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|  |  | A/HRC/47/4/Add.1 |
|  | **Advance Version** | Distr.: General14 June 2021Original: English |

**Human Rights Council**

**Forty-seventh session**

21 June–9 July 2021

Agenda item 6

**Universal periodic review**

 **Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

 **Federated States of Micronesia**

 **Addendum**

 **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

| *Recommendation* | *Position* | *Comments* |
| --- | --- | --- |
|  |  |  |
| Theme 1: Scope of international obligations |
| 86.1 | Accept | This recommendation is acknowledged, and support is accorded to it. The FSM requests support from the recommending state. |
| 86.2 | Accept | Same comment as recommendation 86.1. |
| 86.3 | Accept | Same comment as recommendation 86.1. |
| 86.4 | Accept | Same comment as recommendation 86.1. |
| 86.5 | Accept | Same comment as recommendation 86.1. |
| 86.6 | Accept | Same comment as recommendation 86.1. |
| 86.7 | Accept | Same comment as recommendation 86.1. |
| 86.8 | Accept | Same comment as recommendation 86.1. |
| 86.9 | Noted |  |
| 86.10 | Accept | Same comment as recommendation 86.1. |
| 86.11 | Accept | FSM acknowledges and supports this recommendation. |
| 86.12 | Accept | This recommendation is acknowledged, and support is accorded to it. The FSM requests support from the recommending state. |
| 86.13 | Accept | FSM accepts this recommendation within the context of its resources and capacity. |
| 86.14 | Accept | FSM accepts this recommendation within the context of its resources and capacity. |
| 86.15 | Accept | Same recommendation as 86.14. |
| 86.16 | Accept | Same recommendation as 86.14. |
| 86.17 | Accept | Same recommendation as 86.14. |
| 86.18 | Accept | Same recommendation as 86.14. |
| 86.19 | Accept | Same recommendation as 86.14. |
| 86.20 | Accept | Same recommendation as 86.14. |
| 86.21 | Accept | FSM supports this recommendation. |
| 86.22 | Accept | FSM supports this recommendation. |
| 86.23 | Accept | FSM supports this recommendation. |
| 86.24 | Accept | FSM supports this recommendation. |
| 86.25 | Accept | FSM supports this recommendation. |
| 86.26 | Accept | FSM supports this recommendation. |
| 86.27 | Accept | FSM supports this recommendation. |
| 86.28 | Accept | FSM supports this recommendation. |
| 86.29 | Accept | FSM supports this recommendation. |
| 86.30 | Accept | FSM supports this recommendation. |
| 86.31 | Accept | FSM supports this recommendation. |
| 86.32 | Accept | FSM supports this recommendation. |
| 86.33 | Accept | FSM supports this recommendation within the context of its resources and capacity. |
| 86.34 | Noted |  |
| 86.35 | Noted |  |
| 86.36 | Accept | Same recommendation as 86.33. |
| 86.37 | Accept | Same recommendation as 86.33. |
| 86.38 | Accept | FSM supports this recommendation. |
| 86.39 | Accept | FSM supports this recommendation. |
| 86.40 | Noted |  |
| 86.41 | Noted |  |
| 86.42 | Noted |  |
| 86.43 | Noted | FSM will continue to ratify treaties or conventions that are in keeping with its current realities and resource capacities. FSM seeks supports from the recommending state. |
| 86.44 | Noted | Same as recommendation 86.43. |
| 86.45 | Accept | FSM supports this recommendation. |
| 86.46 | Accept | FSM supports this recommendation. |
| 86.47 | Accept | FSM supports this recommendation. |
| 86.48 | Accept | FSM supports this recommendation. |
| 86.49 | Accept | FSM supports this recommendation. |
| 86.50 | Accept | FSM supports this recommendation. |
| Theme 2: National human rights framework |
| 86.51 | Accept | FSM is in the process of strengthening its Human Rights Task Force to effectively carry-out the recommended role and on treaty obligations and related mechanisms such as the Sustainable Development Goals. |
| 86.52 | Accept | FSM supports this recommendation. |
| 86.53 | Accept | FSM supports this recommendation. |
| 86.54 | Accept | FSM supports this recommendation. |
| 86.55 | Accept | FSM fully accepts and supports this recommendation. Initial planning on the National Human Rights Institution consultations is ongoing. |
| 86.56 | Accept | Same as recommendation 86.55. |
| 86.57 | Accept | Same as recommendation 86.55. |
| 86.58 | Accept | Same as recommendation 86.55. |
| 86.59 | Accept | Same as recommendation 86.55. |
| 86.60 | Accept | Same as recommendation 86.55. |
| 86.61 | Accept | Same as recommendation 86.55. |
| 86.62 | Accept | Same as recommendation 86.55. |
| 86.63 | Accept | Same as recommendation 86.55. |
| 86.64 | Accept | Same as recommendation 86.55. |
