



# Convention on the Rights of Persons with Disabilities

Distr.: General  
10 October 2023

Original: English  
Arabic, English, French and  
Spanish only

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of the Marshall Islands\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide updated information on:

(a) Existing mechanisms to ensure that persons with disabilities, through their representative organizations, including those on the outer islands, are involved in legislative and policy decision-making processes, including in connection with the National Strategic Plan (2020–2030) and the Strategy for Coordinated Action to Address Nuclear Justice (2020–2023);

(b) Constitutional or legislative reviews undertaken or planned to harmonize national legislation with the provisions of the Convention, in particular the status of the Rights of Persons with Disabilities Act (consequential amendments) bill;

(c) The status of the process of revising and updating the National Policy on Disability Inclusive Development (2014–2018);

(d) Measures taken to provide support, including financial support, to develop the Marshall Islands Disabled Persons Organization and outer island and atoll organizations of persons with disabilities;

(e) Measures taken to ratify the Optional Protocol to the Convention.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please clarify whether the Rights of Persons with Disabilities Act 2015:

(a) Prohibits intersectional discrimination;

(b) Applies to both State and non-State actors;

(c) Provides for a right of action and access to an effective remedy for discrimination on the basis of disability;

(d) Recognizes denial of reasonable accommodation as a form of discrimination on the basis of disability.

##### Women with disabilities (art. 6)

3. Please provide information on:

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\* Adopted by the pre-sessional working group at its eighteenth session (11–14 September 2023).



(a) The situation of women with disabilities in the State party and statistics and data disaggregated by age, education and geographical location;

(b) Measures taken to ensure close consultation with and the active involvement of women with disabilities and their representative organizations in decision-making, the evaluation and monitoring of laws and regulations aimed at addressing disability and gender issues and the design, implementation and monitoring of programmes relating to gender equality and women's empowerment;

(c) Measures taken to operationalize section 1130 of the Rights of Persons with Disabilities Act with regard to women with disabilities and action area 9 of the National Policy on Disability Inclusive Development.

#### **Children with disabilities (art. 7)**

4. Please provide information on measures taken to operationalize section 1130 of the Rights of Persons with Disabilities Act with regard to children with disabilities, action area 10 of the National Policy on Disability Inclusive Development and other actions pertaining to children with disabilities under the National Policy.

5. Please provide information on measures taken to ensure that children with disabilities can freely express their views on matters affecting them and that their will and preference are respected on an equal basis with those of other children.

#### **Awareness-raising (art. 8)**

6. Please provide updated information on:

(a) Measures taken to conduct awareness-raising activities and campaigns, including on the atolls and the outer islands, that specifically target families, local communities, villages and religious and community leaders and to provide local support services to combat stigma, stereotypes, negative cultural beliefs and attitudes, bullying, hate crimes, prejudice and harmful practices and the use of devaluing language against persons with disabilities, including on the basis of gender or age, in all areas of life;

(b) How persons with disabilities, through their representative organizations, are closely consulted on and actively involved in public campaigns to foster respect for the rights and dignity of persons with disabilities according to the human rights model of disability.

#### **Accessibility (art. 9)**

7. Please provide information on measures taken to address the inaccessibility of buildings, facilities, transportation, information and communications technologies and services on all the islands, as acknowledged in the State party report,<sup>1</sup> and to establish accessibility standards, promote universal design and develop relevant laws and policies for implementation, and enforcement and mechanisms for monitoring their implementation. Please also provide information on measures taken to implement section 1106 of the Rights of Persons with Disabilities Act and to develop and implement a national building code.

#### **Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on:

(a) Whether the Disaster Assistance Act 1987 has been amended to include provisions on the protection of persons with disabilities;

(b) Whether the review of the National Policy on Disability Inclusive Development involved the development of an implementation plan to mainstream disability into disaster preparedness initiatives and set out measures to ensure the accessibility of camps and shelters, clean water and sanitary facilities and the provision of sufficient food for all persons with disabilities, in particular women, children and older persons with disabilities, during evacuations;

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<sup>1</sup> CRPD/C/MHL/1.

(c) Mechanisms to ensure close consultation with and the active involvement of all persons with disabilities, through their representative organizations, in the implementation of policies and plans relating to climate change at all levels;

(d) Measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities, in particular women and older persons with disabilities, on an equal basis with others and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic and to include persons with disabilities in COVID-19 response and recovery plans.

