



# General Assembly

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## Seventy-fourth session

Item 116 (c) of the provisional agenda\*

### **Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council**

#### **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**

The Permanent Mission of the Republic of the Marshall Islands to the United Nations presents its compliments to the President of the General Assembly and has the honour to refer to the candidature of the Marshall Islands for election to the Human Rights Council for the 2020–2022 term, at the elections to be held during the seventy-fourth session of the General Assembly.

With reference to the note verbale dated 12 April 2019 and its annex, and pursuant to General Assembly resolution [60/251](#), the Government of the Republic of the Marshall Islands has the further honour to submit herewith the voluntary pledges and commitments of the Republic of the Marshall Islands, reaffirming its strong commitment to the promotion and protection of all human rights and its active engagement in an independent role in the work of the Human Rights Council (see annex).

The Permanent Mission of the Republic of the Marshall Islands kindly requests that the present note and its annex be circulated as a document of the General Assembly.

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\* [A/74/150](#).



**Annex to 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**

**Candidature of the Marshall Islands to the Human Rights Council,  
2020–2022**

**Voluntary pledges and commitments pursuant to General Assembly  
resolution 60/251**

1. The Republic of the Marshall Islands has the pleasure to hereby present its candidacy to the Human Rights Council for the 2020–2022 term.
2. The Republic of the Marshall Islands, a Pacific small island developing State in the north Pacific Ocean, has a small population spread out over a vast exclusive economic zone of 2 million square kilometres. The Marshall Islands is a strong democracy, with constitutional affirmation of core human rights and the principles of non-discrimination. Since its independence in 1986 (and upon becoming a State Member of the United Nations in 1991), the Government of the Marshall Islands has strengthened its protection of basic human rights through the multiple enactment of progressive legislation, and is committed to further efforts in that regard.
3. The Marshall Islands will have an independent voice on the Human Rights Council. We want to emphasize the important role of small nations as bridge builders and will pursue a balanced agenda that also strengthens accountability. Many human rights issues are complex, and it is important that we listen closely to all perspectives, including civil society and national human rights institutions.
4. Seeking membership of the Human Rights Council, or any major United Nations entity, for the first time, the Marshall Islands is committed to implementing basic human rights, including those enshrined in the Bill of Rights of its Constitution (1979) and respective treaty instruments.
5. The term of the Marshall Islands on the Human Rights Council will ensure continual improvement of multilateral progress towards the attainment of human rights; our unique national experience with climate change impacts, in particular sea level rise, and in addressing impacts from nuclear testing during our time as a United Nations strategic trusteeship country provides us with a sensitivity to the most vulnerable and a first-hand understanding of complex issues.

**Overview of our domestic human rights record**

6. As a small island developing State – and a relatively new nation – we are committed to upholding the highest standards of open democracy and fundamental freedom, and to further national progress on core human rights goals, both through treaty participation and our Constitution. As a developing nation, our resources and capacity are often limited and produce implementation challenges, yet the full attainment of human rights is a ceaseless and critical goal of the highest priority. In summary, the Marshall Islands has:
  - (a) Acceded to or ratified 11 core human rights instruments and optional protocols, and now has among the highest rates of participation in the Pacific islands region;
  - (b) Established an independent and impartial judiciary, recognized as a regional leader in terms of performance and reform;

(c) Established a national human rights institution in 2015 and the National Nuclear Commission in 2017, with a commitment to achieving full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(d) Guaranteed strong constitutional protections through the Bill of Rights, which ensures, among other protections: freedom of speech, religion and assembly (art. 1), an independent media, the right to education, health and ethical government, fair trial and due process, and the prevention of discriminatory measures. The Bill of Rights specifically ensures that all persons are equal under the law and that no law or judicial action shall discriminate against any person on the basis of gender, race, colour, language, religion, political or other opinion, national or social origin, place of birth, family status or descent (art. 12). The death penalty is banned in the Constitution. Following a legislative review, the Government plans to have a new stand-alone anti-discrimination bill ready for submission to our Parliament by 2019;

(e) Introduced recent key legislation and policy reforms that have addressed, or are under way to address, vital issues in the areas of disabilities, health, gender (including gender-based violence) and anti-discrimination and to advance cross-cutting progress on human rights challenges, including the Domestic Violence Prevention and Protection Act (2011); the Criminal Code Act (2011); the Marshall Islands Public School System Act (2015); the Child Rights Protection Act (2015); the Human Rights Committee Act (2015); the Rights of Persons with Disabilities Act (2015); the Youth Service Corps Act (2016); the Births, Deaths and Marriages Registration Amendment Act (2016); and the Prohibition of Trafficking in Persons Act (2017);

(f) Highlighted particularly unique or difficult challenges in addressing human rights, including in relation to climate change impacts and the impacts of nuclear testing, as well as trafficking in persons and international adoption. Active efforts are under way to further address these complex challenges, including the recommendations from a 2012 visit by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and waste .

