

**PRNGO submission to the 10th session of the Universal Periodic Review Working Group, Geneva,
April/May 2015 (Final date to be confirmed).**

**2nd Review Submission – WUTMI (Women United Together Marshall Islands)
Republic of Marshall Islands.
September 2014**

I. Description of the methodology and the broad consultation process

On June 8 – 12, 2014, representatives from UN Human Rights/OHCHR Pacific, Pacific Islands Forum Secretariat (PIFS), Secretariat of the Pacific Community Regional Rights Resource Team (SPC RRRT) (Fiji Office), and UN Women conducted a UPR Information Training session in Majuro, Republic of Marshalls Islands. From this training, Women United Together Marshall Islands (WUTMI), undertook to support the process of formulating responses from the NGO sector. A timeline was agreed upon, with final submissions to be received by UN Human Rights/OHCHR Pacific no later than September 15 2014. On July 17, WUTMI convened a meeting of NGO's, with six NGO representatives in attendance. It was agreed that any NGO wishing to partner with WUMTI in a joint submission, have their first draft completed by 8 August.

One other NGO expressed a desire to partner in the Joint NGO submission. Two other NGOs opted to submit a joint report addressing a common issue between the two organizations. WUTMI is hopeful that others will submit their own issues for consideration.

WUTMI used a variety of methods to collect information. One of the prime methods used was to gather information and conduct meetings and interviews with stakeholders and with non-government institutions. Also through direct client feedback and experience in their years of operation since the last review, formal evaluation of projects and programs, and relevant data collection.

II. Background of Organizations

Women United Together Marshall Islands (WUTMI) is the leading nongovernmental, not for profit women's group RMI. WUTMI was established in 1987 to serve as the voice of women throughout the Marshall Islands. The primary goal of WUTMI is to support and strengthen Marshallese women, and, in doing so, to strengthen Marshallese families. WUTMI seeks to encourage and ensure activities that preserve and strengthen the values of traditional Marshallese culture as well as addressing the realities of modern life in the islands. The current area of focus is to prepare the younger generation of women to take their role in society as healthy mothers, educators, health professionals, leaders and businesswomen. Since the last review in 2010, WUTMI continued its focus on violence against women by completing the iBRAVE (Initiative for a Better Response Against Violence Everywhere) Project, 2010 – 2014. Through this Project, RMI has seen the introduction of the Domestic Violence Prevention and Protection Act 2011, and development of DV first response protocols for police, health and other services in RMI. Also iBRAVE conducted DV awareness sessions reaching some 1,600 recipients throughout six RMI Atolls and Islands.

WUTMI continues to provide other Programs that addresses the promotion of good parenting skills through Parents As Teachers (PAT), health awareness and legislation and policy reform through the HIV, STIs and TB programs, gender issues through the gender equality in leadership (GEL) project, and climate change and substance Abuse awareness.

One of WUMTI's major projects was the Family Health and Safety Survey completed in 2012. We are waiting for the report to be endorsed and released by the RMI Government, but that survey shows a growing prevalence of violence against women and girls in RMI.

Jo-Jikum is a youth based Environmental NGO that focuses on communication to eradicate the negative impacts on climate change. Considering the majority of the population is youths under the age of 14, our focus was to target the bulk of the population, the youth, who are also a major strategic goal listed in the RMI Climate Change policy. Since its early beginnings, our efforts were largely focused on creating awareness among the general populace through active dissemination of information through collaborative engagement. Jo-Jikum members rely on resourceful collaboration. Its members are both government and non government allowing a more wide pool of human resources enabling better access to local resources. As education in itself is communication, the primary focus of Jo-Jikum has been to improve the existing communication channels of climate change in the RMI empowering people to take a more active stance.

III. Institutional Framework for Protection of Human Rights of the Republic

1. Constitution sec. 12 a. 2 inclusion of "sex"-constitutional change

In 2013 the RMI Nitijela (Parliament) created a ConCon Committee to review the Constitution and to make recommendations on where or what Constitutional amendments are needed to be made. A report was made which recommends that a ConCon should be held; the report also made a number of proposals for possible amendments to the Constitution. The report is yet to be adopted by Nitijela.

Under the Constitution, there is a section on the Fundamental Rights and Freedoms of the Individuals. There is a definition of discrimination, but it does not specifically refer to disability. There is a need to include disability in the non discrimination provision of the constitution. Section 12 (2) of the Constitution of the Republic of the Marshall Islands states that "*no law and no executive or judicial action shall, either expressly or in its practical application, discriminate on any person on the basis of gender, race, color, religion, political or other opinion, national or social origin, place of birth or family status or descent*"¹. Sex is not included in the list of non discriminatory grounds.

