

Advance Version

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Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Federated States of Micronesia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.

<i>Recommendation</i>	<i>Position</i>	<i>Comments</i>
Theme 1: Scope of international obligations		
86.1	Accept	This recommendation is acknowledged, and support is accorded to it. The FSM requests support from the recommending state.
86.2	Accept	Same comment as recommendation 86.1.
86.3	Accept	Same comment as recommendation 86.1.
86.4	Accept	Same comment as recommendation 86.1.
86.5	Accept	Same comment as recommendation 86.1.
86.6	Accept	Same comment as recommendation 86.1.
86.7	Accept	Same comment as recommendation 86.1.
86.8	Accept	Same comment as recommendation 86.1.
86.9	Noted	
86.10	Accept	Same comment as recommendation 86.1.
86.11	Accept	FSM acknowledges and supports this recommendation.
86.12	Accept	This recommendation is acknowledged, and support is accorded to it. The FSM requests support from the recommending state.
86.13	Accept	FSM accepts this recommendation within the context of its resources and capacity.
86.14	Accept	FSM accepts this recommendation within the context of its resources and capacity.
86.15	Accept	Same recommendation as 86.14.
86.16	Accept	Same recommendation as 86.14.
86.17	Accept	Same recommendation as 86.14.
86.18	Accept	Same recommendation as 86.14.
86.19	Accept	Same recommendation as 86.14.
86.20	Accept	Same recommendation as 86.14.
86.21	Accept	FSM supports this recommendation.
86.22	Accept	FSM supports this recommendation.
86.23	Accept	FSM supports this recommendation.
86.24	Accept	FSM supports this recommendation.
86.25	Accept	FSM supports this recommendation.
86.26	Accept	FSM supports this recommendation.
86.27	Accept	FSM supports this recommendation.
86.28	Accept	FSM supports this recommendation.
86.29	Accept	FSM supports this recommendation.

86.30	Accept	FSM supports this recommendation.
86.31	Accept	FSM supports this recommendation.
86.32	Accept	FSM supports this recommendation.
86.33	Accept	FSM supports this recommendation within the context of its resources and capacity.
86.34	Noted	
86.35	Noted	
86.36	Accept	Same recommendation as 86.33.
86.37	Accept	Same recommendation as 86.33.
86.38	Accept	FSM supports this recommendation.
86.39	Accept	FSM supports this recommendation.
86.40	Noted	
86.41	Noted	
86.42	Noted	
86.43	Noted	FSM will continue to ratify treaties or conventions that are in keeping with its current realities and resource capacities. FSM seeks supports from the recommending state.
86.44	Noted	Same as recommendation 86.43.
86.45	Accept	FSM supports this recommendation.
86.46	Accept	FSM supports this recommendation.
86.47	Accept	FSM supports this recommendation.
86.48	Accept	FSM supports this recommendation.
86.49	Accept	FSM supports this recommendation.
86.50	Accept	FSM supports this recommendation.

Theme 2: National human rights framework

86.51	Accept	FSM is in the process of strengthening its Human Rights Task Force to effectively carry-out the recommended role and on treaty obligations and related mechanisms such as the Sustainable Development Goals.
86.52	Accept	FSM supports this recommendation.
86.53	Accept	FSM supports this recommendation.
86.54	Accept	FSM supports this recommendation.
86.55	Accept	FSM fully accepts and supports this recommendation. Initial planning on the National Human Rights Institution consultations is ongoing.
86.56	Accept	Same as recommendation 86.55.
86.57	Accept	Same as recommendation 86.55.
86.58	Accept	Same as recommendation 86.55.

86.59	Accept	Same as recommendation 86.55.
86.60	Accept	Same as recommendation 86.55.
86.61	Accept	Same as recommendation 86.55.
86.62	Accept	Same as recommendation 86.55.
86.63	Accept	Same as recommendation 86.55.
86.64	Accept	Same as recommendation 86.55.
86.65	Accept	Same as recommendation 86.55.
86.66	Accept	Same as recommendation 86.55.
86.67	Accept	Same as recommendation 86.55.