7. As a low-lying island nation consisting of atolls or collections of small, narrow coral islands with an average height of a little over 1 metre above sea level, 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. Accordingly:

(a) The Marshall Islands participated in the first Human Rights Council resolution on climate change and human rights, including by serving as a sponsor and providing a national report;

(b) The Marshall Islands has played a key role in climate diplomacy to forge consensus, including by working with coalitions of small island developing States, 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;

(c) The Marshall Islands is preparing a new national strategy on boosting resilience to climate impacts, which includes identifying, understanding and responding to complex long-term risks posed by sea level rise and environmental vulnerability. This includes ensuring the active participation and ownership of the most vulnerable stakeholders and addressing the human rights dimensions. There are no obvious or easy answers to these complex risks, but our national action on human rights risks posed by climate-driven threats is under way.

8. Education is a fundamental right of every child. This is emphasized in the Child Rights Protection Act and implemented under the Marshall Islands Public School System Act of 2013. The latter Act creates an autonomous public school system to administer education for children from kindergarten through to their senior year of high school. The Government has recently reviewed its gender and social inclusion policy to include human rights, gender and nuclear issues in the school curriculum.

9. The Marshall Islands has also adopted a national reproductive health policy strategy, which outlines the Government's approach to sexual and reproductive health. It has been developed in line with the agenda of the International Conference on Population and Development and reflects commitments to the achievement of the Conference goals, as well as being aligned with national frameworks.

10. The Marshall Islands established the Central Adoption Agency through the Adoptions Act (2002), which is responsible for ensuring legal adoptions with judicial oversight and adequate safeguards. Owing to the decreased utilization of the Central Adoption Agency, resulting from growing transboundary activity that may circumvent the law, the Government recently formed a cross-sectoral adoptions committee chaired by the Chief Secretary 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.

11. The Marshall Islands 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. Despite these measures, the evidence indicates a worsening trend, and the President of the Republic of the Marshall Islands, Hilda Heine, appeared alongside the Director-General of the World Health Organization, Tedros Adhanom Ghebreyesus, at United Nations Headquarters in 2018 to help to launch a global initiative for increased political will at the highest level to address non-communicable diseases. Communicable diseases, in particular tuberculosis (at one of the world's highest confirmed rates), also pose challenges. A recent mass screening programme in population centres, undertaken in 2018, has proven key to spurring further action.

### **Our key goals in serving on the Human Rights Council**

12. Our key goals in serving on the Human Rights Council are to:

(a) Ensure accountability and active dialogue with key actors to address complex and challenging human rights situations by:

(i) Improving cooperation between multilateral discussions at the Human Rights Council and the activities of special procedures mandate holders;

(ii) Boosting the visibility, ownership and implementation of Human Rights Council resolutions and outcomes;

(iii) Listening closely to all Member States and stakeholders before presuming solutions. The Council's credibility is at stake when it fails to speak to critical and emerging specific human rights situations. Direct dialogue is needed to deepen diplomatic understanding of difficult challenges, and the voices of vulnerable communities cannot be overlooked. Our vocal role in climate change negotiations shows how small nations can have a unique and powerful role at the United Nations in building bridges and taking strong action;

(b) Improve coherent and effective international reporting through cooperation with other Council members and stakeholders to help the universal periodic review mechanism to better identify and address unique issues; by seeking

increased communication and coherence between multiple reporting cycles and treaty bodies; and by improving reporting on the implementation of recommendations;

(c) Strengthen the voluntary technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Human Rights Council and other avenues that boost the voices of the most vulnerable communities and States Members of the United Nations without diplomatic representation in Geneva. As the Marshall Islands officially opened its permanent mission to the United Nations Office and other international organizations in Geneva in June 2019, we are a positive example of the effectiveness of the work of the trust fund in building closer bridges to vulnerable nations and engagement in international human rights.

