



---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-sixth session**  
4–15 May 2020

## **Compilation on the Marshall Islands**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The Committee on the Rights of the Child recommended that the Marshall Islands consider ratifying the core human rights instruments to which it was not yet a party, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on a communications procedure. It also urged the Marshall Islands to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Minimum Age Convention, 1973 (No. 138), of the International Labour Organization (ILO), the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and the ILO Domestic Workers Convention, 2011 (No. 189).<sup>3</sup>

3. The Committee on the Elimination of Discrimination against Women encouraged the Marshall Islands to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it was not yet a party.<sup>4</sup>

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended ratifying the Convention against Discrimination in Education and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, as a means to promote access to and participation in creative expressions and thereby contribute to implementing the right to take part in cultural life.<sup>5</sup>



5. UNESCO recommended that the Marshall Islands regularly submit comprehensive national reports to the periodic consultations on the education-related standard-setting instruments of UNESCO, in particular on the recommendation against discrimination in education.<sup>6</sup>

### **III. National human rights framework<sup>7</sup>**

6. The Committee on the Rights of the Child recalled its previous recommendation that the Marshall Islands expeditiously establish an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including a specific mechanism for monitoring children's rights that was able to receive, investigate and address complaints by children in a child-sensitive and confidential manner, and ensure that such a monitoring mechanism was allocated sufficient human, technical and financial resources.<sup>8</sup> The Committee on the Elimination of Discrimination against Women noted with concern that the Marshall Islands had not yet established an independent national human rights institution with a broad mandate to promote and protect women's rights in accordance with the Paris Principles and recommended that it establish one, within a clear time frame and with a broad mandate to promote and protect human rights, including women's rights, and gender equality.<sup>9</sup>

7. The Committee on the Rights of the Child recommended that the Marshall Islands strengthen its national mechanism for reporting and follow-up, the Human Rights Committee of the Marshall Islands, as a standing government structure that was mandated to coordinate and prepare reports to and to engage with international and regional human rights mechanisms and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasized that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.<sup>10</sup>

8. The Committee on the Elimination of Discrimination against Women was concerned that most provisions of the Convention on the Elimination of All Forms of Discrimination against Women had not yet been fully incorporated into the national law of the Marshall Islands. It noted with concern that, under the Constitution, Marshallese custom (*manit*) had primacy over the Bill of Rights, which might perpetuate customary practices and traditions that were discriminatory towards women and girls. The Committee recommended that the Marshall Islands fully incorporate the provisions of the Convention into its national law.<sup>11</sup>

9. The Committee on the Rights of the Child recommended that the Marshall Islands expeditiously improve its data-collection system, ensuring that data were disaggregated by relevant factors, ensure that data and indicators were shared among relevant ministries and take into account the conceptual and methodological framework set out in the guidelines of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation*.<sup>12</sup>

10. The Committee on the Elimination of Discrimination against Women was concerned about the lack of statistical data, disaggregated by relevant factors, which were necessary for accurately assessing the situation of women, determining the magnitude and nature of discrimination, making informed and targeted policies and systematically monitoring and evaluating progress achieved towards the realization of substantive equality between women and men. The Committee was also concerned about the general lack of statistical data on gender-based violence against women, including domestic violence, disaggregated by age and relationship between the victim and the perpetrator. It called upon the Marshall Islands to develop an indicator system on gender-related issues to improve the collection of data, encouraged the Marshall Islands to seek technical assistance from the relevant United Nations agencies and recommended strengthening the systematic collection of statistical data on gender-based violence against women, including domestic violence, disaggregated by age and relationship between the victim and the perpetrator.<sup>13</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **1. Equality and non-discrimination<sup>14</sup>**

11. The Committee on the Elimination of Discrimination against Women noted that the Marshall Islands had been undertaking a review of its legislation in order to adopt a stand-alone anti-discrimination bill by 2019, but it remained concerned about the absence of a comprehensive definition of discrimination against women in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee recommended that the Marshall Islands adopt, without delay, a comprehensive definition of discrimination against women in national legislation, covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, including intersecting forms of discrimination against women, and ensure that, along with the prohibition of discrimination, the anti-discrimination bill provided for the appropriate enforcement mechanisms and sanctions.<sup>15</sup>

12. While noting that the Constitution and legislation provided for protection from discrimination on several grounds, the Committee on the Rights of the Child recommended that the Marshall Islands take prompt measures to end de facto discrimination against all groups of marginalized and vulnerable children, particularly girls, children living in disadvantaged urban communities and on the outer islands, children living with HIV/AIDS and children with disabilities, including through targeted programmes and by ensuring equal access to all public services, in particular to adequate food, water, sanitation, high-quality education, adequate health care and housing.<sup>16</sup>