Theme 3: Equality and non-discrimination

86.68	Noted w/explanation	The FSM supports the prohibition in law of discrimination based on gender and disability and will review its position on sexual orientation and gender identity in line with the current realities in FSM. The FSM National Constitution guarantees equal protection for everyone, and it prohibits discrimination. In particular, Art IV Sec. 4 states as follows: "Equal Protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language or social status". This constitutional provision is implemented throughout the nation. The FSM States are implementing this non-discrimination provision of the National Constitution in their respective state constitutions and laws.
86.69	Accept	FSM supports this recommendation.
86.70	Accept	FSM supports this recommendation.
86.71	Noted	FSM notes this recommendation and will address it within the context of the realities resources, and capacity.
86.72	Noted	Same as recommendation 86.71.
86.73	Noted w/explanation	The FSM supports the prohibition in law of discrimination based on gender and disability and will review its position on sexual orientation and gender identity in line with the current realities in FSM. The FSM National Constitution guarantees equal protection for everyone and it prohibits discrimination. In particular, Art IV Sec. 4 states as follows: "Equal Protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language or social status". This constitutional provision is implemented throughout the nation. The FSM States are implementing this non-discrimination provision of the National Constitution in their respective state constitutions and laws.
86.74	Noted w/explanation	The FSM supports the prohibition in law of discrimination based on gender and disability and will review its position on sexual orientation and gender identity in line with the current realities in FSM.

Theme 4: Development, the environment, and business and human rights

86.75	Accept	FSM supports this recommendation and will develop & implement a national climate change plan under the Department of Environment, Climate Change, Emergency Management (DECEM).
86.76	Accept	FSM supports this recommendation and will develop & implement a national climate change plan under the Department of Environment, Climate Change, Emergency Management (DECEM).
86.77	Accept	FSM supports this recommendation and seeks support from the recommending state.
86.78	Accept	FSM supports this recommendation and seeks support from the recommending state.
86.79	Accept	FSM supports this recommendation and seeks support from the recommending state.
86.80	Accept	FSM supports this recommendation.
Theme 5: Administration of justice		
86.81	Accept	FSM supports this recommendation and continues to strengthen all mechanisms addressing corruption. There is on-going awareness by the Office of the National Public Auditors (ONPA) in all the states to identify and report on government fraudulent activities.

86.82	Accept w/explanation	<p>FSM Government welcomes this recommendation. There are ongoing efforts towards the passage of a national legislation on Freedom of Information for consideration by the National Congress. A draft bill is currently being considered by the Executive – the proposed Freedom of Information Act. This draft bill received technical support and expert advice from the United Nations Office on Drugs and Crime (UNODC) and also from the UN Pacific Regional Anti-Corruption Project (UN-PRAC). This bill provides a general policy direction guaranteeing transparency in public service and access to public information. It also establishes a set of procedures to implement the disclosure of public information upon request. Under this bill, any person has a right to request a national agency to be able to access public information. Each national agency shall have a designated Information Officer responsible for processing requests. Subject to certain exceptions such as rights of a third party, national security considerations, and legal privileges recognized by FSM case law, any public information must be disclosed. A decision not to disclose information may be appealed to the Office of the President. If a person is not satisfied with the decision, such may be brought to court for further appeal.</p> <p>Once this bill is transmitted to the National Congress, it is expected to be assigned to one of the outstanding committees of the FSM Congress for appropriate study and deliberation, and to be reported back to the plenary for its recommendation and for a vote.</p> <p>FSM Government will continue to need further technical and capacity building assistance from its partners around the world and from the UN Agencies to the extent feasible, to ensure that this freedom of information bill once approved through the national legislative process will be implemented fully and properly.</p>
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Theme 6: Prohibition of all forms of slavery

86.83	Accept	FSM accepts this recommendation as it continues to make improvements in implementing policies, action plans and Standard Operating Procedures that safeguard against human trafficking.
86.84	Accept	Same as recommendation 86.83.
86.85	Accept	Same as recommendation 86.83.
86.86	Accept	Same as recommendation 86.83.
86.87	Accept	Same as recommendation 86.83.
86.88	Accept	Same as recommendation 86.83.
86.89	Accept	Same as recommendation 86.83.
86.90	Accept	FSM accepts this recommendation.
86.91	Accept	FSM accepts this recommendation.
86.92	Accept	FSM accepts this recommendation.
86.93	Accept	FSM accepts this recommendation.