| 86.65 | Accept | Same as recommendation 86.55. |
| 86.66 | Accept | Same as recommendation 86.55. |
| 86.67 | Accept | Same as recommendation 86.55. |
| Theme 3: Equality and non-discrimination |
| 86.68 | Noted w/explanation | The FSM supports the prohibition in law of discrimination based on gender and disability and will review its position on sexual orientation and gender identity in line with the current realities in FSM. The FSM National Constitution guarantees equal protection for everyone, and it prohibits discrimination. In particular, Art IV Sec. 4 states as follows: “Equal Protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language or social status”. This constitutional provision is implemented throughout the nation. The FSM States are implementing this non-discrimination provision of the National Constitution in their respective state constitutions and laws. |
| 86.69 | Accept | FSM supports this recommendation. |
| 86.70 | Accept | FSM supports this recommendation. |
| 86.71 | Noted | FSM notes this recommendation and will address it within the context of the realities resources, and capacity. |
| 86.72 | Noted | Same as recommendation 86.71. |
| 86.73 | Noted w/explanation | The FSM supports the prohibition in law of discrimination based on gender and disability and will review its position on sexual orientation and gender identity in line with the current realities in FSM. The FSM National Constitution guarantees equal protection for everyone and it prohibits discrimination. In particular, Art IV Sec. 4 states as follows: “Equal Protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language or social status”. This constitutional provision is implemented throughout the nation. The FSM States are implementing this non-discrimination provision of the National Constitution in their respective state constitutions and laws. |
| 86.74 | Noted w/explanation | The FSM supports the prohibition in law of discrimination based on gender and disability and will review its position on sexual orientation and gender identity in line with the current realities in FSM. |
| Theme 4: Development, the environment, and business and human rights |
| 86.75 | Accept | FSM supports this recommendation and will develop & implement a national climate change plan under the Department of Environment, Climate Change, Emergency Management (DECEM). |
| 86.76 | Accept | FSM supports this recommendation and will develop & implement a national climate change plan under the Department of Environment, Climate Change, Emergency Management (DECEM). |
| 86.77 | Accept | FSM supports this recommendation and seeks support from the recommending state. |
| 86.78 | Accept | FSM supports this recommendation and seeks support from the recommending state. |
| 86.79 | Accept | FSM supports this recommendation and seeks support from the recommending state. |
| 86.80 | Accept | FSM supports this recommendation. |
| Theme 5: Administration of justice |
| 86.81 | Accept | FSM supports this recommendation and continues to strengthen all mechanisms addressing corruption. There is on-going awareness by the Office of the National Public Auditors (ONPA) in all the states to identify and report on government fraudulent activities. |
| 86.82 | Accept w/explanation | FSM Government welcomes this recommendation. There are ongoing efforts towards the passage of a national legislation on Freedom of Information for consideration by the National Congress. A draft bill is currently being considered by the Executive – the proposed Freedom of Information Act. This draft bill received technical support and expert advice from the United Nations Office on Drugs and Crime (UNODC) and also from the UN Pacific Regional Anti-Corruption Project (UN-PRAC). This bill provides a general policy direction guaranteeing transparency in public service and access to public information. It also establishes a set of procedures to implement the disclosure of public information upon request. Under this bill, any person has a right to request a national agency to be able to access public information. Each national agency shall have a designated Information Officer responsible for processing requests. Subject to certain exceptions such as rights of a third party, national security considerations, and legal privileges recognized by FSM case law, any public information must be disclosed. A decision not to disclose information may be appealed to the Office of the President. If a person is not satisfied with the decision, such may be brought to court for further appeal.Once this bill is transmitted to the National Congress, it is expected to be assigned to one of the outstanding committees of the FSM Congress for appropriate study and deliberation, and to be reported back to the plenary for its recommendation and for a vote.FSM Government will continue to need further technical and capacity building assistance from its partners around the world and from the UN Agencies to the extent feasible, to ensure that this freedom of information bill once approved through the national legislative process will be implemented fully and properly. |
