

**REPUBLIC OF THE MARSHALL ISLANDS**

Opening Remarks by Honorable Casten Nemra, Minister of Foreign Affairs and Trade

Universal Periodic Review – 36th Session

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**Introduction**

Madam President, Excellencies

Iakwe!

On behalf of His Excellency President David Kabua and the people of the Republic of the Marshall Islands, I wish to convey our appreciation to the Office of the High Commissioner on Human Rights,

the Human Rights Council, and the 36th UPR working Group for allowing the Republic of the Marshall Islands to present its 3rd State Report on its Human Rights situation.

Our appreciation also extends to the Secretariat of the Pacific Community and other bilateral, international, and regional partners for their assistance in this regard.

**Background**

The Republic of the Marshall Islands is home to approximately 60,000 people with over 20,000 people living abroad. Two-thirds of the nation’s population live in Majuro, the Capital, or on Ebeye, Kwajalein Atoll. The rest of the population are scattered in different atolls which can only be accessed by small planes or ships.

We are a large ocean state, scattered over an exclusive economic zone of an estimated 2 million square kilometers with 113 square kilometers of land mass.

Due to the geography and topography, the Marshall Islands is very vulnerable to the impacts of climate change and experiences annual droughts and flooding due to king tides. These adverse impacts of climate change are increasing not only in their occurrence but also in their severity.

The Marshall Islands celebrated 41 years of Independence this year since the establishment of our constitutional government in 1979. The economy remains largely dependent on donor funding, as well as export of copra, tuna, and other marine products.

**States report**

Since its 2nd UPR in 2015, I am pleased to note that the Marshall Islands has made significant progress in meeting its human rights obligations. While the Marshall Islands is still working on establishing a National Human Rights Institution, the Human Rights Committee established in October 2015, currently acts as the multi-stakeholder body mandated to promote human rights, as well as monitor and report on the implementation of international human rights standards, including core human rights treaties.

The Committee is also mandated to receive, investigate and follow-up on human rights violations, reports, and complaints in-country with the support of the Ministry of Culture and Internal Affairs as Secretariat.

The Committee consists of core government Ministries as well as non-governmental organizations like Youth to Youth in Health, Women’s United Together Marshall Islands and Marshall Islands Disabled Persons Organization.

It should be emphasized that the formation of the Committee was only the first step towards following through with our commitment to establishing an independent human rights institution.

The creation of an Ombudsman’s Office has been a priority for the Human Rights Committee. The proposal to set up this Office was adopted by the 2017 Constitutional Convention and will be valid as an amendment to the Constitution, after approval of a majority of votes cast in a referendum of all qualified voters. Unfortunately, this Referendum was scheduled for June of this year but has been postponed due to COVID-19.

Madam President, The Marshall Islands is committed to improving its human rights situation and this is evident in the enactment of legislation that enshrines core values of 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).

These legislations include 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 (Amendment) Act, 2018
* Minimum Wage (Amendment) Act, 2018
* Senior Citizens Act, 2018
* Gender Equality Act, 2019.

In keeping with its international commitments, the Marshall Islands has acceded to:

In 2018

* 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)

In 2019

* Convention on the Elimination of All Forms of Racial Discrimination (CERD)
* Two Optional Protocols to the CRC
* Optional Protocol to the CEDAW establishing the individual complaints procedure
* Among other related conventions, such as the ILO Worst Forms of Child Labour Convention

Other human rights conventions are still undergoing national procedures for review. It should be noted, however, that the Marshall Islands has thus far acceded to 11 core human rights conventions and optional protocols and is therefore among countries in the Pacific Region with the highest rate of participation.

The Marshall Islands, through the Human Rights Committee, continues to identify best ways for implementation and fulfilling its reporting obligations, which can be a substantial task that requires extensive resources not just for small developing states but for all countries.

We are currently working on improving our implementation, monitoring, analysis and communications of Marshall Islands’ human rights obligations, as well as national goals set out by the National Strategic Plan 2020-2030, by looking into a database system that we hope to install soon. This will allow us to coordinate, track and report on the full scope of Marshall Islands’ human rights commitments.

To show the Marshall Islands’ commitment toward efforts to address barriers to implementation and increasing transparency and accountability, earlier this year we endorsed the Pacific Principles of Practice which serves as a guiding document for our national mechanism for reporting, implementing and follow-ups. This will be used to inform our national process toward the establishment of such a mechanism.

The Marshall Islands also recently endorsed its National Strategic Plan (NSP), which is a 10-year roadmap for development on our National priorities. The NSP was designed to align with national policies, sectoral plans, and international agreements such as the Sustainable Development Goals and the SAMOA Pathway for Small Island Developing States.

Madam President, Our people and culture are the source of inspiration for the National Strategic Plan, and it aims to provide for “every citizen the opportunity to enjoy improved quality of life in all areas including health, education, energy, food, security, law and order, gender equality, employment opportunities and disaster mitigation.”

In 2019, the Government of the Republic of the Marshall Islands was honored to be elected into the UN Human Rights Council and officially took up the position in January 2020. Through this opportunity we hope to contribute to helping humanity and ensure continual improvement of multilateral progress towards the attainment of human rights.

The Marshall Islands recognizes the unique and difficult challenges countries face in addressing human rights, including in relation to impacts from nuclear weapons testing, climate change and now the COVID-19 pandemic. Regardless we have taken proactive measures to address these nationally.