#### **2. Development, the environment, and business and human rights<sup>17</sup>**

13. The Committee on the Elimination of Discrimination against Women called for the realization of substantive gender equality throughout the process of implementation of the 2030 Agenda for Sustainable Development.<sup>18</sup>

14. The same Committee noted with concern the disproportionate impact of climate change, drought, rising sea levels and other weather-related disasters on women and girls in the Marshall Islands. The Committee recommended that the Marshall Islands seek international cooperation and assistance and develop a comprehensive plan of action with set targets and benchmarks to implement the recommendations made in 2012 by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.<sup>19</sup>

15. The Committee on the Rights of the Child was concerned about the insufficient incorporation of climate change adaptation and disaster risk reduction into school curricula, the lack of a comprehensive disaster-sensitive social protection system, the insufficient inclusion of the special needs of children, including children with disabilities, in planning disaster risk reduction, preparedness, response and recovery and the inadequate number of and access to evacuation centres, particularly in the outer islands. The Committee recommended that the Marshall Islands effectively implement the joint national action plan for climate change adaptation and disaster risk management, 2014–2018, and the national climate change policy framework, develop a comprehensive disaster-sensitive social protection system, increase the number of evacuation centres and ensure that they were accessible to all children, especially children with disabilities and those living on the outer islands.<sup>20</sup>

16. The United Nations High Commissioner for Human Rights noted the engagement of the Marshall Islands in leading the global call for climate action and climate justice and called upon the international community to increase the provision of resources and technical support to South Pacific countries, and all small island States, for mitigation, adaptation and prevention.<sup>21</sup> At the Climate Vulnerable Forum, the High Commissioner again noted the

engagement of the Marshall Islands and that, as Chair of the Forum, it had called for greater climate ambition.<sup>22</sup>

17. The Committee on the Elimination of Discrimination against Women recalled that the effects of the nuclear testing programme conducted by the United States of America from 1946 to 1958 continued to pose severe environmental and health problems in the Marshall Islands. The Committee was concerned about the lack of information on a comprehensive strategy to engage with the United States to address the issues of environmental damage and intergenerational health impacts, in particular on Marshallese women and girls, who disproportionately suffered from thyroid and other cancers, as well as other reproductive health problems that were a cause of the large number of stillbirths and congenital birth defects in the Marshall Islands. It urged the Marshall Islands to develop a comprehensive engagement strategy on the effects of the nuclear testing programme for seeking technical and financial assistance from the international community and the United Nations system, in particular from the United States, in order to address the continuing effects of the nuclear testing programme on the environment, health and livelihood of the Marshallese people, in particular women and girls, and to replenish the nuclear trust fund.<sup>23</sup>

18. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, the Committee on the Rights of the Child recommended that the Marshall Islands establish a legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from its territory and establish mechanisms for the investigation and redress of violations of children's rights. The Committee also recommended that the Marshall Islands require companies to undertake child rights impact assessments and consultations and make a full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts.<sup>24</sup>

## **B. Civil and political rights**

### **1. Administration of justice, including impunity, and the rule of law<sup>25</sup>**

19. The Committee on the Rights of the Child urged the Marshall Islands to bring its juvenile justice system fully into line with the Convention on the Rights of the Child and other relevant standards. The Committee recommended that the Marshall Islands amend section 107 of the Criminal Code to raise the minimum age of criminal responsibility in accordance with acceptable international standards, including for the crimes of murder and rape, and the Juvenile Procedures Act 1966 to ensure that no child between 16 and 18 years of age was treated as an adult. It also recommended that the Marshall Islands designate specialized judges for children, ensuring that such judges and all relevant support staff, including prosecutors and social workers working with and for children, received appropriate training, ensure the provision of free, qualified and independent legal aid to children in conflict with the law at an early stage of and throughout the legal proceedings, promote non-judicial measures in the case of children in conflict with the law, ensure that detention was used as a measure of last resort and for the shortest possible period of time and, in cases where detention was unavoidable, ensure that the children were not detained together with adults and that detention conditions were compliant with international standards, including with regard to access to education and health-care services.<sup>26</sup>