### **National level**

13. At the national level, the Marshall Islands is committed to:

(a) The principles of non-discrimination and gender equality that are highlighted in the Convention on the Elimination of All Forms of Discrimination against Women. The Marshall Islands recognizes its obligations as a State party, and is committed to improving the situation of women and girls. In that regard, in early 2015, the Government adopted a national gender mainstreaming policy, which guides the development of laws, policies, procedures and practices to address the needs, priorities and aspirations of all women and men and eliminate all forms of discrimination and inequality in key priority areas: government delivery of gender-responsive programmes and services; family well-being; gender-based violence; economic empowerment; and decision-making. The policy also recognizes women in rural areas, persons with disabilities and marginalized groups;

(b) The National Disability Policy, which sets out the principles of the rights of persons with disabilities in areas such as education, employment, health, access to buildings and facilities, voting and public office. The Marshall Islands has taken further steps to consolidate the rights of persons with disabilities across all sectoral laws, and to address gender- and disability-based discrimination and inequality through a parallel process of legislative review and law reform, which will be submitted to Parliament later in 2019. This will harmonize our laws with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities and provide a more robust legal framework to promote gender equality and the empowerment of women and girls;

(c) Strengthening the existing National Human Rights Committee, including by pursuing legislative amendments or a referendum to ensure compliance with the Paris Principles, and to gain A status classification from the Global Alliance of National Human Rights Institutions by strengthening the national mechanism for implementation, reporting and follow-up to improve implementation and reporting, as well as a database to track recommendations and progress. In particular, reforms will ensure that the Committee or related institutions are structured to provide full independence and autonomy, while still retaining the current appropriate advisory participation from government sources of knowledge. The Committee, with a membership composed of civil society, academic experts and key knowledge sources within the Government, was established by law in 2015 as a multi-stakeholder committee with a broad mandate to promote the human rights of the Marshallese people. This includes providing advice to the Government and supporting the development of human rights policy and legislation, public education, monitoring human rights implementation, preparing reports to be submitted to the Human Rights

Council and the universal periodic review process, as well as to the United Nations treaty bodies, and investigating complaints of human rights violations;

(d) Further pursuing legislative action on substantial amendments and reforms, cutting across all national laws and policies, regarding gender and disabilities;

(e) Further action and coordination undertaken by the newly established National Nuclear Commission to provide a prioritized plan of action to address issues raised by the recommendations in the report of 2012 of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, and to enhance efforts to seek meaningful advocacy and justice on behalf of victims. In that regard:

(i) During its time as a United Nations strategic trusteeship country, the Marshall Islands experienced serious impacts from 67 nuclear weapons tests undertaken between 1946 and 1958. The legacy of these impacts has been far-reaching, including displaced communities and impacts on health, environment and cultural identity;

(ii) The National Nuclear Commission, composed of three independent commissioners who are tasked with coordination between national and local governments, as well as stakeholders and survivors, assists in addressing impacts from the above-mentioned nuclear weapons testing programme. While the Commission addresses a wide range of technical topics, its mandate also includes following up on recommendations made by the Special Rapporteur in his report of 2012;

(f) Continuing cooperation with the special procedures mandate holders, including the further extension of the standing invitation to the mandate holders since 2010, and continuing to respond positively to communications and follow-up to recommendations (including the report of 2012 of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes) and building upon the existing standing invitation to the mandate holders by inviting the following holders: the Special Rapporteur on the human rights to safe drinking water and sanitation, the Special Rapporteur on the right to education, the Special Rapporteur on human rights and the environment and the Special Rapporteur on violence against women, its causes and consequences;

(g) Protecting against and preventing discrimination in all forms, both in law and in practice, including through consideration of anti-discrimination legislation in Parliament and scaled-up progress towards policy formulation both on individual and cross-cutting platforms;

(h) Increasing the involvement and contribution of civil society, including in the formulation and implementation of national human rights policy and programmes;

(i) Considering in the Cabinet and Parliament the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000, as well as increasing efforts to investigate and prosecute traffickers under the new law and awareness campaigns. The Marshall Islands is a destination for East Asian and Marshallese girls and women subjected to sex trafficking and a transit point for foreign fishers subjected to labour trafficking. This has been addressed by recent legislation and the implementation of a national action plan, as well as additional training;

(j) Enhancing policy outcomes on illegal international adoptions, including enhanced enforcement, addressing multi-jurisdictional issues and consideration in the Cabinet and Parliament of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;

(k) Improving prison conditions, which currently do not fully meet international standards. The Government has begun the construction of a new prison facility intended to be compliant with international standards, and commits itself to undertaking further activity in that regard, within available resources and assistance;

(l) Undertaking a rights-based approach to climate change adaptation and mitigation.

