equality Declaration. The five priority outcomes were: (a) strengthened capacity across the government to deliver gender responsive programs and service; (b) secure family wellbeing; (c) elimination of gender based violence and protection and care of survivors; (d) enabling environment for an equitable participation in and benefit from economic development; and (e) equitable participation of women and men in decision making.

84. The *Domestic Violence Prevention and Protection Act, 2011* was significantly amended by the *Domestic Violence Prevention and Protection (Amendment) Act, 2018 (DVPPAA)*. The purpose is to prevent violence between family members and others who are in domestic relationships; emphasize that domestic violence is not acceptable in the RMI; ensure the investigation of claims of domestic violence and the prosecution and punishment of persons who commit domestic violence; and provide support for victims of domestic violence.

85. Several activities that GRMI has orchestrated or participated in to target gender equality include:

(a) January 2016: RMI made history by electing the first woman Head of State, H.E. President Dr. Hilda C. Heine. That same year, the number of women in *Nitijelā* (Parliament) rose from one (1) to three (3), which historical since RMI has never had more than one (1) woman in *Nitijelā* since its independence in 1986, and through five electoral cycles;

(b) August 2017: H.E. President Dr. Hilda C. Heine initiated the Micronesian Women's Conference, to collectively identify opportunities and challenges to develop

strategic recommendations to increase progress towards gender equality and the empowerment of women in the thematic areas of economic empowerment, eliminating violence, health, climate change and leadership;

(c) May 2018: Gender Equality Where Do We Stand Publication 2018 was published. Based on the National Gender Mainstreaming Policy in 2015, an assessment of RMI's progress and challenges towards gender equality was conducted under the Progressing Gender Equality in the Pacific (PGEP) initiative. The collaborative efforts of the Community Development Division within MOCIA, EPPSO, Office of the President, as well as technical assistance from SPC produced a statistical analysis on the priority outcomes within the Gender Mainstreaming Policy, such as secure family well-being; elimination of gender-based violence and protection and care of survivors; enabling environment for equitable participation in and benefit from economic development; and lastly equitable participation of women and men in decision-making;

(d) March 2019: The Inaugural Pacific Women Leaders Coalition Conference was convened by President H.E. Dr. Hilda C. Heine, as the first virtual conference for women around the Pacific, with sessions live streamed via Facebook and Twitter;

(e) March 2019: Establishment of the Kora im an Kil Fund, for progressive support towards gender equality and women's economic empowerment; and

(f) April 2019: Establishment of a new diplomatic post to the UN Geneva Office, with its first Ambassador a woman bringing the number of female ambassadors to 3.

### **Gender based violence – (Recommendations 75.69, 75.71, 75.72, 75.73, 75.74, 75.75, 75.76, 75.77, 75.78, 75.80, 75.82, and 75.83)**

86. The *DVPPAA* and the *Criminal Code*, include new provisions criminalizing sexual harassment and stalking. The *DVPPAA* was created to update sexual assault laws and to expand the definition of rape to include a broadened definition of sexual assault penetration and removal of the exception to rape for forced sex with a marital partner. The law provides different degrees of sexual assault. It also recognizes non-consensual sexual contact without penetration as sexual assault.

87. The *Gender Equality Act, 2019* under section 710 prohibits any form of violence against women and girls in the domestic or public sphere without exception. The *Gender Equality Act, 2019* states that violence against women and girls "includes any form, or threat, of assault, abuse, intimidation, exploitation or other harm, whether physical, sexual, psychological, emotional, or economic, and whether occurring within the family or in community, including in any educational institution, workplace, or any other public space."

88. The *Gender Equality Act, 2019* mandates the Ministry of Culture and Internal Affairs in collaboration with the Public Service Commission, Ministry of Health and Human Services, the PSS, and other relevant stakeholders to: (a) establish and implement comprehensive first response protocols, including emergency treatment, reporting obligations, and sanctions; (b) develop and implement a training program for health professionals to ensure they understand their responsibilities as first responders and are able to provide appropriate care, treatment and referrals for any woman or girl who is the victim of violence, including domestic violence; (c) integrate content on gender equality and non-discrimination into curricula at all levels of education, both public and private, from early childhood onwards; (d) raise awareness in the community, including through educational and media campaigns, on the criminal nature of all forms of violence against women and girls; (e) target both men and women awareness campaigns; (f) establish an efficient and reliable system of data collection on violence against women and girls, including domestic violence disaggregated by sex, age, disability, ethnicity, and relationship between victim and perpetrator; and (f) ensure that women and girls who are victims of violence, including those living in rural areas and the outer islands have access to adequate support including shelters, legal aid and rehabilitations services.