Theme 7: Right to an adequate standard of living

86.94	Accept	FSM supports this recommendation.
86.95	Accept	FSM supports this recommendation.
86.96	Accept	FSM supports this recommendation.
86.97	Accept	FSM supports this recommendation.
86.98	Accept	FSM supports this recommendation.
86.99	Accept	FSM supports this recommendation.
Theme 8: Right to health		
86.100	Accept	FSM supports this recommendation.
86.101	Accept	FSM supports this recommendation. The FSM Health Clinics provide free-confidential screening, free follow-up and free treatment.
86.102	Accept	FSM supports this recommendation. In 2016 the birth mortality rate had decreased while rate increased.
86.103	Accept	FSM supports this recommendation. There is an annual summit for all NCD programs for the purpose of reviewing and updating the FSM National Strategic Plan.
86.104	Accept	FSM supports this recommendation. There is an annual summit for all NCD programs for the purpose of reviewing and updating the FSM National Strategic Plan.
86.105	Accept	FSM supports this recommendation.
86.106	Accept	FSM supports this recommendation.
86.107	Accept	FSM supports this recommendation and will continue to address within the context of its realities resources and capacities.
86.108	Accept	FSM supports this recommendation. The FSM will continue to promote and encourage collaborative planning and implementation with affected individuals and communities.
Theme 9: Right to education		
86.109	Accept	FSM supports this recommendation.
86.110	Accept	FSM supports this recommendation.
Theme 10: Specific persons or groups: Women		
86.111	Accept	FSM supports this recommendation.
86.112	Accept	FSM supports this recommendation.
86.113	Accept	FSM supports this recommendation.
86.114	Accept	FSM supports this recommendation.
86.115	Accept	FSM supports this recommendation.
86.116	Accept	FSM supports this recommendation.
86.117	Accept	FSM supports this recommendation.
86.118	Accept	FSM supports this recommendation.
86.119	Accept	FSM supports this recommendation.

86.120	Accept	FSM supports this recommendation.
86.121	Accept	FSM supports this recommendation.
86.122	Accept	FSM supports this recommendation.
86.123	Accept	FSM supports this recommendation.
86.124	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.125	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.126	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.127	Accept	FSM supports this recommendation and seeks support especially in remote rural areas and outlying islands.
86.128	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.129	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.130	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.131	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.132	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.133	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.134	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.135	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.136	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.137	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.138	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.139	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.140	Accept	FSM supports this recommendation and wishes to seek technical assistance of the recommending state.
86.141	Accept	FSM supports this recommendation.
86.142	Accept	FSM supports this recommendation.

Theme 11: Specific persons or groups: Children

86.143	Accept	FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State.
86.144	Accept	FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State.
86.145	Accept	FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State.
86.146	Accept	FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State.
86.147	Accept	FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State.
86.148	Accept	FSM Government welcomes this recommendation. There are ongoing efforts towards the passage of a national legislation on Freedom of Information for consideration by the National Congress. A draft bill is currently being considered by the Executive – the proposed Freedom of Information Act. This draft bill received technical support and expert advice from the United Nations Office on Drugs and Crime (UNODC) and also from the UN Pacific Regional Anti-Corruption Project (UN-PRAC). This bill provides a general policy direction guaranteeing transparency in public service and access to public information. It also establishes a set of procedures to implement the disclosure of public information upon request. Under this bill, any person has a right to request a national agency to be able to access public information. Each national agency shall have a designated Information Officer responsible for processing requests. Subject to certain exceptions such as rights of a third party, national security considerations, and legal privileges recognized by FSM case law, any public information must be disclosed. A decision not to disclose information may be appealed to the Office of the President. If a person is not satisfied with the decision, such may be brought to court for further appeal. Once this bill is transmitted to the National Congress, it is expected to be assigned to one of the outstanding committees of the FSM Congress for appropriate study and deliberation, and to be reported back to the plenary for its recommendation and for a vote. FSM Government will continue to need further technical and capacity building assistance from its partners around the world and from the UN Agencies to the extent feasible, to ensure that this freedom of information bill once approved through the national legislative process will be implemented fully and properly.
86.149	Accept	FSM supports this recommendation and seeks technical and financial assistance from the recommending state.
86.150	Accept	FSM supports this recommendation and seeks technical and financial assistance from the recommending state.
86.151	Accept	FSM supports this recommendation and seeks technical and financial assistance from the recommending state.

Theme 12: Specific persons or groups: Persons with disabilities

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| 86.152 | Accept | FSM supports this recommendation and seeks technical and financial assistance from the recommending state. |
| 86.153 | Accept | FSM supports this recommendation and seeks technical and financial assistance from the recommending state. |

Theme 13: Specific persons or groups: Migrants, refugees, asylum seekers and IDPs

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| 86.154 | Accept | FSM Government is committed to protecting human rights according to legal obligations that it has assumed pursuant to certain core human rights conventions and protocols that it has acceded to. This commitment is exemplified by a court decision by the FSM Supreme Court declaring as legally binding customary international law protection the rights of refugees. Also, in 2017, the FSM Government had issued Executive Order recognizing the situation of certain refugees entering FSM territory from Asia. Those refugees were granted adequate living standards until resettlement. With the assistance of the Office of the United Nations High Commissioner for Refugees, FSM was able to identify the appropriate status of these individuals as refugees, and on that basis, the FSM Government was able to work and collaborate with foreign governments for the resettlement of the refugees. |
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