**Nuclear**

In 2012 the Marshall Islands accepted the recommendations of the UN Special Rapporteur for Hazardous waste and in 2017 passed legislation to create a National Nuclear Commission, established to provide a prioritized plan of action to address issues raised by the Special Rapporteur and to enhance efforts to seek meaningful advocacy and justice on behalf of the affected communities.

The Commission developed a three-year strategy for coordinated action to address the ongoing impacts on the fundamental human rights of the Marshallese people, including ensuring quality health care, increasing education and awareness and advocating for the need to fully compensate the people who gave up their land and compromised their health for the nuclear testing program.

Additionally, as recommended by the UN Special Rapporteur, the RMI National Nuclear Commission is building regional and international partnerships, improving transparency and participation of both elected and non-governmental organizations, and establishing a Scientific Advisory Panel to guide future research related to the nuclear legacy.

We seek the assistance of the U.S. in addressing recommendations for its action.

While the Marshall Islands is not currently prepared to sign the Treaty on the Prohibition of Nuclear Weapons, we will continue to study it. We remain concerned that provisions in the treaty wrongfully place the heavy burden of victim assistance and remediation only upon the nations which are affected by tests, and not those states which conducted such testing.

We however continue to engage with multilateral discussions regarding the treaty and urge the international community to take steps toward a world free of nuclear weapons.

**Climate Change**

Madam President, Climate change creates another layer of challenges and threatens the fundamental human rights of people worldwide, especially those of low-lying atoll nations.

The Government is working with development partners, civil society organizations and donors including national, regional, and international organizations to combat the ongoing impacts of climate change.

In efforts by the Government to ensure a strengthened and coordinated response to climate action across all levels of stakeholders in RMI, a mechanism for coordination has been formally established by which three working groups on,

Adaptation, Mitigation and Cross cutting interventions spearhead critical work pertaining to their mandate while reporting on progress of the *2050 Climate Strategy (Tile Til Eo Strategy)* to the oversight *Tile Til Eo* Committee

While we are progressing the implementation of our Electricity Roadmap, we are also developing a National Adaptation Plan which will ensure a consultative and inclusive process that takes into consideration the vulnerabilities and needs of marginalized groups, including women, children, elderly and disabled persons.

Through the *Tile Til Eo* Committee, important feedback and assistance from development partners is organized and applied to maximize efforts. The Marshall Islands continue to seek external support and attention to the adverse effects of Climate Change.

In early 2020, the Marshall Islands held a climate finance consultation and a climate & health dialogue to progress planning towards strengthened internal financial systems for effective financing flows, and to discuss impacts of climate change resulting in health outbreaks in the Marshall Islands.

In August 2020, with the support of the Office of the High Commissioner for Human Rights, the Marshall Islands hosted a virtual conference to discuss the links between human rights, the environment and climate change. The meeting brought together government officials from Atoll Nations, development partners, civil society organizations, youth groups and experts, and highlighted the need to consider the unique vulnerability of Atoll Nations.

Currently being progressed is a gender and human rights assessment supported financially and technically by partners in collaboration with local task forces to achieve transfer of knowledge and capacity building for local sustainability of our communities.

**COVID-19**

Madam President,

The COVID-19 pandemic is currently the most pressing challenge to the Marshall Islands. When the World Health Organization declared the coronavirus a Public Health Emergency in January of this year, the Marshall Islands declared a State of Emergency several days later and began the process of protecting our citizens and borders from COVID-19.

Substantial resources were directed towards this effort and preparatory work was undertaken for a country-wide lock down if COVID-19 breached our borders.

Rapid vulnerability assessments were conducted, and solutions were developed to assist the most vulnerable communities.

Among these responses include the distribution of water and sanitation kits to households that were identified as the most vulnerable- dignity kits are being assembled to address the needs of women and girls- shelters were assessed to ensure accessibility to those with special needs and hand washing stations were installed in common areas.

The Public School Systems developed a COVID-19 Plan and has taken all steps necessary to address the needs of their students, especially those with special needs. This includes ensuring the neighboring islands all have access to water catchments, medical supplies, proper toilet facilities and other essential needs. This also included a program to ensure continued learning during a state lockdown.

Although we were successful in keeping COVID-19 at bay, the economy began to suffer, which is problematic for any country, let alone a small island developing state. As one step toward resolving this the Marshall Islands created a Pandemic COVID-19 Economic Relief Program to provide assistance to businesses impacted by COVID-19.

At the moment, through our repatriation program, the Marshall Islands now has two positive border cases, but they are contained. Through the COVID-19 Preparedness and Response Plan and set protocols, we will continue to take proactive measures to ensure the safety and protection of our people, and make sure that their human rights are not compromised during this challenging time.

**CONCLUSION**

Madam President to conclude, the Marshall Islands affirms its commitment to fulfilling its human rights obligations and will continue to ensure that the fundamental rights of its people are protected and promoted nationally, regionally, and internationally. We recognize that more work needs to be done, and I am confident that more progress is forthcoming.

We also wish to emphasize that this is a universal effort that requires collaboration, partnership, and assistance of the international community. So, I take this opportunity once again to request the assistance of the international community for the following:

1. Technical and financial assistance for capacity building to public, private and national non-governmental organizations with respect to the implementation of human rights obligations in the Marshall Islands;

2. Technical and financial assistance for improving public awareness programs of both the Government and organizations that promote knowledge and understanding of human rights for the Marshallese people; And

3. Technical and financial assistance to develop and strengthen national mechanisms for reporting and follow-ups.

We appreciate the continued assistance of the international community and look forward to the recommendations of the Working Group.

Kommol Tata, I thank you.