

**Honorable Mr. Tony A. deBrum,
Minister of Foreign Affairs of the Republic of the Marshall Islands,
Statement at the 22nd Session of the UPR Working Group
Universal Periodic Review (UPR)
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INTRODUCTION

Mr. President, Excellencies, Ladies and Gentlemen,

On behalf of the RMI delegation, I would like to extend warm greetings of IAKWE from His Excellency President Christopher J. Loeak and the People of the Republic of the Marshall Islands to you all at this 22nd Session of the UPR Working Group.

I would like to thank the Office of the High Commissioner on Human Rights (OHCHR), the Human Rights Council, and the Working Group for allowing the RMI to present its 2nd State Report on its human rights situation. Our appreciation also extends to the Regional Rights Resource Team of the Secretariat of the Pacific Community (RRRT), Pacific Islands Forum Secretariat (PIFS) and our bilateral partners for assistance in the preparations leading up to the submission of RMI's 2nd State Report as well as our participation before this august body here today.

BACKGROUND

The Republic of the Marshall Islands (RMI), with a population of over roughly 60,000 people, consists of low-lying coral atolls (29) and islands (5) in the central Pacific with a total land area of approximately 181 sq. km scattered over an exclusive economic zone of 2 million sq. km of ocean.

After World War II, the RMI was administered by the U.S under a UN-mandated Pacific Islands Trust Territory. It was during this period that the U.S. detonated in the RMI, namely the atolls of Bikini and Enewetak, 67 atmospheric, land, and underwater atomic and thermonuclear weapons from 1946-1958, or the equivalent of 1.6 Hiroshima bombs every single day for the 12 years of the U.S. Nuclear Testing Program. Such was the legacy of the U.S., and to this day outstanding issues arising of the Nuclear Testing Program are yet to be resolved. The RMI adopted its Constitution in 1979, and on 21 October 1986, the RMI entered into the Compact of Free Association with the U.S. An amended version of the Compact was signed in 2003.

RMI STATE REPORT

The RMI has made important strides from its 1st UPR in 2010. In addition to the Convention on the Rights of the Child (CRC) and the Convention Against All Forms of Discrimination Against Women (CEDAW), the RMI now a State Party to the Convention on the Rights of Persons with Disabilities (CRPD), not to mention the Convention Against Corruption (UNCAC). Prior to the accession to the CRPD, consultations had to occur so as to develop the National Policy on Disability Inclusive Development, which was approved by the *Nitijela* in late 2014. The Policy was developed in line with the CRPD, the Pacific Regional Strategy on Disability and the Incheon Strategy. Subsequent to acceding to the CRPD, the RMI has drafted a Bill on the Rights of Persons with Disabilities, which is currently with the *Nitijela*. We were fortunate to have the technical assistance of the UN Economic and Social Commission for Asia and the Pacific (UNESCAP), PIFS and the Pacific Disability Forum throughout the whole process.

The RMI recently completed its Peer Review of implementation of Chapters 3 and 4 of the UNCAC and submitted its Review Report to the UN Office on Drugs and Crime (UNODC). In addition to assisting the RMI with its Report and our review, UNODC also facilitated two workshops on the Convention in general and corruption in particular. The RMI is looking forward to the 2nd Cycle of Peer Reviews, which will be on the implementation of Chapters 2 and 5 of the UNCAC. In the meantime, we will continue with our efforts in implementing the recommendations in our Review Report.

With respect to the other core human rights treaties and existing optional protocols, the Cabinet has approved the accession of RMI to these treaties and optional protocols subject to our Constitutional processes. Given our limited resources, we have to be careful that we not only accede to these important treaties and protocols, but we domestic them as well in order to ensure proper implementation.

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

Furthermore, and in addition to the National Policy on Disability Inclusive Development, the RMI now has the National Strategic Plan (NSP) with technical

assistance from the UN Development Programme (UNDP). It covers a 3-year increment period starting 2015-2017 which will continually be updated so as to meet longer term objectives which will be achieved in 5 sectors: Social Development; Environment, Climate Change and Resiliency; Infrastructure Development; Sustainable Economic Development; and Good Governance.