Since the 2010 UPR report the NGO coalition urged the government of the Republic to revise its Constitution Section 12(2) for the inclusion of 'sex' and 'disabilities', which currently allows and enables discrimination against women based on sex, and against people living with disabilities. The Con-Con recommendations have been introduced to Parliament in 2013 but have since become idle.

Recommendation: WUTMI urges the government of the Republic of the Marshall Islands to review the Con-Con recommendations and ensure that 'sex' and 'disabilities' are included.

2. Gender Policy

In 2012 the Republic requested technical support from the Secretariat of the Pacific Community to develop the national gender policy. A national stakeholders meeting was held to begin the process and a working group was established to draft the seven sections of the policy; (1) women in leadership, political participation at all levels, (2) gender and education, (3) women and health access and rights, (4) access to sources of livelihoods, (5) women in business/financial empowerment, and (6) violence against women and girls. Because of the work WUTMI had been doing over 10 years on the prevention of violence against women, WUTMI was tasked to prepare the situational analysis for the violence against women and girls section of policy. NGOs representing

¹ Article II s12(2) Constitution Republic of the Marshall Islands

other women's groups, youth groups and the people living with disabilities groups were represented. All government ministries were involved in the drafting process as well.

However, the gender policy remains in its draft form since 2013. The gender policy will serve as a tool to conduct gender mainstreaming across all government offices, which has been tabled many times by government and regional support entities to the Republic.

Recommendation: WUTMI urges the government of the Republic to finalize and endorse the gender policy including awareness of the policy to gauge government ministries to implement the policy.

Recommendation: WUTMI urges the government of the Republic to conduct gender mainstreaming across all government ministries.

3. International and Regional Commitments

Since its commitment to the Convention on the Elimination of all Discrimination Against Women (CEDAW) and to the regional Beijing Platform for Action (+20) the Republic had never submitted a report on its progress towards these commitments until now. The CEDAW report is currently in its draft form while the Beijing +20 report has been submitted.

The CEDAW and Beijing +20 reporting process was inclusive. WUTMI applauds the government of the Marshall Islands for ensuring a comprehensive stakeholder consultation to ensure detailed and complete report on the various issues such as political engagement, economic empowerment, health and education, and environmental protection. However, the CEDAW report has yet to be completed and endorsed by the government.

The government hired a UN Volunteer to assist with the development and completion of the CEDAW report. However, the UN Vol contract ceased and is still being negotiated on for extension.

Recommendation: WUTMI urges the government of the Republic to finalize the CEDAW report and submit it immediately.

Recommendation: WUTMI urges the government of the Republic to take into account the information presented in these reports to promote and enhance programs in the Republic that protect and promote women's and young girls' rights.

IV. Promotion and Protection of Human Rights on the Ground

1. Violence against Women (VAW)

In 2010 WUTMI was awarded a grant from the United Nations Trust Fund to End Violence Against Women for a three-year project titled Initiative for a Better Response to Address Violence Everywhere (iBRAVE). Under the project WUTMI was able to (1) reach over 6,000 Marshallese in the urban areas and rural areas on the neighboring islands through its massive *Baamle Mokta* (family first) Campaign, (2) assisted with the drafting, stakeholder consultations and lobbied of the Domestic Violence Prevention and Protection Act (DVPPA), and (3) initiated and led the development of first responders protocols for the Public Safety Department and for Health Care Providers.

The initiation of the establishment of the DVPPA was a result of a woman who was brutally murdered by her husband in her own home in 2010. She was a Marshallese woman who had just received her Masters degree in

Education and was to start her teaching career at the College of the Marshall Islands. In reaction to this tragic event, the Government initiated the establishment of legislation to prevent and protect people from domestic violence. WUTMI was designated to work with the *Nitijela* Legal Counsel to draft the legislation and conduct community and stakeholder consultations on the draft legislation.

WUTMI assisted the development of first responder's protocols for law enforcement and for health care providers. Other law enforcement like that of Public Defenders, Prosecutors, Magistrates were not included in the process, however, it has been documented that this an area to focus on next.

As signatory to the CEDAW Convention, RMI has slowly increased its efforts to address violence against women. The passage of the Domestic Violence Prevention and Protection Act in 2011 was a real move forward. Following the passage of the Act the Ministry of Internal Affairs requested from UNDP a costing exercise to implement the Act. The exercise covered the needs, capacity and budget issues of certain government ministries to effectively implement their component of the Act.