| Theme 6: Prohibition of all forms of slavery |
| 86.83 | Accept | FSM accepts this recommendation as it continues to make improvements in implementing policies, action plans and Standard Operating Procedures that safeguard against human trafficking. |
| 86.84 | Accept | Same as recommendation 86.83. |
| 86.85 | Accept | Same as recommendation 86.83. |
| 86.86 | Accept | Same as recommendation 86.83. |
| 86.87 | Accept | Same as recommendation 86.83. |
| 86.88 | Accept | Same as recommendation 86.83. |
| 86.89 | Accept | Same as recommendation 86.83. |
| 86.90 | Accept | FSM accepts this recommendation. |
| 86.91 | Accept | FSM accepts this recommendation. |
| 86.92 | Accept | FSM accepts this recommendation. |
| 86.93 | Accept | FSM accepts this recommendation. |
| Theme 7: Right to an adequate standard of living |
| 86.94 | Accept | FSM supports this recommendation. |
| 86.95 | Accept | FSM supports this recommendation. |
| 86.96 | Accept | FSM supports this recommendation. |
| 86.97 | Accept | FSM supports this recommendation. |
| 86.98 | Accept | FSM supports this recommendation. |
| 86.99 | Accept | FSM supports this recommendation. |
| Theme 8: Right to health |
| 86.100 | Accept | FSM supports this recommendation. |
| 86.101 | Accept | FSM supports this recommendation. The FSM Health Clinics provide free-confidential screening, free follow-up and free treatment. |
| 86.102 | Accept | FSM supports this recommendation. In 2016 the birth mortality rate had decreased while rate increased. |
| 86.103 | Accept | FSM supports this recommendation. There is an annual summit for all NCD programs for the purpose of reviewing and updating the FSM National Strategic Plan. |
| 86.104 | Accept | FSM supports this recommendation. There is an annual summit for all NCD programs for the purpose of reviewing and updating the FSM National Strategic Plan. |
| 86.105 | Accept | FSM supports this recommendation. |
| 86.106 | Accept | FSM supports this recommendation. |
| 86.107 | Accept | FSM supports this recommendation and will continue to address within the context of its realities resources and capacities. |
| 86.108 | Accept | FSM supports this recommendation. The FSM will continue to promote and encourage collaborative planning and implementation with affected individuals and communities. |
| Theme 9: Right to education |
| 86.109 | Accept | FSM supports this recommendation. |
| 86.110 | Accept | FSM supports this recommendation. |
| Theme 10: Specific persons or groups: Women |
| 86.111 | Accept | FSM supports this recommendation. |
| 86.112 | Accept | FSM supports this recommendation. |
| 86.113 | Accept | FSM supports this recommendation. |
| 86.114 | Accept | FSM supports this recommendation. |
| 86.115 | Accept | FSM supports this recommendation. |
| 86.116 | Accept | FSM supports this recommendation. |
| 86.117 | Accept | FSM supports this recommendation. |
| 86.118 | Accept | FSM supports this recommendation. |
| 86.119 | Accept | FSM supports this recommendation. |
| 86.120 | Accept | FSM supports this recommendation. |
| 86.121 | Accept | FSM supports this recommendation. |
| 86.122 | Accept | FSM supports this recommendation. |
| 86.123 | Accept | FSM supports this recommendation. |
| 86.124 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.125 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.126 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.127 | Accept | FSM supports this recommendation and seeks support especially in remote rural areas and outlying islands. |
| 86.128 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.129 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.130 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.131 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.132 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state |