### **Equal recognition before the law (art. 12)**

9. Please clarify the purpose and function of the Guardianship Act 1984 and its status in the light of the provisions of section 7 of the Rights of Persons with Disabilities Act.

### **Access to justice (art. 13)**

10. Please provide updated information on the progress made in revising national legislation, in particular the All Atoll Access to Justice Act 2006, to ensure the provision of reasonable accommodation, physical access to buildings, alternative means of communication and access to legal assistance and to trained assistants in all legal processes so as to ensure the effective participation of all persons with disabilities in the justice system. Please indicate whether procedural accommodations are available in all civil and criminal cases and administrative proceedings.

### **Liberty and security of person (art. 14)**

11. Please indicate whether there are laws, policies and practices under which persons with disabilities may be detained for the purposes of compulsory care, treatment and protection, including in communities, families and prayer groups.

12. Please clarify whether the Public Health, Safety and Welfare Act has been amended to prevent the involuntary detention of persons with disabilities for the purpose of psychiatric assessment.

13. Please provide the number of persons with disabilities in the prison population and whether there are any oversight mechanisms to ensure adequate prison conditions for them, including in relation to accessibility and reasonable accommodation.

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

14. Please provide information on the complaints received and investigated by the National Human Rights Committee that pertain to torture and other cruel, inhuman or degrading treatment or punishment against persons with disabilities. Please indicate whether the mandate of the National Human Rights Committee covers practices occurring in families and communities.

15. Please clarify whether there are any practices of using physical, chemical and mechanical restraints in family and community settings and any other practices that might amount to torture or other cruel, inhuman or degrading treatment or punishment and indicate what measures have been taken to protect persons with disabilities from such practices.

### **Freedom from exploitation, violence and abuse (art. 16)**

16. Please provide information on:

(a) Measures taken under the National Policy on Disability Inclusive Development to prevent all forms of exploitation, violence and abuse, in particular against women and children with disabilities, and whether appropriate forms of gender- and age-sensitive assistance and support have been provided for persons with disabilities and their families and caregivers or supporters, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse;

(b) Measures taken to protect persons with disabilities under the Domestic Violence Prevention and Protection Act 2011 and the specific measures taken to respond to persons with disabilities experiencing domestic violence as defined under the Act;

(c) Any steps taken to establish a formal support system to identify, investigate and prosecute exploitation, violence and abuse against persons with disabilities, including women and children with disabilities, the number of complaints received and investigations conducted in relation to exploitation, violence and abuse against persons with disabilities, in particular women, children and older persons with disabilities, and the penalties imposed on the perpetrators.

17. Please update the Committee on:

(a) Whether protocols and inter-agency agreements have been established to ensure a strong and reliable system for the prevention, reporting and monitoring of violence against persons with disabilities;

(b) The inclusion of women with disabilities in all programmes of the Women United Together Marshall Islands, including programmes focused on violence against women.

#### **Protecting the integrity of the person (art. 17)**

18. Please provide information on whether there are laws, policies and practices that allow for mental health treatment or medical interventions for persons with disabilities without their free and informed consent.

19. Please clarify whether sexual and reproductive health interventions, including sterilization, contraception and abortion, are permitted solely on the basis of the consent of guardians, physicians or family members.

#### **Liberty of movement and nationality (art. 18)**

20. Please provide updated information on:

(a) The steps taken to improve the registration process for children with disabilities, including on the outer islands and atolls;

(b) The outcomes of the task force established to examine civil and vital registration practices.

#### **Living independently and being included in the community (art. 19)**

21. Please inform the Committee about strategies to ensure that persons with disabilities and their families and extended families are sufficiently supported and that community networks are sufficiently sustainable to avoid the need for institutional facilities.

#### **Personal mobility (art. 20)**

22. Please provide updated information on:

(a) The sources of revenue and financial sustainability of the Disability Assistance Fund;

(b) Strategies and measures adopted to support the local production and distribution of mobility aids, devices and assistive technologies to ensure personal mobility with the greatest possible independence for persons with disabilities at the time of their choice and at an affordable cost;

(c) Training programmes in mobility skills for persons with disabilities and specialist staff working with persons with disabilities.

