



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
17 March 2021

Original: English  
English, French and Spanish only

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**Committee on the Elimination of Discrimination  
against Women**

**Information received from the Marshall Islands on  
follow-up to the concluding observations on its combined  
initial to third periodic reports\***

[Date received: 12 March 2021]

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\* The present document is being issued without formal editing.



### **Response to Committee recommendation 9 (a)**

1. The National Nuclear Commission (NNC) was established by law in 2017. The NNC is composed of three independent commissioners, who are tasked with coordination between national and local governments, as well as stakeholders and survivors, to assist in addressing impacts from the nuclear weapons testing program which occurred between 1946 and 1958 (during UN Trusteeship status). While the Nuclear Commission addresses a wide range of technical topics, its mandate also includes following up on recommendations made by a HRC Special Rapporteur in 2012.

2. In 2019, the three-year rolling National Nuclear Commission Strategy was developed to address the ongoing impacts of nuclear testing and account for those impacts on fundamental human rights of the Marshallese people. The NNC Strategy addresses five key pillars of nuclear justice: (1) Full payment of all past and future awards of the Nuclear Claims Tribunal (Compensation); (2) Quality health care for all Marshallese (Health Care); (3) Reducing the risks of exposure to radiation and other toxins in the environment (Environment); (4) Building national capacity to monitor and understand radiation impacts (National Capacity); (5) Education & awareness of our nuclear legacy (Education & Awareness).

### **Response to Committee recommendation 17**

3. The Human Rights Committee was established by law in 2015 as a multi-stakeholder committee – composed of civil society, academic experts, and key knowledge sources within government – 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 the HRC/UPR process as well as UN Treaty Bodies, and investigating complaints of human rights violations. The Marshall Islands is committed to further actions which will ensure full compliance with Paris Principles for national human rights institutions.

4. In November 2016, GRMI requested technical assistance from the SPC RRRT and the Asia Pacific Forum of National Human Rights Institutions (APF) to undertake a scoping study on the feasibility of establishing a National Human Rights Institution (NHRI). The scoping study was conducted in March 2017. Study results were submitted to the RMI in September 2017. The following recommendations were made for the GRMI to consider:

- The Scoping Team recommended that the RMI establish a NHRI as a Constitutional Office with a status equivalent to that of the Office of the Auditor General;
- The Scoping Team recommended that the currently convened Con. Con. be asked to consider the establishment of an Ombudsman's Office with both good governance and human rights mandates;
- If an Ombudsman Office is established, it should comprise of a Chief Ombudsman and an Ombudsman or Deputy Ombudsman with specific responsibility for human rights – both full-time;
- The legislation enabling the NHRI should provide a broad mandate;
- To promote and protect the human rights of every person in the Marshall Islands;

- To foster the dignity, equality and security of everyone in the Marshall Islands, including women, children and people with disabilities. As well as all citizens and residents whether permanent or temporary.

5. To date, Proposal 18 to establish an Office of Ombudsman is now awaiting Referendum. This is the final stage and once it is confirmed and approved by the people, an Office of Ombudsman will be established. The government acknowledges the valuable role that a National Human Rights Institution or Ombudsman could play, and remains interested in accessing technical assistance in the establishment of such an office or ombudsman.

### **Response to Committee recommendation 25 (a)**

6. The government of the RMI acknowledged the role that a strong criminal code free of bias can have in both protecting RMI residents, including women, and allowing them to reach their full potential. In 2011, the Criminal Code underwent a major transformation based upon the Model Penal Code, although the sexual assault provisions were largely retained. Regarding gender-based violence, the new Criminal Code added provisions criminalizing harassment and stalking. These amendments have substantially improved the RMI law. However, there is no provision for non-violence orders where couples continue to live together. Many more women, anticipating their partners are likely to assault them, but not wanting to see their partners in Court or in prison, may be less reluctant to seek the assistance of the police if they know that their partners will be held in custody for only a limited period and then released without being charged.

### **Response to Committee recommendation 29 (a)**

7. There are no legal barriers that prevent women from running for local or national office. In 2017, the adoption of temporary special measures in the form of electoral quotas for women in our Parliament was proposed as an amendment to the Constitution. However, the proposal was unfortunately defeated during the 2017 Constitutional Convention. In 2019, the RMI Government passed the Gender Equality Act. It is an enabling piece of legislation that addresses key areas of gender discrimination and inequality in Marshallese society. It establishes general prohibitions of discrimination, outlines obligations to protect the human rights and fundamental freedoms of women and girls on an equal basis with men and boys, and further promotes gender equality across all areas.

8. As an option, the Government may consider the adoption of special measures to address the under-representation of women in decision-making in the Nitijela, local councils, boards, committees, task forces, and State-owned enterprises.