| 86.133 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.134 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.135 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.136 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.137 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.138 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.139 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.140 | Accept | FSM supports this recommendation and wishes to seek technical assistance of the recommending state. |
| 86.141 | Accept | FSM supports this recommendation. |
| 86.142 | Accept | FSM supports this recommendation. |
| Theme 11: Specific persons or groups: Children |
| 86.143 | Accept | FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State. |
| 86.144 | Accept | FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State. |
| 86.145 | Accept | FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State. |
| 86.146 | Accept | FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State. |
| 86.147 | Accept | FSM supports this recommendation and seeks supports of technical and financial assistance from the recommending State. |
| 86.148 | Accept | FSM Government welcomes this recommendation. There are ongoing efforts towards the passage of a national legislation on Freedom of Information for consideration by the National Congress. A draft bill is currently being considered by the Executive – the proposed Freedom of Information Act. This draft bill received technical support and expert advice from the United Nations Office on Drugs and Crime (UNODC) and also from the UN Pacific Regional Anti-Corruption Project (UN-PRAC). This bill provides a general policy direction guaranteeing transparency in public service and access to public information. It also establishes a set of procedures to implement the disclosure of public information upon request. Under this bill, any person has a right to request a national agency to be able to access public information. Each national agency shall have a designated Information Officer responsible for processing requests. Subject to certain exceptions such as rights of a third party, national security considerations, and legal privileges recognized by FSM case law, any public information must be disclosed. A decision not to disclose information may be appealed to the Office of the President. If a person is not satisfied with the decision, such may be brought to court for further appeal.Once this bill is transmitted to the National Congress, it is expected to be assigned to one of the outstanding committees of the FSM Congress for appropriate study and deliberation, and to be reported back to the plenary for its recommendation and for a vote.FSM Government will continue to need further technical and capacity building assistance from its partners around the world and from the UN Agencies to the extent feasible, to ensure that this freedom of information bill once approved through the national legislative process will be implemented fully and properly. |
| 86.149 | Accept | FSM supports this recommendation and seeks technical and financial assistance from the recommending state. |
| 86.150 | Accept | FSM supports this recommendation and seeks technical and financial assistance from the recommending state. |
| 86.151 | Accept | FSM supports this recommendation and seeks technical and financial assistance from the recommending state. |
| Theme 12: Specific persons or groups: Persons with disabilities |
| 86.152 | Accept | FSM supports this recommendation and seeks technical and financial assistance from the recommending state. |
| 86.153 | Accept | FSM supports this recommendation and seeks technical and financial assistance from the recommending state. |
| Theme 13: Specific persons or groups: Migrants, refugees, asylum seekers and IDPs |
| 86.154 | Accept | FSM Government is committed to protecting human rights according to legal obligations that it has assumed pursuant to certain core human rights conventions and protocols that it has acceded to. This commitment is exemplified by a court decision by the FSM Supreme Court declaring as legally binding customary internationally law protection the rights of refugees. Also, in 2017, the FSM Government had issued Executive Order recognizing the situation of certain refugees entering FSM territory from Asia. Those refugees were granted adequate living standards until resettlement. With the assistance of the Office of the United Nations High Commissioner for Refugees, FSM was able to identify the appropriate status of these individuals as refugees, and on that basis, the FSM Government was able to work and collaborate with foreign governments for the resettlement of the refugees. |

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)