

## Universal Periodic Review

(22<sup>nd</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

#### Marshall Islands

#### I. BACKGROUND AND FRAMEWORK

##### **A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not the state party to this convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not the state party to this convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	24/04/2002, Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not the state party to this convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not the state party to this convention			Right to take part in cultural life

**II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

**Right to education**

**Constitutional Framework:**

2. The 1979 Constitution of the Republic of Marshall Islands<sup>1</sup> enshrines the right to education in its **Articles II, Section 15**, which provides that "The Government of the Marshall Islands 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." **Article II, Section 12**, enshrines the principles of Equal Protection and Freedom from Discrimination. By stating that "(1) All persons are equal under the law and are entitled to the equal protection of the laws. (2) No law and no executive or judicial action shall, either expressly, or in its practical application, discriminate against any person on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent. (3) Nothing in this Section shall be deemed to preclude non-arbitrary preferences for citizens pursuant to law." **Articles II, Section 1** on Freedom of Thought, Speech, Press, Religion, Assembly, Association, "(3) Nothing in this Section shall be construed to prevent government from extending financial aid to religiously supported institutions insofar as they furnish educational, medical or other services at no profit, provided such aid does not discriminate among religious groups or beliefs on the basis of a governmental preference for some religions over others, and provided such aid goes no further than: (a) reimbursing users of educational, medical or other non-profit services for fees charged to such users". Besides, **Article V (3)(h)** states that "the Cabinet shall be responsible for establishing and maintaining such public schools and for making such other provision as may be reasonable and necessary to provide educational opportunities for the people of the Marshall Islands".

**Legislative Framework:**

3. The legislative framework of the Republic of Marshall Islands is composed of:

- i) **The scholarship Assistance Act of 1971** is "An Act to create a Scholarship Grant and Loan Board and to specify powers and duties of the Board." "The function of the Board is to develop and administer a financial assistance program for those qualified

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applicants who cannot pursue educational and training opportunities because of financial inability.”<sup>2</sup>

- ii) The **National Training Council Act, 1991**: “an act to establish the National Training Council to provide vocational and other training programs for Marshallese citizens and expand human resources development in the Republic [...]”.<sup>3</sup>
- iii) The **College of the Marshall Islands Act of 1992**: “an act to establish the College of the Marshall Islands and provide for its governance [...]”.<sup>4</sup>
- iv) The **Ministry of Education (Teacher Certification) Act, 2007**: “An Act to set the standards by which teachers are to be certified and licensed to teach in the Republic, and to establish a Teachers’ Standards and Licensing Board to and administer and monitor the teacher certification standards.”<sup>5</sup>
- v) The **Marshall Islands Public School System Act, 2013**: “An Act to repeal Chapter 3, Title 14 of the MIRC the Education Act of 1992, and to enact in its place an Act to establish an autonomous public school system; to provide for a National Education Board and Commissioner of Education; to provide for independent personnel and financial management, budgeting, etc; and for related purposes.” §313 (1) establishes the goals public school system: “(a) to provide a thorough and efficient system of education to all children in the Republic, regardless of socioeconomic status, disabilities, or geographical location, the educational opportunity that will prepare them to develop into self-reliant individuals and to function socially, politically and economically in the society; and (b) to encourage citizen involvement in educational matters by providing for schools that guarantee and support local participation consistent with the goal of thorough and efficient system of education serving all of the children of the Republic.” §318 states that: (1) “A child who attains the age of five (5) years on or prior to the commencement date of any school year shall be eligible to enroll in, and commence elementary level education in any school in the Republic. The enrolment and attendance of a child under this Subsection shall be compulsory, and the onus is placed on the parent(s) or guardian(s) to ensure that such child is enrolled in, and regularly attends school. (2) A child who has successfully completed

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<http://www.unesco.org/education/edurights/media/docs/c23b67e605947592faf2ee2da31ea6049c0cf0c7.pdf>

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<http://www.unesco.org/education/edurights/media/docs/22c4772a5dd96e303d8d22218838f59c95b7f567.pdf>

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<http://www.unesco.org/education/edurights/media/docs/a972d6c3b26215f4760f0bf2c7630dc2c2d23c15.pdf>

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<http://www.unesco.org/education/edurights/media/docs/f54141127067a50520031339537d59e15182af41.pdf>

elementary level education shall be eligible to enroll in secondary level education in any school in the Republic.”