### **International level**

14. At the international level, the Marshall Islands is committed to:

(a) Continuing to pledge to uphold the highest standards in the promotion and protection of human rights, both at home and abroad, and working to build space at the Human Rights Council for meaningful dialogue and cooperation to make a significant contribution to the realization of the aspiration of the Sustainable Development Goals that no one is left behind;

(b) Undertaking Cabinet and parliamentary consideration of the following treaty instruments:

(i) Article 22 (on individual complaints) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(ii) The Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(iii) Article 31 (on individual complaints) and the entirety of the International Convention for the Protection of All Persons from Enforced Disappearance;

(iv) Article 14 (on individual complaints) of the International Convention on the Elimination of All Forms of Racial Discrimination;

(v) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(vi) The Optional Protocol to the Convention on the Rights of Persons with Disabilities;

(vii) The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;

(viii) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) Continuing cooperation with treaty monitoring bodies, including timely submission of reports and implementation, and joining the group of friends on national implementation, reporting and follow-up, including to help all small island developing States, small nations and least developed countries to build effective national mechanisms for implementation, reporting and follow-up to improve implementation and reduce the overall reporting burden;

(d) Contributing to global reform of the treaty body system, including seeking cooperative efforts to improve efficiency, effectiveness and coherence between multiple bodies and reporting cycles;

(e) Enhancing cooperation and support for the Office of the United Nations High Commissioner for Human Rights, including the attention provided to strengthening the voluntary technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Human Rights Council; taking further steps to make the Council and its mechanisms more accessible to small island developing States, least developed countries and other small States; seeking to join the contact group on Council membership; and supporting and focusing priority issues for many small island developing States and least developed countries, including human rights and environment, climate change and the Sustainable Development Goals;

(f) Enhancing the contribution to international deliberations in international human rights forums, including co-sponsorship of resolutions of the Human Rights Council and the General Assembly on human rights defenders, civil society space, reprisals against human rights defenders and the renewal of the mandate of the Special Rapporteur on the situation of human rights defenders at the Council, joining of pledges to strengthen Council membership and standards, and committing to and joining joint statements on applying objective, rights-based criteria in addressing situations of concern, as well as for constructive engagement at the Council generally, including with subsidiary bodies and special procedures mandate holders;

(g) Strengthening meaningful engagement of non-governmental organizations and civil society with the Human Rights Council and the United Nations system, including through enhanced informal dialogue and by joining efforts to prevent reprisals against human rights defenders;

(h) Strengthening the universal periodic review process, including reporting on measures to follow up on recommendations, as well as creative dialogue and the effort needed to build stronger bridges between the review process and pressing human rights challenges in local communities. In that regard:

(i) During its second universal periodic review, in 2015, the Marshall Islands supported 10 of the 11 clusters of recommendations (supporting 102 of the 111 recommendations, or 91 per cent);

(ii) Subsequent to the universal periodic review process, Parliament addressed the nine recommendations not supported during the process (regarding the establishment of a national human rights institution) by adopting legislation creating the National Human Rights Committee;

(i) Judging each issue and situation on its merits; always attaching priority concern to the welfare and rights of individual rights holders, especially defenders and victims of human rights violations; and being an independent voice on the Human Rights Council by taking a principled and value-based approach to membership;

(j) Working to improve the delivery of the Human Rights Council under item 10 of its agenda, on technical assistance and capacity-building.

### **Addressing complex human rights challenges**

15. Human rights are not just for distant discussions in Geneva, but have the greatest visibility in closely affected and vulnerable local communities. Often, there are no easy or immediate solutions, but the most important steps rely upon direct stakeholder engagement. We know from our own national experience, particularly with climate change impacts and addressing impacts from nuclear testing, the value that the “human rights lens” can add to further progress on difficult issues, and our experience affords us a unique sensitivity towards ensuring that no voice is unheard.