20. The Committee on the Elimination of Discrimination against Women, noting the efforts of the Marshall Islands to ensure access to justice for women and girls through the use of mobile courts of law in the outer islands, remained concerned that women continued to face physical barriers in gaining access to courts owing to the topography of the Marshall Islands. The Committee was also concerned about the limited awareness among women and girls of their rights. The Committee recommended that the Marshall Islands intensify efforts to address the physical and economic barriers that impeded access for women to justice, in particular with regard to women in the outer islands, strengthen the judicial system, including through the allocation of sufficient human, technical and financial resources and through systematic capacity-building on women's rights and gender equality for judges, prosecutors,

lawyers, police officers and other law enforcement officials on the strict application of legislation criminalizing gender-based violence and the judicial process relating to victims, and raise awareness to eliminate the stigmatization of women who claimed their rights.<sup>27</sup>

## **2. Fundamental freedoms and the right to participate in public and political life<sup>28</sup>**

21. UNESCO noted that defamation was considered a criminal offence and was punishable by up to six months' imprisonment. It recommended that the Marshall Islands decriminalize defamation and place it within the Civil Code, in accordance with international standards.<sup>29</sup>

22. UNESCO noted that there was no freedom of information law in the country. It recommended that the Marshall Islands begin working to introduce a freedom of information act in line with international standards.<sup>30</sup>

23. UNESCO recommended that the Marshall Islands assess the system of supervision of the broadcasting sector in order to ensure that that process was transparent and independent.<sup>31</sup>

24. UNESCO noted that, as a State party to both the Convention for the Protection of the World Cultural and Natural Heritage and the Convention for the Safeguarding of the Intangible Cultural Heritage, the Marshall Islands was encouraged to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions. UNESCO encouraged giving due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society and vulnerable groups, including minority groups, indigenous peoples, migrants, refugees, young people and persons with disabilities, and to ensure that equal opportunities were given to women and girls to address gender disparities.<sup>32</sup>

## **3. Prohibition of all forms of slavery<sup>33</sup>**

25. The Committee on the Elimination of Discrimination against Women was concerned that the Marshall Islands remained a source and destination country for trafficking in persons for sexual exploitation and forced prostitution, including on foreign fishing vessels and in onshore establishments patronized by crew members of vessels, that pregnant women continued to be trafficked abroad, mainly to the United States, and were compelled to give up their children for adoption, that there was no comprehensive policy for addressing the problems faced by women and girls who were victims of trafficking and that there was a lack of information on available shelters for victims of trafficking, on efforts to combat the exploitation of prostitution or on exit and reintegration programmes for women who wished to leave prostitution. The Committee recommended that the Marshall Islands strictly enforce its legislation on trafficking in persons by adopting a comprehensive national action plan and expedite the adoption of the standard operating procedures for law enforcement and the review of immigration policies.<sup>34</sup>

26. The Committee on the Rights of the Child remained seriously concerned about the high number of girls, particularly from East Asian countries, who were subjected to domestic servitude and commercial sexual exploitation, including for sex tourism. The Committee urged the Marshall Islands to ensure that legislation relating to trafficking and exploitation of children was enforced and that the perpetrators of such crimes were brought to justice and punished, to strengthen the capacity of the national task force on trafficking in persons, to establish mechanisms, procedures and guidelines to ensure the mandatory reporting of cases of child trafficking and exploitation, to strengthen awareness-raising activities, to establish an effective complaint mechanism and protective mechanisms and services, to address and respond to the health, legal and psychosocial needs of child victims of those practices, to ensure the development of programmes and policies for the recovery and social reintegration of child victims and to improve access to data, disaggregated by relevant factors, on victims of trafficking and exploitation.<sup>35</sup>

## **4. Right to family life<sup>36</sup>**

27. The Committee on the Elimination of Discrimination against Women was concerned that, under section 434 of the Births, Deaths and Marriage Registration (Amendment) Act, customary marriages were exempt from the minimum age requirement of 18 years. It was

also concerned that most women and girls were forced to enter into customary marriages, especially when they were pregnant, and that there were negative stereotypes and social perceptions which discouraged women from seeking child support. The Committee recommended that the Marshall Islands amend section 434 of the Act to remove the exemption, ensure the strict application of the minimum marriage age, combat local customs that compelled women and girls to enter into customary marriages when they were pregnant, review the Domestic Relations Act by abolishing the fault-based divorce regime and the “defence of forgiveness” and ensure that the Act did not perpetuate customary practices that were discriminatory towards women and girls.<sup>37</sup> Concerned about the prevalence of customary child marriages, which particularly affect girls in the outer islands, the Committee on the Rights of the Child also urged the Marshall Islands to prevent that practice, including by strengthening its awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls.<sup>38</sup>