### **Policy Framework:**

#### **i) General information**

4. “With the support of SPC [Secretariat of the Pacific Community], the RMI developed its **National Youth Policy (2009-2014)** as part of an effort to respond to the challenges facing its young people. Several key issues and actions identified in the policy are 1) strengthen education and training; 2) expand livelihood opportunities through a range of targeted vocational and employment training; 3) strengthen health programmes and social services for young people; and 4) foster the Marshallese culture as a way to address social and economic issues.”<sup>6</sup>

#### **ii) Inclusive Education**

5. “The Marshall Islands does not have a wide range of ethnic groups, castes, or other minorities that require special policy analysis. The country is relatively homogenous and the school system is almost exclusively populated by indigenous Marshallese.”<sup>7</sup>

#### **iii) Curriculum**

6. “The NCPI [National Commitments and Policy Instrument] Survey revealed that the Ministry of Education has funding to integrate sexual and reproductive health, including HIV & STI awareness and education, into its national curriculum.”<sup>8</sup>

#### **iv) Gender equality**

7. “SPC is assisting the Gender in Development office with the drafting of the **Gender Policy** along with other stakeholders. The Gender Policy is scheduled to be finalized before the end of 2013.”<sup>9</sup>

8. In the report submitted to *United Nations Framework Convention on Climate Change* in 2013 by RMI<sup>10</sup>, the following measures have been taken “to implement gender equality in your national climate change policy and practice:

- a) [...] Incorporated climate change into **draft National Gender Policy**.
- b) Addressed climate change at **annual women’s conference** [...].

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<sup>6</sup> <http://countryoffice.unfpa.org/pacific/drive/FINALRMISstatement.pdf>

<sup>7</sup> Marshall Islands: Education for All, EFA Mid-Decade Assessment report, p. 3,  
[http://planipolis.iiep.unesco.org/upload/Marshall%20Islands/Marshall\\_Islands\\_EFA\\_MDA.pdf](http://planipolis.iiep.unesco.org/upload/Marshall%20Islands/Marshall_Islands_EFA_MDA.pdf),  
Accessed on 15/01/2013

<sup>8</sup> <http://countryoffice.unfpa.org/pacific/drive/FINALRMISstatement.pdf>

<sup>9</sup> <http://countryoffice.unfpa.org/pacific/drive/FINALRMISstatement.pdf>

<sup>10</sup> Report 2013 RMI,  
[https://unfccc.int/files/documentation/submissions\\_from\\_parties/application/pdf/cop\\_gender\\_marshall\\_islands\\_03092013.pdf](https://unfccc.int/files/documentation/submissions_from_parties/application/pdf/cop_gender_marshall_islands_03092013.pdf)

[As for] tools, resources, or training [that] would be most valuable to better support and facilitate [...] progress towards gender-sensitive climate policy: [...]

c) Trainings with communities and develop training manual [...]” is cited.

v) **Health education**

9. “Many successful initiatives have been occurring in prevention of HIV and STIs. This has included community education and awareness campaigns on a large scale, such as World AIDS Day campaigns, Youth to Youth and Women United Together Marshall Islands (WUTMI) education of young people in and out of schools, and the national campaign to promote chlamydia treatment. [...]

10. In addition to clinic services, YTYiH [Youth to Youth in Health] also provides a range of health education and awareness programs, utilizing awareness activities, education sessions, drama, focus groups, peer education and other innovative means to reach audiences as diverse as taxi drivers, sex workers and school students. In addition to providing access to condoms at its clinic location, it also distributes condoms to bars and nightclubs and hotels.”<sup>11</sup>

**Cooperation:**

11. The Republic of Marshall Islands (RMI) is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

12. Marshall Islands **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of:

- a) the **Sixth Consultation** of Member States (covering the period 1994-1999),
- b) the **Seventh Consultation** of Member States (covering the period 2000-2005),
- c) the **Eighth Consultation** of Member States (covering the period 2006-2011).

13. Marshall Islands did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008),
- b) **Fifth Consultation** of Member States (covering the period 2009-2012).