89. The Marshall Islands Police Department (MIPD) has undergone capacity building initiatives in partnership with the Pacific Prevention of Domestic Violence Programme including the creation and staffing of a Domestic Violence Unit. The MIPD endorsed and approved the First Response Protocol developed in cooperation with WUTMI to ensure appropriate institutional response to victims of domestic violence. MIPD continues to strengthen their ability to respond appropriately to cases of domestic violence.

90. The judiciary, including the law enforcement officers have received training provided by SPC RRRT on presiding over cases of domestic violence and violence against women. A DVPPAA Technical Working Group Terms of Reference is being drafted with target establishment in June 2020. The Working Group is proposed to comprise of representatives from MOCIA, MIPD, the Attorney General's Office, WUTMI, Faith Based Organizations, Ministry of Health and Human Services, PSS and Micronesian Legal Services Corporation. The purpose of the Working Group is to create an implementation plan for the DVPPAA and to carry out activities within their respective agencies and via collaboration. These agencies also provide awareness to the outer atolls and islands on the DVPPAA.

91. To date, a total of 48 protection orders have been issued by the courts. Out of the 48 cases 25 have been granted, 7 were dismissed by the plaintiff, 7 were dismissed by the court, 1 was dismissed by the petitioner and 1 is pending. Out of the 48 protection orders, 47 were issued to females and 1 to a male. Twelve cases of criminal offenses against women have been investigated and prosecuted.

### **Children: definition, general principles and protection – (Recommendations 75.68, 75.81)**

92. The RMI has progressed towards ensuring the free and compulsory birth registration of all children born in the RMI. The *Births, Deaths and Marriages Registration Act, 1988*, states that every child in the RMI shall be registered. The Act states that the following persons are qualified to give information concerning the birth: (a) the father and mother of the child; (b) any person present at the birth; (c) any person having personal knowledge of the birth; (d) any medical practitioner or mid-wife in attendance and having personal knowledge of the birth having occurred or (e) any person having charge of the child.

93. The Act states that the Registrar may by notice in writing require any qualified informant to give information on the particulars required to register concerning the birth of a child.

94. On 19 August 2016, Nitijelā passed the *Births, Deaths and Marriage Registration (Amendment) Act*. Section 428 of the *Birth, Deaths, Marriage Registration (Amendment) Act, 2016* states that, in order to contract a valid marriage, it shall be necessary, “(a) that the male at the time of contracting the marriage be not less than eighteen (18) years of age and the female be not less than eighteen (18) years of age”; (b) that the marriage between the two parties is not within the prohibited degrees of marriage by law or custom; and (c) that where either of the parties were married earlier, the former spouse of that party has died, or the prior marriage of that party was annulled or dissolved by a court of competent jurisdiction.”

95. In April 2019, GRMI and the World Bank launched a Multisectoral Early Childhood Development (ECD) Project to support areas such as reproductive, maternal, new born and child health and nutrition services, with a focus on the first 1,000 days of life. The 5-year ECD project will address issues relating to health and education such as poor nutrition and lack of early learning opportunities, which has had a detrimental effect on the country's development. The new program will address this by focusing on: (a) increasing access to effective and quality maternal and child health services; (b) creating opportunities for early stimulation and learning; (c) piloting a social protection system and support for families with young children; and (d) addressing the limited affordability of nutritious diets, especially for children in vulnerable families.

### **Children: family environment and alternative care – (Recommendation 75.40)**

96. On 29 September 2015, *Nitijelā* passed the *Child Rights Protection Act, 2015*. The Act declares the rights of children and provide for their protection, promotion and enforcement, and implementation by the RMI obligations as required under the *CRC*. The key objectives of the Act are to: (a) protect children from discrimination, exploitation and any other physical, emotional or moral harm or hazard; (b) provide care and protection to children who are in need of care and protection; and (c) promote the protection, development and welfare of children.

97. The Act applies to every person in the RMI, irrespective of the person's nationality or citizenship. It also binds the State, including every Government department and statutory authority and every person in the employment of the Government.

98. The Ministry of Culture and Internal Affairs (MOCIA) has a Child Rights Office headed by a Child Rights Manager and two social workers, one based in Majuro and one in Ebeye. The *Child Rights Protection Act 2015* designates the MOCIA as the state authority mandated with child protection from neglect, abuse, and exploitation. The Act includes comprehensive provisions for child protection from neglect, abuse and exploitation, as does the PSS Child Protection Policy.

99. The Australian Volunteer International program (AVI), in partnership with UNICEF is now providing technical assistance to the GRMI in the form of a Volunteer, to develop costed action plans to establish and implement coordination mechanisms and develop inter-agency referral pathway/guidelines for Child Protection systems. The Child Protection Technical Assistant is currently working closely with staff of the Child Rights Office to develop an inter-agency Child Protection Working Group to guide and oversee the creation of a Child Protection system that fits the context of the RMI.

