



**The Marshall Islands
Joint Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty**

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status with ECOSOC since 1996
and
The World Coalition Against the Death Penalty

for the 50th Session of the Working Group on the Universal Periodic Review
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition. The World Coalition Against the Death Penalty is committed to making visible gender and intersectional discrimination at work in capital punishment as well as to strengthen the protection of women and gender and sexual minorities facing the death penalty.

EXECUTIVE SUMMARY

1. The Marshall Islands abolished the death penalty for all crimes after gaining independence from the United States in 1979. According to Article II, section 6(1) of the Constitution, “no crime under the law of the Republic of the Marshall Islands may be punishable by death.”¹
2. The Marshall Islands ratified the International Covenant on Civil and Political Rights (ICCPR) in 1988. The Marshall Islands has not signed, ratified, or acceded to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (OP2), despite committing to do so during the third-cycle Universal Periodic Review.²

Scope of international obligations; Acceptance of international norms; Death penalty

Status of Implementation: Accepted, Not Implemented

3. In its third-cycle Universal Periodic Review in 2020, the Marshall Islands accepted seven recommendations to sign or ratify OP2 or to continue finalizing domestic procedures to ratify OP2.³ In its third-cycle National Report, the Marshall Islands stated that “[t]he Ministry of Foreign Affairs and Trade is currently working on plans to undertake Cabinet and Parliamentary consideration for the ratification of: . . . International Covenant on Civil and Political Rights 1st and 2nd Optional Protocols.”⁴ In accepting the seven recommendations in February 2021, the Marshall Islands reiterated “that challenges to accede these important . . . protocols remain due to limited resources to ensure proper implementation.”⁵
4. Since that time, however, there is no evidence that the Marshall Islands has made any progress toward ratifying OP2. On 30 April 2024, the Marshall Islands submitted its voluntary pledges and commitments in support of its candidature to the Human Rights Council for the term 2025–2027. In this *Note Verbale*, the Marshall Islands committed to undertake Cabinet and parliamentary consideration of specific treaty instruments to which it is not yet a Party.⁶ OP2, however, was absent from the list of instruments under consideration. Moreover, in December 2024, the Marshall Islands was absent from the UN General Assembly vote on the resolution calling for a global moratorium on the death penalty, even though the Marshall Islands had voted in favor of the resolution in every previous vote since 2007.⁷

5. Suggested recommendation:

- **Take all necessary steps to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, without reservations.**

¹ World Coalition Against the Death Penalty, “*Ratification Kit – Marshall Islands*,” July 13, 2022, 1, accessed Dec. 17, 2024, <https://worldcoalition.org/wp-content/uploads/2020/09/MarshallIslands-EN-3.pdf>.

² Office of the High Commissioner for Human Rights, *UN Treaty Body Database – Ratification status for Marshall Islands*, accessed Dec. 17, 2024, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=109&Lang=EN.

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Marshall Islands*, (22 December 2020), U.N. Doc. A/HRC/46/14, ¶ 106.6 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Spain) (Germany) (Belgium) (Chile); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, with a view to formalizing the abolition of the death penalty (Ukraine); ¶ 106.9 Continue finalizing domestic procedures for the ratification of the First and Second Optional Protocols to the International Covenant on Civil and Political Rights (Georgia).

⁴ Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Marshall Islands*, (10 February 2020), U.N. Doc. A/HRC/WG.6/36/MHL/1, ¶ 15.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Marshall Islands, Addendum*, (19 February 2021), U.N. Doc. A/HRC/46/14/Add.1, ¶ 1.

⁶ United Nations General Assembly, *Note verbale dated 29 April 2024 from the Permanent Mission of the Marshall Islands to the United Nations addressed to the President of the General Assembly*, (30 April 2024), U.N. Doc. A/79/74, ¶ 10.

⁷ International Commission Against the Death Penalty, UNGA Moratorium Resolution Table, <https://icomdp.org/map-unga/> (last visited 30 Mar. 2025).