## C. Economic, social and cultural rights

### 1. Right to an adequate standard of living<sup>39</sup>

28. The Committee on the Rights of the Child recommended that the Marshall Islands consider holding targeted consultations with families and children, including those in vulnerable situations, and with civil society organizations, with a view to strengthening the strategies and measures for reducing child poverty, strengthen the support available to children living in poverty, in particular those in single-parent families, families with three or more children and families with children with disabilities, ensure that social protection measures covered the real costs of a decent standard of living for children, including expenses relevant to their right to health, a nutritious diet, education, adequate housing, water and sanitation, take immediate steps to guarantee access to clean water and sanitation for all children and ensure that sanitation facilities were reviewed and improved.<sup>40</sup>

### 2. Right to health<sup>41</sup>

29. The Committee on the Elimination of Discrimination against Women noted with concern the heavy impact of the nuclear testing programme, with more women than men dying from the effects of radiation. It also noted that women from at least four affected atolls still suffered from the effects of nuclear testing, which had had a severe impact on their sexual and reproductive health, given that radiation was a cause of the high rates of miscarriage, irregular menstrual cycles and severe birth defects. The Committee recommended that the Marshall Islands expand its national cancer prevention programme to address the effects of nuclear testing, which had had a disproportionate impact on women’s health, and ensure that the health sector was adequately funded.<sup>42</sup>

30. While welcoming the steady decline, since 1990, of the mortality rates among newborns, infants and children under 5 years of age, the Committee on the Rights of the Child recommended that the Marshall Islands reduce child mortality by improving access to and use of health-care, nutrition, water, sanitation and hygiene services, especially in the outer islands, scale up immunization, particularly in the outer islands, strengthen its efforts to improve access to basic health-care services for all children, particularly in the outer islands, and provide mobile health-care teams with more resources so that they were more frequently available and reached a wider population.<sup>43</sup>

31. The same Committee was concerned about the high rate of early pregnancy and sexually transmitted infections among adolescents, the lack of comprehensive age-appropriate sex education in school curricula and the criminalization of abortion.<sup>44</sup> The Committee on the Elimination of Discrimination against Women also noted with concern that the early pregnancy rate among adolescents in the Marshall Islands remained one of the highest in the Pacific region.<sup>45</sup> The Committee on the Rights of the Child recommended that the Marshall Islands adopt a new comprehensive sexual and reproductive health policy for adolescents that paid attention to all aspects of prevention, in particular of sexually transmitted infections, including HIV/AIDS, and of early pregnancy.<sup>46</sup> The Committee on the Elimination of Discrimination against Women also recommended that the Marshall Islands

take measures to address the prevalence of sexually transmitted infections and early pregnancy among adolescents, fully implement the strategy for the prevention of pregnancy among adolescents and ensure that comprehensive, age-appropriate education on sexuality and reproductive health and rights was systematically integrated into family health education curricula.<sup>47</sup> UNESCO recommended that the Marshall Islands ensure that comprehensive age-appropriate sex and reproductive education was included in the mandatory curricula.<sup>48</sup>

32. The Committee on the Elimination of Discrimination against Women was concerned about the limited grounds for legal abortion, which was only permissible in cases in which the termination of a pregnancy was considered a medical emergency. The Committee recommended that the Marshall Islands introduce legislation on access to abortion to legalize abortion in cases of rape, incest, risk to the physical or mental health or the life of the pregnant woman or severe impairment of the fetus and ensure that abortion was decriminalized in all other cases.<sup>49</sup> The Committee on the Rights of the Child had similar concerns and made similar recommendations.<sup>50</sup>

33. The same Committee recommended that the Marshall Islands strengthen both the quality and the availability of mental health-care services and programmes for children.<sup>51</sup>

### 3. Right to education<sup>52</sup>

34. UNESCO noted that, during the previous universal periodic review cycle, it was recommended that the Marshall Islands promote the realization of the right to education for all in an inclusive and non-discriminatory way, continue efforts to reduce non-attendance in school and the school dropout rate, promote human rights education and seek technical assistance to implement a national training programme for judges, lawyers, civil society groups and schoolchildren. UNESCO observed that the education laws did not guarantee free education and that the Public School System Act provided that only elementary level education was compulsory.<sup>53</sup> UNESCO recommended that the Marshall Islands guarantee in law 12 years of free education, with a minimum of 9 years of compulsory education and at least 1 year of free and compulsory pre-primary education, in line with the Education 2030 Framework for Action, ensuring that indirect costs did not have a negative impact on the full realization of the right to education, particularly for vulnerable groups.<sup>54</sup>