**Freedom of expression and opinion, and access to information (art. 21)**

23. Please provide updated information on:

(a) Measures taken to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others;

(b) Measures taken to ensure that information intended for the general public is provided to persons with disabilities in accessible formats and using technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(c) Measures taken to establish a sign language interpretation service and facilitate the use of sign language, Braille, augmentative and alternative communication and all other accessible means, modes and formats of communication chosen by persons with disabilities in all interactions;

(d) Measures taken to closely consult and actively involve the deaf community in the process of formally recognizing its preferred sign language as an official language.

**Respect for privacy (art. 22)**

24. Please provide information on the measures taken to operationalize section 1114 of the Rights of Persons with Disabilities Act to promote and protect the right of persons with disabilities to privacy in all settings, on an equal basis with others, and to impose penalties and provide remedies for any violations.

**Respect for home and the family (art. 23)**

25. Please provide information on whether the National Reproductive Health Policy and Strategy has been revised and updated and, if it has, whether it contains specific gender- and age-appropriate measures for persons with disabilities. Please provide an update on the measures taken to ensure persons with disabilities are able to access gender- and age-appropriate information on reproductive health and childcare and the services necessary to exercise their sexual, marital, reproductive and parental rights.

**Education (art. 24)**

26. Please clarify:

(a) How the Special Education Program facilitates quality inclusive education as outlined in paragraph 11 of the Committee's general comment No. 4 (2016) on the right to inclusive education;

(b) Whether the funding agreement with the United States of America includes policy directives and obligations relating to the structure and delivery of quality inclusive education.

27. Please provide an update on:

(a) The development of a database to collect and monitor disaggregated data on children with disabilities in post-secondary education;

(b) The development of capacity-building projects targeting young people, whether such projects are inclusive of young people with disabilities and any outcomes with regard to facilitating access by persons with disabilities to tertiary education.

**Health (art. 25)**

28. Please provide information on:

(a) Measures taken to ensure that persons with disabilities have access to affordable, accessible and high-quality health services, including primary health care and preventive health screenings;

(b) Measures taken to monitor and address the ongoing effects of the nuclear testing programme conducted by the United States from 1946 to 1958 on the health of persons

with disabilities, in particular on the sexual and reproductive health of women and girls with disabilities;

(c) Measures taken and the time frame established for the development of community-based mental health support.

#### **Habilitation and rehabilitation (art. 26)**

29. Please inform the Committee whether there are any strategies in place to address the lack of allied health-care professionals and develop the capacity and skills of rehabilitation staff.

#### **Work and employment (art. 27)**

30. Please provide updated information on whether the Public Service Commission has established a data-collection method to obtain disaggregated employment data on persons with disabilities. Please indicate whether young people with disabilities and women with disabilities have benefited from any employment-related projects, including the Kora in Kil Fund.

#### **Adequate standard of living and social protection (art. 28)**

31. Please clarify whether the lack of a mechanism to formally recognize a person as having a disability affects eligibility to register for and receive entitlements under the Senior Citizens Act 2018. Please provide information on measures taken to support persons with disabilities who are ineligible for the disability benefit.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

32. Please provide an update on initiatives to ensure the inclusion of children with disabilities in all sporting, cultural and summer events.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

33. Please indicate:

(a) Whether the planned Household Income and Expenditure Survey and National Census have been conducted and whether data have been collected, analyzed and disseminated to all government ministries and to the public, in particular to organizations of persons with disabilities;

(b) The outcome of the work undertaken with the regional office in Fiji of the Office of the United Nations High Commissioner for Human Rights to pilot the National Human Rights Recommendations Tracking Database;

(c) Whether measures have been taken to improve the collection and dissemination of disaggregated data to ensure appropriate and relevant policy development, implementation and evaluation.

#### **International cooperation (art. 32)**

34. Please provide information on:

(a) Measures taken to ensure that all partnerships and programmes with donors and development organizations are disability-inclusive and in line with the standards enshrined in the Convention;

(b) Measures taken to ensure that organizations of persons with disabilities are closely consulted on and actively involved in the development of programmes and regional development strategies.

**National implementation and monitoring (art. 33)**

35. Please provide information on measures taken to design or establish an independent monitoring mechanism, with budgetary allocations and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor the implementation of the Convention.

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