## **Overview**

### **From Concluding Observations on the Combined Initial to Third Periodic Reports of the Marshall Islands**

#### **Marshall Islands positive progress**

- Prohibition of Trafficking in Persons Act in 2017.
  - National task force on human trafficking.

- Birth, Deaths and Marriage Registration (Amendment) Act (raised marriage for girls to 18 years).
- Child Rights Protection Act in 2015.
- Human Rights Committee Act in 2015.
- Rights of Persons with Disabilities Act in 2015.
- Amendment to the Criminal Code (sexual assault provisions revised in 2013).
- Domestic Violence Prevention and Protection Act in 2011.
  - Technical working group to coordinate implementation.
- National policy on disability-inclusive development action plan, 2014–2018.
- National reproductive health policy, 2014–2016.
- National gender mainstreaming policy, 2014.
- Prevention of adolescent pregnancy, 2014–2016.
- State party acceded to the Convention on the Rights of Persons with Disabilities in 2015.
- Establishment of committee on the National Strategic Plan and Sustainable Development Goals.
- Election of first female President of State party, 2015.
- Public School System Act of 2013.
- State party's efforts to improve working conditions for women, including increasing the minimum wage.
- No legal barriers for women to access financial credit.
- Women encouraged to participate in sports.
- Establishment of Green Climate Fund.

## **CEDAW recommendations under consideration by the Marshall Islands**

### **Response of the Marshall Islands to Committee recommendation 7**

#### **Nuclear Strategy**

- Replenish nuclear trust fund.
- Develop strategy to address effects of nuclear testing programme.
- Seek technical and financial assistance from the international community, UN, and USA.
- Implement recommendations form 2012 by SR on the impacts of the nuclear testing programme on the environment, health, and livelihood of Marshallese people.

#### **Definition of Discrimination and Legislative Framework**

- State party adopt a comprehensive definition of discrimination against women in national legislation (direct/indirect discrimination, public/private spheres, intersectional discrimination).

- Ensure the bill includes enforcement mechanisms and sanctions.

### **Legal Status of the Convention and Harmonization of Laws**

- Most provisions of CEDAW are not fully integrated into the national law of the State party. Recommendation to fully incorporate CEDAW provisions into national law.
- Concern that Marshallese custom (manit) supersedes Constitution.
- Recommendation to quickly ratify the Optional Protocol and judiciary, legal professionals, and law enforcement on relevant jurisprudence.
- Include gender analysis in the planned legislative review by Economic and Social Commission for Asia and the Pacific along with the Pacific Islands Forum secretariat.
- Dissemination of CEDAW goals to all branches of government.

### **Access to Justice**

- Address physical and economic barriers that disadvantage women's access to justice (especially in outer islands).
- Enhance awareness among women and girls of rights and remedies under CEDAW.
- Invest in information and communication technology to communicate with outer islands.
- Increase access to legal aid for economically disadvantaged women.
- Increase finances for mobile courts to visit outer islands regularly.
- Strengthen the judicial system (judges, prosecutors, lawyers, police officers, law enforcement officials) by increasing human, technical and financial resources and building capacity around women's rights.
- Raise awareness to remove stigma for women who exercise their rights.

### **National Human Rights Institution**

- Recommendation that the State party establish within a clear timeframe and independent national human rights institution according to Paris Principles.
  - Mandate – promote and protect human rights, women's rights and gender equality.

### **National Machinery for the Advancement of Women**

- Allocate human, technical, and financial resources to the Gender and Development Office who can then implement CEDAW and collaborate with civil society organizations.
- Develop monitoring system across sectors of government.

### **Temporary Special Measures**

- Absence of strategy to achieve equality between women and men.
- Recommendation that the State party adopt temporary measures regarding substantive equality between women and men (political, public life, decision making levels in the State party).

- Provide capacity building for State officials, policymakers, and political parties to pursue substantive equality between women and men.

#### **Stereotypes and Harmful Practices**

- Enact a comprehensive strategy, expand public education, engage media to combat stereotypes based on the role/responsibilities of women/men in family and society.
- Monitor and assess actions to eliminate stereotypes and harmful practices (e.g. child marriage).

#### **Gender-based Violence Against Women**

- Prosecute and adequately punish perpetrators of GBV. Harmonize legislative penalties for GBV crimes under Domestic Violence Prevention and Protection Act and amended Criminal Code.
- Raise awareness regarding the criminal nature of GBV.
- Engage capacity-building measures for judges, prosecutors, lawyers, police officers, law enforcement officers regarding strictly enforcing GBV protections.
- Improve statistical data collection on GBV, include age and perpetrator's relationship to the victim.
- Improve access to shelters and support services for victims of GBV.