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<sup>11</sup> Country Progress Report 2014,

[http://www.unaids.org/en/dataanalysis/knowyourresponse/countryprogressreports/2014countries/MHL\\_narrative\\_report\\_2014.pdf](http://www.unaids.org/en/dataanalysis/knowyourresponse/countryprogressreports/2014countries/MHL_narrative_report_2014.pdf)

14. Marshall Islands **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- c) the **First Consultation** of Member States (1993)
- d) the **Second Consultation** of Member States (2011).

15. Marshall Islands is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

#### Constitutional and Legislative Framework:

16. Freedoms of thought, speech and of the press are protected under Article 2 of the Marshall Island's Bill of Rights (1995).

17. Defamation is considered criminal offence and punishable up to 6 months of imprisonment.

18. There is no freedom of information law in the country.

#### Media Self-Regulation:

19. Self-regulatory mechanisms in the media are yet to be developed in the country.

#### Safety of Journalists:

20. UNESCO recorded no killing of journalists in the Marshall Islands between 2008 and 2013. Journalists generally work in a safe environment.

### **III. RECOMMENDATIONS**

#### **Right to education**

**21. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

**22. In the Report of the Working Group on the Universal Periodic Review of 5 November 2010<sup>12</sup>, the following recommendations were made to Marshall Islands:**

- 1. A - 56.14. Strengthen educational and awareness-raising programmes for local communities in order to promote awareness of **human rights** issues among society at*

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<sup>12</sup> [http://www.upr-info.org/IMG/pdf/recommendations\\_to\\_marshall\\_islands\\_2011.pdf](http://www.upr-info.org/IMG/pdf/recommendations_to_marshall_islands_2011.pdf)

*large, and stimulate the participation of civil society organizations in the promotion and protection of human rights (Mexico);*

2. A - 56.27. *Ensure that the **equal right of women and girls to education** is carried out in practice, and take steps to guarantee equal pay for equal work (Slovenia);*

3. A - 56.29. *Develop **comprehensive legislation and policies in favour of persons with disabilities, particularly with regard to non-discrimination, accessibility, education and awareness-raising (Spain); amend its domestic law to prohibit discrimination based on disability, and adopt a national plan to address the needs of the disabled community (United Kingdom); adopt measures to prohibit and prevent discrimination based on disability (Slovenia);***

4. A - 56.31. *Continue to implement programmes and measures to **ensure the enjoyment of the right to education (...)** (Cuba);*

5. A - 56.32. ***Seek assistance from the United Nations specialized agencies, funds and programmes, especially within the framework of partnerships, with a view to realizing human rights in the areas of education, health, housing and development, and in addressing the legacy of nuclear tests (Algeria);***

6. A - 56.33. *Take effective measures to **improve the access of children to education (Morocco).***

**23. Analysis:** RMI adopted a new law on education in 2013 that ensures the right to education. Moreover a policy on gender equality has been drafted. Nevertheless, RMI did not take specific measures to further promote inclusive and human rights education.

#### **24. Specific Recommendations:**

- 24.1. **RMI is encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.**
- 24.2. **RMI is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.**
- 24.3. **RMI could be encouraged to adopt specific measure to further promote inclusive education, especially for students with disabilities.**
- 24.4. **RMI could be encouraged to take additional measures to promote human rights education.**

#### **Freedom of opinion and expression**

25. Marshall Islands must take steps to decriminalize defamation and place it within a civil code that is in accordance with international standards<sup>13</sup>.

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<sup>13</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87<sup>th</sup> Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

26. Marshall Islands is recommended to begin introducing a freedom of information act in line with international standards<sup>14</sup>.

27. Marshall Islands is encouraged to develop self-regulatory mechanisms in the media.

### **Cultural rights**

28. The Republic of the Marshall Islands is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Marshall Islands are encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Republic of the Marshall Islands is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Marshall Islands are encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

30. With regard to contribution of science and technology to development, the Republic of the Marshall Islands is encouraged to report to UNESCO within the framework of the ongoing consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the

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<sup>14</sup> See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002 African Commission on Human and Peoples' Rights Declaration of Principles of Freedom of Expression in Africa and the 2000 Inter-American Commission on Human Rights' Declaration of Principles of Freedom of Expression.



Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.