35. The Committee on the Rights of the Child was concerned about the negative impact of the indirect costs of education on access for children to education, especially for children living in poverty, the low enrolment rates at the pre-primary, primary and secondary levels of education, the high dropout rates at all levels of education, owing, among other things, to child marriage, pregnancy among girls and child labour, and the insufficient measures taken to facilitate access to education for children in situations of vulnerability, in particular those living on the outer islands. The Committee recommended that the Marshall Islands effectively implement the Public School System Act and the public school system strategic plan for implementing the Child Rights Protection Act, expeditiously adopt the new child protection policy, develop and promote high-quality vocational training to enhance the skills of children and young people, especially those who have dropped out of school, take measures to ensure equal access to high-quality education in all areas, particularly in the outer islands, including by establishing more boarding facilities for students, especially girls and children with disabilities, and allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development.<sup>55</sup>

36. UNESCO also recommended increasing efforts to ensure school retention and enrolment, notably by strengthening measures to combat child marriage, pregnancy among girls and child labour, and reinforcing the effectiveness of the strategy for the prevention of pregnancy among adolescents in order to guarantee the right to education of pregnant and parenting girls in both public and private educational institutions. UNESCO recommended eliminating all discriminatory gender stereotypes in textbooks and taking measures to remove barriers to the enrolment of girls in non-traditional fields of education.<sup>56</sup> The Committee on the Rights of the Child also recommended that the Marshall Islands ensure that pregnant teenagers and adolescent mothers were supported and assisted in continuing their education in mainstream schools.<sup>57</sup> UNESCO recommended that the Marshall Islands guarantee that

persons with disabilities have the right to inclusive education in mainstream schools and were provided with the support that they required.<sup>58</sup>

37. The Committee on the Elimination of Discrimination against Women noted with concern the high dropout rate among adolescent girls at the secondary level of education, which was often due to early pregnancy, that women and girls in the outer islands faced physical barriers in gaining access to educational materials and that textbooks had not been revised to remove discriminatory gender stereotypes.<sup>59</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>60</sup>**

38. The Committee on the Elimination of Discrimination against Women welcomed the legislative and policy measures to combat violence against women taken by Marshall Islands. However, it noted with concern the high prevalence of gender-based violence against women, in particular domestic and sexual violence, which remained culturally accepted and underreported, the lack of statistical data on gender-based violence against women, including domestic violence, and the lack of shelters and support services for women who were victims of gender-based violence. The Committee recommended that the Marshall Islands give high priority to the implementation of the Domestic Violence Prevention and Protection Act and the amended Criminal Code to ensure that perpetrators of gender-based violence were prosecuted and adequately punished. In that context, it recommended that the Marshall Islands take appropriate legislative measures to harmonize the penalties for crimes involving gender-based violence against women and girls in the Act and the amended Code and ensure that women and girls who were victims of violence, including domestic violence, had access to shelters and adequate support services.<sup>61</sup>

39. The same Committee was concerned about the entrenched patriarchal attitudes and the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society in the Marshall Islands. The Committee recalled that such discriminatory stereotypes were also among the root causes of gender-based violence against women. It recommended that the Marshall Islands put into place, without delay, a comprehensive strategy to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society.<sup>62</sup>

40. The same Committee commended the Marshall Islands on the adoption, in 2014, of a gender mainstreaming policy and the establishment of the committee for the implementation of the national strategic plan and the Sustainable Development Goals, which, among other things, identified goals and targets to monitor and enhance substantive equality between women and men in the Marshall Islands. It remained concerned that the Gender and Development Office, the national machinery for the advancement of women in the Marshall Islands, still lacked adequate human, technical and financial resources. The Committee recommended that the Marshall Islands allocate adequate human, technical and financial resources to the Office, appoint, without delay, gender focal points to monitor the implementation of the gender mainstreaming policy across ministries and government departments and ensure that they had clear mandates to effectively coordinate policies and programmes on women's rights.<sup>63</sup>

41. The same Committee noted with concern the absence of a comprehensive strategy for adopting and implementing temporary special measures. It recommended that the Marshall Islands adopt temporary special measures to achieve substantive equality between women and men and provide capacity-building for all relevant State officials, policymakers and members of political parties on the importance of temporary special measures, and the adoption thereof, to achieving substantive equality between women and men in all areas in which women were underrepresented or disadvantaged, including in political and public life, education, employment and health.<sup>64</sup>