100. GRMI has established the Central Adoption Authority through the *Adoptions Act*, which is responsible for ensuring legal adoptions with judicial oversight and adequate safeguards. In response to the decreased utilization of the Central Adoption Authority, which resulted from increasing transboundary activity that may circumvent the law, the GRMI recently formed a cross-sectoral adoptions committee to address the complex social, legal and multi-jurisdictional international challenges. In early 2018, an adoption agent suspected of violating the *Adoptions Act* was detained by authorities at the airport, and judicial prosecution is now under way.

101. In 2019, GRMI committed to enhance policy outcomes on illegal international adoptions, including enhanced enforcement, addressing multi-jurisdictional issues, and consideration in Cabinet and parliament of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

### **Persons with disabilities: definition and general principles – (Recommendations 75.59, 75.104, 75.105)**

102. The *Nitijelā* on 29 September 2015 passed the *RPDA*. The *RPDA* provides for the equal rights and freedoms of all PWD and for the protection, promotion and enforcement of rights and freedoms provided for under the *CRPD*.

103. The core principles of the Act calls for: (a) respect for the inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (b) non-discrimination; (c) full and effective participation and inclusion in society; (d) respect for difference and acceptance of PWD as part of human diversity and humanity; (e) equality of opportunity; (f) accessibility; (g) equality between men and women; (h) respect for the evolving capacities of children with disabilities and their right to preserve their identities; and (i) respect for the dignity and value of older PWD; and respect for the inclusive community – based on features of Marshallese culture.

104. The *RPDA* also allows the Minister of Culture and Internal Affairs, responsible, in accordance with the *Administrative Procedures Act*, to make regulations to effectively implement the Act.

105. In 2018, MOCIA with assistance from UNESCAP and PIFS conducted a *CRPD* compliance legislative review of RMI national laws. The consequential amendments that form the substance of the Bill called the *Rights of Persons with Disabilities (Consequential Amendments) Bill 2018*, are the product of a detailed review of approximately 300 statutes: the full complement of the *Marshall Islands Revised Code* as in January 2018. Over 100 statutes across 41 Titles require consequential amendment for harmonization with the *RPDA* and the *CRPD*. The amendments address several areas of non-compliance and consolidate the mainstreaming of disability rights across the full spectrum of sectoral laws, as required by the Convention. The Bill was tabled during the last *Nitijelā* session in 2019 and passed one reading. However, the *Nitijelā* was dissolved in September 2019 due to the pending election cycle.

### **Right to development – general measures of implementation – (Recommendations 75.94, 75.106, 75.108)**

106. GRMI continues to develop and implement development policies that aim to address its human rights obligations. Policies are targeted towards improving the lives of all people in the RMI. The development of SDGs related policies is key to achieving the full realization of human rights in the RMI.

107. RMI recognizes that more needs to be done to fully realize human rights especially economic and social rights. RMI calls on the international community to assist in the provision of technical and financial support towards the development and implementation of Sustainable Development Goal policies in GRMI.

108. Economic Policy, Planning and Statistics Office (EPPSO) started in 2019 the Household Income Expenditure Survey (HIES). This survey is currently near complete in the two main urban centers (Ebeye and Majuro). EPPSO aims to complete the outer islands surveys by May 2020 and to publish the HIES Results in Spring 2021. The National Census 2020 is postponed until the HIES is completed. The two national surveys will inform the further implementation of national commitments.

109. As mentioned before, GRMI is in the final stages of reviewing its National Strategic Plan 2020-2030.

### **Nuclear Justice – right to development (Recommendations 75.110 and 75.111)**

110. During its time as a Strategic United Nations Trusteeship, the RMI experienced serious impacts from 67 nuclear weapons tests undertaken by the USA between 1946 and 1958. The legacy of these impacts has been far-reaching, including displaced communities, health deterioration, environmental contamination, and loss of cultural identity.

111. The National Nuclear Commission (NNC) was established by the *National Nuclear Commission Act* on February 28, 2017 to develop a detailed strategy and plan of action for pursuing justice as concerns the USA Nuclear Testing Program conducted in the RMI and its effects; exercise general oversight, where otherwise appropriate, of all Government ministries, offices, and agencies having responsibilities for addressing consequences of the Program, and/or; monitoring, assessing, documenting, or otherwise dealing with the effects of the Program.

112. The Nuclear Commission has prepared A Strategy for Coordinated Action FY 2020-FY2023. The National Nuclear Commission Strategy for Coordinated Action (“NNC Strategy”) focuses on five key pillars of nuclear justice: (a) Compensation, (b) Health Care, (c) the Environment, (d) National Capacity, and (e) Education and Awareness. The NNC Strategy is a tool for all Marshallese, whether living in the islands or overseas, to use individual and collective efforts to respond to the devastation resulting from the USA

Nuclear Weapons Testing Program in our islands. It is also a resource for our partners and friends outside the RMI to understand the nuclear testing impacts that persist today and how as allies, they can support the Marshallese people.

