



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Federated States of Micronesia (FSM) and welcome the constructive engagement of your Government during the 37th session of the UPR Working Group in January 2021.

As the final outcome report on the review of the Federated States of Micronesia has been recently adopted by the Human Rights Council at its 47th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of the Federated States of Micronesia – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 50 delegations and the presentation made and responses provided by the delegation of the Federated States of Micronesia. I have also considered the actions taken by the Government of the Federated States of Micronesia to implement the 63 recommendations fully supported as well as those that were partially accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the adoption of the FSM National Gender Policy (2018 – 2023) in 2018 based on the strategic goals for gender equality included in the FSM's Strategic Development Plan (2004-2023), such as better representation of women in decision-making positions, the elimination of gender-based violence, equitable education outcomes, addressing barriers faced by women in the work place, better access to health care by women, including sexual and reproductive health services, and mainstreaming gender across government. I welcome the adoption of the Nationwide Integrated Disaster Risk Management and Climate Change Policy 2013, addressing climate change impacts, risks and disasters, also in accordance with the FSM's Strategic Development Plan (2004-2023). In addition, I welcome the adoption of the National Youth Policy (2017 – 2023) to address the needs of youth in the Federated States of Micronesia and I encourage the government to ensure the effective implementation of the policy across all States.

I encourage the Federated States of Micronesia to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H.E. Mr. Kandhi A. ELIEISAR
Secretary of Foreign Affairs
Federated States of Micronesia



I also encourage the Federated States of Micronesia to make further efforts to strengthen the Human Rights Task Force for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Federated States of Micronesia to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist the Federated States of Micronesia in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Michelle Bachelet', written in a cursive style.

Michelle Bachelet
High Commissioner for Human Rights

cc: Mr. Jacob (Jaap) Van Hierden,
United Nations Resident Coordinator of the North Pacific Multicountry Office
Federated States of Micronesia

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the human rights instruments to which the Federated States of Micronesia is not yet a party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrants Workers and Member of Their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
- Extending a standing invitation to the special procedures mandate holders of the Human Rights Council.

National human rights framework

- Establishing a national human rights institution in accordance with the Paris Principles.
- Strengthening the Human Rights Task Force, including through the provision of adequate human and financial resources, to ensure comprehensive reporting and follow-up on recommendations received from all international human rights mechanisms, linking them to the Sustainable Development Goals.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Strengthening policies, programmes and institutional frameworks and adopting a comprehensive legislation at national level to explicitly prohibit all forms of discrimination.
- Adopting further measures to ensure respect for the right to equality and non-discrimination of lesbian, gay, bisexual, transgender and intersex people in society.

Development, the environment, and business and human rights

- Implementing the Nationwide Integrated Disaster Risk Management and Climate Change Policy 2013, jointly with the FSM's Strategic Development Plan (2004-2023), with special focus on communities that are disproportionately affected by the impact of the climate crisis, such as women, children and persons with disabilities.
- Strengthening the institutional frameworks, such as the Department of Environment, Climate Change and Emergency Management (DECCEM), in charge of addressing issues involving climate change and the reduction of the vulnerability of people from the impacts of climate change and disaster risks.



B. Civil and political rights

Administration of justice, including impunity, and the rule of law

- Strengthening the judicial system to ensure that women have effective access to justice, including by increasing human, technical and financial resources.

Fundamental freedoms

- Enacting legislation on access to freedom of information in accordance with international human rights standards.

Prohibition of all forms of slavery

- Continuing efforts to prevent and combat trafficking in persons, including by implementing policies, action plans and standard operating procedures, providing adequate training for police officers, prosecutors, judges and other officials with responsibilities on trafficking in persons, ensuring the punishment of perpetrators and the adequate assistance and rehabilitation centres to victims at national level.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Adopting further measures to guarantee access to safe drinking water and sanitation services for all, with special focus on the most disadvantaged and marginalized groups.

Right to health

- Continuing efforts to further reduce infant and maternal mortality, adopting additional measures to protect sexual and reproductive rights and implementing the maternal and child health care programmes.
- Adopting further measures to provide inclusive, qualitative and accessible primary and comprehensive healthcare services, including access to sexual and reproductive health services in accordance with the FSM's Strategic Development Plan (2004-2023).

Right to education

- Enhancing measures to ensure full and equal access to inclusive and quality primary and secondary education for all, in particular for children from low-income families and children with disabilities, to reduce dropout rates and to further guarantee gender equality in accordance with the FSM's Strategic Development Plan (2004-2023).

D. Rights of specific persons or groups

Women

- Continuing efforts to combat gender discrimination, including by ensuring the effective implementation of the FSM National Gender Policy in accordance with the FSM's Strategic Development Plan (2004-2023), by adopting temporary special measures to address intersecting forms of discrimination against women, and intensifying efforts to ensure gender parity at all levels of political, economic and public life.

- Continuing efforts to prevent and eradicate all forms of violence against women, including by adopting further legislative measures at national level and through the effective investigations and prosecutions of cases of violence against women and girls.

Children

- Adopting legislation aimed at increasing the minimum age of criminal responsibility.
- Reviewing national legislation and adopting specific measures to prohibit explicitly all forms of corporal punishment of children in all settings.
- Stepping up efforts to combat all forms of child labour through the effective implementation of relevant measures, by, inter alia, adopting a comprehensive legislation on child labour, strengthening child labour oversight mechanisms and increasing support for poor families so that they can keep their children in the education system.

Persons with disabilities

- Adopting a Disability Act at national level and ensuring that the national legal and policy frameworks are fully in line with the Convention on the Rights of Persons with Disabilities with a view to prohibit all form of discrimination against them, to integrate persons with disabilities in society, including by further improving their accessibility, and to raise awareness among the population of the rights of persons with disabilities.

Migrants, refugees and asylum seekers

- Enhancing legislative, institutional and policy measures to protect the human rights of asylum-seekers, refugees and migrants.