The Ministry of Internal Affairs with assistance from WUTMI established a Technical Working group to ensure and follow the implementation of the Act. The group met twice. There is a slow implementation rate of the DVPPA with the endorsement of the Law Enforcement First Responders Protocols. The Ministry of Health has yet to finalize and endorse their first responder's protocol. However there are still no designated counseling services or safe houses for women and children escaping DV. The Act provides for a Domestic Violence Prevention and Protection Fund to be established with all fines imposed and collected, and funds appropriated by the *Nitijela* for the purpose of the Fund, or any grants and gifts received for the purpose of the fund to be deposited into the Fund. There is no money in this Fund as at August 2014.

The Act also requires that The Secretary of Internal Affairs shall be responsible for:

- (a) collection and maintaining data of reported domestic violence cases;
- (b) monitoring, evaluating and providing surveillance to domestic violence cases;
- (c) reporting and providing necessary activities relating to domestic violence cases.

To date none of this has been achieved.

Recommendation: WUTMI urges the RMI government to allocate budget for the specific Ministries to implement the DVPPA and most importantly to allow collection, analysis and dissemination of data as an essential component for measuring the progress of anti-violence initiatives, developing effective strategies for the Ministries to effectively implement the DVPPA.

Recommendation: WUTMI urges the government to finalize and implement appropriate first responder's protocols to effectively address violence against women and girls.

2. Human Immunodeficiency Virus and Sexually Transmitted Infections

The Ministry Health with support from WUTMI established the National Advisory Committee for HIV, STIs and TB (NAC) in 2011, and further designated WUTMI as the Secretariat for the NAC. The NAC is responsible for ensuring the development of national plans to address HIV, STIs and TB, ensure that programs are aligned with the national plan and budgets are fixed accordingly, and for legislative reform to protect people living with and affected by HIV, STIs and TB.

In 2011 at the commencement of the development of the national strategic plan for HIV and STIs policies and legislations were highlighted for the lack of support and confidentiality for people living with HIV. In particular the Public Service Commission regulations states under Part XI section 79 (1) *“Before a person is appointed to the public service or engaged under a special contract under these regulations, he or she must submit to the Public Service Commission a health certificate indicating that he or she does not have: (a) HIV/Aids; (b) TB; or (c) a contagious or communicable disease as notified by the Secretary of Health.”* It further states that *“If a person does not provide a clear health certificate the Commission shall determine whether it would be in the best interests of the Republic to hire the prospective candidate...”* This would violate the confidentiality between a physician and the patient, but most important discriminate against the prospective candidate from gaining employee because of her/his HIV status.

A review of HIV, Human Rights and the Law was conducted by the Regional Rights Resources Team in 2009. This reviewed existing legislation to identify its scope for protecting the human rights of those who are living with HIV or at risk of HIV. This review identified a number of inconsistencies between existing policies, legislation and practice related to the protection of human rights. Although the anti-discrimination protections of the Communicable Diseases Act are helpful, other aspects are likely to impede prevention of HIV and sexual health. Some provisions of the Communicable Diseases Act are inconsistent with a human rights based approach to prevention, treatment care and support. The review recommends strengthening the privacy and confidentiality provisions.

The RRRT review also suggests that Government and the private sector should develop a code of practice on HIV in the workplace which protects people from stigma and encourages information, education, access to services and confidentiality.

There is policy within the Ministry of Health to respect the confidentiality of clients. However, there is not yet any law to protect people who are positive. There is no legal framework for ethical human research – which means that there are no laws to protect and ensure that ethical research occurs.

HIV and STIs understanding is limited, and many people react with fear and alarm if they hear that someone is living with HIV in their community. Several recent surveys measured stigma and discrimination, revealing that 70% of young men and 50% of young women believe that the names of people with HIV should be made public, and 75% agree that people with HIV should live away from the community. In contrast to these negative attitudes, approximately 70% said that they would care for a family member living with HIV in their homes, although 60% also said that they would want their family member’s status to remain secret. This suggests that fear and lack of knowledge compete with strong traditional and cultural commitments to family, and that increased knowledge could make major strides against stigma and discrimination. There is a need to strengthen understanding and awareness of the rights of people living with HIV and those who are at risk of HIV across the whole community.

Recommendation: WUTMI urges the government of the Republic to conduct a comprehensive legislative and policy review and seek technical assistance, and follow this review to revise legislation or develop new legislation to ensure the full extent of protection of the rights of people living with HIV.

Recommendation: WUTMI urges the government of the Republic to integrate HIV and sexual reproductive health into school curriculum.

Recommendation: WUTMI urges the government of the Republic to allocate funds to civil society organizations to address HIV and STIs at the community level and to support programs for targeted groups that are best reached by non-government organizations.