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

Regarding violence against women, as discussed above, the *Nitijela* passed the *Domestic Violence Prevention and Protection Act 2011* after several years of work by the NGO community, including Women United Together Marshall Islands, and other advocates. A Domestic Violence Prevention & Protection Task Force (DVPPA) was established in 2012 as an attachment to Secretary of Internal Affairs to ensure the law is implemented, make recommendations, pooling resources and lobby for *Nitijela's* financial support in the Ministry of Internal Affairs' recurrent budget. To further help the work of eliminating domestic violence, my government submitted an application to UN Trust Fund and was awarded \$372,000 for the implementation of the Act for 3 years according to the Act Costing Table developed by UNDP. It should be noted that a recent Family Health Study Survey (FHSS) assisted by the United Nations Population Fund (UNFPA) began in 2012 and is projected to be launched later this year. One of the recommendations is to

improve administrative data collection and analysis in health, justice, education and social services. This will strengthen the referral system between essential services while allowing us to carry our analysis of the services to ensure that they are responding to the high prevalence rates of violence against women recorded in the FHSS, and make policy and program reform where administrative reporting is low. We urgently need international assistance at the grassroots and local levels to better achieve visible implementation on domestic violence.

Other policies developed are National Youth Policy (2009-2014) with assistance from NGOs and regional development partners; National Reproductive Health Policy/Strategy (2014-2016) with assistance from the Pacific Sub-regional Office of UNFPA; RMI Prevention of Adolescent Pregnancy: A 3-Year Strategy (2014-2016) with assistance from UNFPA; and, RMI Joint National Plan for Climate Change Adaptation & Disaster Risk Management (2014-2018) assisted by the Secretariat of Applied Geo Science and Technology under the Secretariat of the Pacific Community, the Secretariat of the Pacific Regional Environment Programme and UNDP. We thank these international and regional partners, and ask for their continued support.

It would be remiss, however, if I did not mention that these accomplishments were made while we continue to face the challenges of climate change and the lingering effects of the U.S. Nuclear Testing Program. The RMI has been outspoken in seeking to address the human rights dimension of climate change, including in early 2009 when we told the Human Rights Council in a formal report that climate risks will seriously threaten nearly each and every core human right sector, including right to statehood for our entire nation. In 2013, the RMI led efforts for the Pacific Islands Forum Leaders to adopt the Majuro Declaration, which sets

national commitments to reduce emissions. This principle - that every nation commits to action, large and small, rich and poor - has helped to change multilateral politics. We are also working very hard to secure a strong and practical post-2020 climate agreement in Paris. I am personally involved in those efforts. But the Paris agreement under the UNFCCC is still very likely to leave a serious exposure to human rights risks.

Impacts in our local communities continue to worsen -- a recent drought which affected a quarter of our nation and necessitated the UN OCHA's important involvement. Unusually strong king tides and coastal flooding has devastated local communities. This is also a shared issue in our wider Pacific region as seen from the recent hurricanes in the Federated States of Micronesia and Vanuatu. While natural events have always occurred in small islands, it is irrefutable that there are climate drivers and that the scale and intensity of impacts is increasing.

The Special Rapporteur on the implications for human rights of environmentally sound management and disposal of hazardous wastes visited the RMI March 27-30 2012 and U.S. April 24-27 2012 "to assess the impact of human rights of the Nuclear Testing Program conducted in the...[RMI] by the...[U.S.] from 1946 to 1958". He presented his report to the Human Rights Council during its 21st Session in September 2012. One of the issues identified in the report was the limited access to information relating to the Program. Many of the historical documents provided to the RMI were incomplete and in "Deleted Version Only" form and labeled as Extracted, Redacted or Sanitized with information of unknown nature and volume removed. Following the Special Rapporteur's report, the RMI has been trying to gain access to this information as recently as 27 April of this year but to no avail. The repeated failure or refusal of the U.S. to provide full access to these records

can only be taken as a blatant indignity toward and lack of respect for the Marshallese people and represents an ongoing violation of basic human rights.

Despite these challenges and other constraints such as human and financial resources, to name a few, we continue to do our utmost to address recommendations from the first UPR to improve the Government's capacity to address human rights issues. As we did in 2010, the RMI once again requests the kind assistance of the international community for the following:

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

CONCLUSION

I would like to reiterate the RMI's commitment to fulfilling its human rights obligations. Although a small island developing state, a lot of progress has been made in 5 years, and I am confident that more progress is forthcoming. We recognize that more work needs to be done, none of which will be relegated. The RMI will continue to do its part in the promotion and protection of human rights for the Marshallese people and the improvement thereof, but we would like to point out that this is a collaborative, universal effort requiring the partnership and

assistance of the international community. To that end, we look forward to the recommendations of the Working Group, which will be seriously considered given our domestic process.

Kom emol tata.