### **Climate Change – right to development (Recommendations – 75.107 and 75.109)**

113. As a low-lying island nation consisting of atolls (collections of small, narrow coral islands with an average height of just over one meter above sea level), RMI's projected climate change impacts, including sea level rise, pose very significant threats to the long-term security of local communities and the whole nation, including implications for core human rights.

114. The GRMI participated in the first UNHRC Resolution 7/23 (March 2008) on climate change and human rights, including by serving as a sponsor and providing a national report.

115. GRMI has played a key role in forging consensus through climate diplomacy including by working with coalitions of SIDS, other vulnerable nations and wide networks of diplomatic partners. Small nations can play a unique role in multilateral settings in helping to find common ground.

116. In September 2018, GRMI became the first island nation to release *Tile Til Eo* (Lighting the Way) Climate Strategy 2050, a long-term climate strategy to become carbon neutral by 2050. The *Tile Til Eo* Committee provides oversight to GRMI's response to climate change and to the reduction of climate and disaster risks for the well-being of the people of the RMI. This strategy includes ensuring the active participation and ownership of the most vulnerable stakeholders and addressing the human rights issues these populations face. There are no obvious or easy answers to the complex risks that climate change imposes, but GRMI continues to work towards addressing human rights risks posed by climate change driven threats.

## **V. Achievements, best practices, challenges and constraints**

117. The GRMI has made several noteworthy achievements since the last UPR cycle. A key milestone is the appointment of the RMI to the UN Human Rights Council (2020-2021).

118. Achievements made in the promotion, protection, and implementation of human rights include: (a) passage or amendment of 11 pieces of legislation; (b) accession to 4 human rights treaties; and (c) accession to 3 Optional Protocols.

119. The RMI, like many other SIDS, continues to face constraints and challenges with regards its human rights obligations, including: (a) financial constraints; (b) geo-political location of the RMI; and (c) technical capacity gaps in knowledge and training.

120. GRMI is working on several of these constraints by: (a) continuing to seek technical assistance from external partners; (b) working with partners on treaty reporting, implementation obligations, and capacity building; and (c) encouraging education and trainings for all people of the RMI to reach their potential.

## **VI. Key national priorities and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and to improve the human rights situation in the State**

121. GRMI continues to work with donor partners to establish programs and projects that address human rights concerns and obligations affecting the people of the RMI. Projects such as the multisectoral ECD Project work with multiple external agencies to ensure

GRMI has proper financial and technical assistance for effective project roll out. GRMI continues to be creative and collaborative in its efforts to address human rights concerns national, regionally, and internationally.

## **VII. Expectation of the State concerned in terms of capacity building and requests if any, for technical and support received**

122. GRMI welcomes and extends its appreciation for the support rendered by development partners and UN agencies with regards to the promotion, protection, and implementation of its human rights commitments and obligations. The support received from the UN Agencies has allowed the various government departments to substantially implement human rights norms and standards through national policies, legislation, reports, workshops, training and research.

123. The national report also acknowledges and expresses its appreciation to Pacific regional organizations and international organizations with its human rights treaty obligations. This report acknowledges the support provided by PIFS, SPC, Oxfam in the Pacific, Asia Development Bank and World Bank.

124. RMI continues to seek assistance from the aforementioned UN agencies and regional and international organizations for their assistance with RMI's human rights obligations particularly in the area of financial, technical and coordination support. RMI seeks the international community support with financial and technical support.

## **VIII. Voluntary commitments**

125. The GRMI's intended country pledges to the UNHRC include:

- (a) Continuing to uphold the highest standards in the promotion and protection of human rights, both at home and abroad;
- (b) Undertaking Cabinet and parliamentary consideration of four additional treaty instruments;
- (c) Continuing cooperation with treaty monitoring bodies, including timely submission of reports and implementation;
- (d) Contributing to global reform of the treaty body system; and
- (e) Enhancing cooperation and support for the OHCHR, including the attention provided to strengthening the voluntary technical assistance trust fund to support the participation of least developed countries and SIDS in the work of the UN Human Rights Council.<sup>1</sup>

## **Conclusion**

126. The GRMI welcomes the opportunity to be reviewed by peers on its human rights record. The GRMI will continue to work towards upholding its commitments made in the area of human rights. It will continue to seek assistance from the international community with regards to the implementation of agreed human rights obligations and standards.

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<sup>1</sup> A full list of commitments may be found in UN document A/74/334 containing the Note Verbale dated 23 August 2019 from the Permanent Mission of the Marshall Islands to the United Nations addressed to the President of the General Assembly.