#### **Trafficking and Exploitation of Prostitution**

- Strictly enforce trafficking legislation, adopt a national action plan, increase resources to anti-trafficking legislative and programming efforts.
- Implement standard operating procedures for law enforcement regarding trafficking victims.
- Review immigration policies to intervene and support victims of trafficking.
- Expeditiously procure a new border management system to prevent trafficking of pregnant women abroad.
- Increase bilateral, regional, and international anti-trafficking collaboration.
- Fund and equip shelters/crisis centres/reintegration programmes.
- Offer other income-generating opportunities for women seeking to exit prostitution.

#### **Participation in Political and Public Life**

- Introduce temporary measures such as quotas and reserved seats to increase gender parity in Nitijela, Council of Iroij, local governments, civil service.
- Raise awareness of the importance of women in political decision-making.
- Build the capacity of women political candidates.
- Consider integrating best practices from other Pacific Island nations to promote participation of women in public/political life.

#### **Nationality**

- Protect women from exploitation by men seeking to obtain Marshallese nationality to enter the United States.

- Consider bilateral arrangement with the U.S. to protect Marshallese women from exploitation.

### **Education**

- Implement prevention of adolescent pregnancy strategy.
- Reintegrate pregnant women and girls into the school system.
- Address physical barriers to access educational materials for women and girls in outer islands.
- Revise textbooks with discriminatory gender stereotypes. Train teachers so they do not perpetuate gender stereotypes.
- Eliminate structural barriers to female enrolment in non-traditional career paths/education.

### **Employment**

- Promote equal pay for women by reviewing wages and conducting labour inspections.
- Introduce child-rearing policy (e.g. shared parental leave). Strengthen access to childcare facilities.
- Adopt a bill on equal benefits in employment. Ensure provisions comply with the ILO's Discrimination Convention, 1958 (No. 111) and Maternity Protection Convention, 2000 (No. 183).

### **Health**

- Expand national cancer prevention programme to address nuclear testing effects.
- Seek international financial/technical assistance, including from the United States.
- Adequately fund the health sector.
- Improve women's access to health care, antenatal care, and increase budget to recruit medical specialists.
- Address prevalence of sexually transmitted infections and adolescent pregnancy.
  - Promote modern contraceptive use, ensure accessible and affordable.
- Adopt new action plan on reproductive health, accounting for history of 2014-2016 national reproductive health strategy.
- Decriminalize abortion and increase access to abortion in cases of rape, incest, physical/mental health concerns, woman's life endangered, fetus impaired.

### **Economic Empowerment of Women and their Participation in Social Life**

- Promote access for women to loans, provide soft loans, improve financial literacy.
  - Promote access to income-generating activities.
- Combat diabetes by developing a healthy lifestyle strategy.

- Continue providing financial subsidies/social protection for single women who are heads of households, women living in poverty, older women, and women with disabilities.
  - Provide information in the next periodic report on the extent to which these women have benefited from these social protection programs.

### **Rural Women**

- Ensure rural women involved in decision making processing affecting their rights, especially with land use decisions.
- Garner international assistance to improve rural women's access to health care, electricity, sanitation, communication/technology.
- Increase skills development/training opportunities.
- Increase income-generating opportunities and access to microcredit.

### **Other Disadvantaged Groups of Women**

- Adopt an implementation plan for the Rights of Persons with Disabilities Act; ensure it includes gender perspective.
- Provide information in the next periodic report on the measures taken to ensure access to education and health care for disadvantaged groups of women.

### **Impact on Women of Climate Change and Natural Disasters**

- Garner international support and climate change financing (especially from the United States).
- Ensure participation of women in national policies and programmes on climate change and include a gender perspective on disaster response and disaster risk reduction.
- Ensure women have equal access to the Green Climate Fund.
- Increase traditional knowledge in coping with natural disasters and climate change.
- Develop a comprehensive plan with clear targets/benchmarks to implement the Special Rapporteur's 2012 recommendations regarding environmentally sound management/disposal of hazardous substances/waste.

### **Marriage and Family Relations**

- Amend section 434 of Births, Deaths and Marriage Registration (Amendment) Act to remove exception of customary marriages from age requirement. Strictly enforce the minimum marriage age requirement.
- Combat local customs compelling women/girls to marry when pregnant. Raise awareness of this issue through education/media/traditional leaders.

### **Data Collection**

- Develop an indicator system on gender-related issues. Improve collection of data.
  - Seek technical assistance from relevant United Nations agencies.



**Beijing Declaration and Platform for Action**

- Use the BDPA in efforts to implement provisions of CEDAW.

**2030 Agenda for Sustainable Development**

- Incorporate substantive gender equality under CEDAW into implementation of 2030 ASD.

**Dissemination**

- Timely disseminate this report in all official languages of the state party to relevant State institutions at all levels.
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