3. Climate Change

The Marshall Islands are at the forefront of detrimental effects of climate change and accelerated sea level rise. The people of the Marshall Islands experience real threats of increased droughts, fresh water shortages, sanitation problems, food security, coastal erosion, increased salinity of fresh water lenses, and above all, our sinking islands. It is a clear and present danger to the entire population and clear threat of the Marshallese peoples human rights.

The consequence of these impacts will be severe for the Marshall Islands communities that depend highly on fish, water from the underground lenses, and agriculture for their livelihood. The impacts of climate change pose a fundamental threat to the rights to development, enjoyment of economic, social and cultural rights, rights to adequate food, housing, adequate standard of living and improvement of living conditions, and the highest attainable standard of physical and mental health. The government continuously raises, at the Regional and International levels, Marshall Islands concern that when the situation comes to its worst, the people would have no choice but to be relocated. This outcome would threaten property ownership, cultural rights and identity. Women and children would be most vulnerable to climate change when the sources of their livelihood are depleted and their rights are under threat. This is because they have limited adaptive capacities due to prevailing social inequalities and ascribed roles. As primary care-givers, women may see their responsibilities increase as the family's health is affected by the diseases caused as impacts of climate change, such as water borne diseases. This would lead to effects on the women's own health.

The effects of the financial hardship in the outer atolls can be seen in every aspect of outer atoll life. Women experience financial hardship and have larger workloads as a result of women's increasing participation in income generating activities as well as their continued involvement in household tasks such as cleaning, gathering and preparing meals. There is less land area in some parts of atolls due to erosion, and increasing the handicraft industry has begun to lead toward over-exploitation of land and sea resources. Marketing of handicrafts is a system that entails a number of elements and factors that need to be in place and be operational. The unique elements call for good awareness and identification of needs and resources, and their impact on each other; competency and commitment to plan well and implement plans effectively; ongoing monitoring and willingness to learn from and improve upon experiences – good and bad.

The RMI government has taken some steps to develop policies and action plans to adapt, mitigate and build resiliency of climate change. In 2011 RMI developed a Climate Change Policy focused on adaptation to develop necessary *“security measures that respond to the needs of the RMI, and foster an environment in which the RMI can be better prepared to manage current climate variability and future climate projections. It contributes to the Marshallese people's achievement of their sustainable development goals outlined in their “Vision 2018”.* “ Other plans include agency policies and plans like that of the Energy Policy and Action Plan, the RMI Disaster Risk Management National Action Plan 2008-2018, the RMI Climate Change Roadmap 2010 that are consistent with the Pacific Islands Framework for Action on Climate Change (PIFACC) 2006-2015 and the Pacific Regional Environment Program Strategic Plan 2011-2015. In 2013 a Joint National Action Plan was developed integrating climate change and disaster risk reduction. However, with these plans there is minimal progress in the implementation of these plans. There is little awareness of these plans for implementers like

that of government employees tasked to implement climate change and disaster risk reduction related programs and projects including non-government organizations that also have projects addressing these two issues.

Jo-Jikum recommends that government communication within its internal structure improves. The easiest way to do that is to create a situation and system that forces people to work together, forcing awareness through active participation. As Jo-Jikum itself is a resource poor NGO, we have created a structure that allows for easy communication and collaboration allowing easier access to resources. It is a living structure often adapted to fit the needs of the time, something we believe must also be applied to the national context specifically the Government. As we are very limited in our resources, we work with our existing capacity and have centered our efforts on active communication by creating situations and projects that allow for easy information flow thus enabling greater access to resources and creating an environment of positive engagement.

At the 2013 Pacific Islands Forum Leaders meeting in the Marshall Islands the Majuro Declaration was established. The Marshall Islands has introduced the Majuro Declaration at the UN and continue to garner support from countries to commit to reducing their emissions and use alternate forms of energy. An entire population depends on these kinds of commitments to ensure the rights of people in small islands states like that of the RMI are protected. Their land, food, water, heritage is safeguarded.

Recommendation: NGO coalition urges the government of the Republic to improve information and communication systems as communication is education and awareness is key.

Recommendation: NGO coalition urges the government of the Republic to conduct a review of all action plans and strategies developed consolidate them and produce a common plan and strategy for all to utilize.

Recommendation: NGO coalition urges the government of the Republic to continue to raise our concerns at the international level and call upon countries to commit to the Majuro Declaration.

Overall recommendation: NGO coalition urges the government of the Republic to allocate resources and provide support to non-government organizations to promote, implement, and support the government in ensuring the protection of human rights in the Marshall Islands.