42. The same Committee remained concerned that women were still underrepresented at decision-making levels, including in local government and senior leadership positions in the civil service and labour market. It was particularly concerned that the proposal to reserve six

seats in the Nitijelā for women, which had been put before the constitutional convention in 2017, had not been adopted and that there was neither a system of quotas nor incentives to support the representation of women in appointed and elected positions, including at decision-making levels. The Committee recommended that the Marshall Islands introduce temporary special measures to ensure gender parity in appointed and elected positions and to achieve substantive equality between women and men in political and public life, including at decision-making levels.<sup>65</sup>

43. The same Committee noted with concern the lack of specific measures to enforce the principle of equal pay for work of equal value, in the light of the persisting gender pay gap in the Marshall Islands, and recommended that the Marshall Islands effectively enforce the principle of equal pay for work of equal value in order to narrow and close the gender pay gap and ensure that its provisions on sexual harassment and maternity leave complied with the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the ILO Maternity Protection Convention, 2000 (No. 183).<sup>66</sup>

## 2. Children<sup>67</sup>

44. The Committee on the Rights of the Child drew the attention of the Marshall Islands to its recommendations with respect to urgent measures that must be taken on violence against children, in particular corporal punishment, children deprived of a family environment, adolescent health, the impact of climate change on the rights of the child, education and trafficking and sexual exploitation.<sup>68</sup>

45. Taking note of target 16.2 of the Sustainable Development Goals, to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the same Committee recommended that the Marshall Islands effectively implement the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act, increase the penalties provided for under the Domestic Violence Prevention and Protection Act and ensure that reported cases of violence against and the abuse and neglect of children were adequately investigated and that the perpetrators were brought to justice.<sup>69</sup>

46. The same Committee remained concerned that, despite recent law reforms, corporal punishment continued to be widely practised and accepted in society as means of disciplining children and was not explicitly prohibited in the home and in alternative care and day-care settings. It urged the Marshall Islands to amend the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act to explicitly prohibit corporal punishment in all settings, to repeal article 3.08 of the Criminal Code, to establish mechanisms for reporting the use of corporal punishment in all settings and to conduct awareness-raising and training programmes on alternatives to corporal punishment.<sup>70</sup>

47. The same Committee recommended that the Marshall Islands continue its efforts to harmonize domestic law, including customary law, with the principles and provisions of the Convention on the Rights of the Child and take all measures necessary to effectively implement child-related legislation.<sup>71</sup> It encouraged the Marshall Islands to prepare and adopt a comprehensive national policy on children and develop a strategy for its implementation, which was supported by sufficient human, technical and financial resources.<sup>72</sup> The Committee further recommended that the Marshall Islands strengthen awareness and conduct systematic training on children's rights for professionals working with and for children, such as law enforcement officials, judges, lawyers, health-care personnel, teachers, school administrators, social workers and media professionals, as appropriate.<sup>73</sup>

48. The same Committee recommended that the Marshall Islands strengthen its efforts to implement early birth registration procedures and issue birth certificates, with particular focus on birth registration at the community level, and ensure birth registration for children born out of wedlock and for those born to adolescent mothers.<sup>74</sup>

49. The same Committee recommended that the Marshall Islands strengthen its legal framework and establish policy and minimum standards for monitoring family-based care for children and provide all necessary social welfare services and support to families and alternative care providers.<sup>75</sup>

50. The same Committee recommended that the Marshall Islands develop appropriate regulations for the vocational or professional training of children who had completed compulsory education and had not reached the age of 18, take the measures necessary to strengthen the capacity of labour inspection services in order to ensure the monitoring of child labour in the informal economy and to guarantee the protection afforded by the Convention on the Rights of the Child in that regard and put into place social programmes that targeted the elimination of child labour, especially its worst forms.<sup>76</sup>

### **3. Persons with disabilities<sup>77</sup>**

51. The Committee on the Rights of the Child recommended that the Marshall Islands amend section 12 of the Constitution to include disability as prohibited grounds for discrimination, in line with article 2 of the Convention on the Rights of the Child and proposal No. SC13 of the Constitutional Convention (Amendment) Act, and ensure the full enforcement of relevant existing laws prohibiting discrimination.<sup>78</sup>

52. The Committee on the Elimination of Discrimination against Women noted with concern the delay in the adoption of an implementation plan for the Rights of Persons with Disabilities Act and the absence of a time frame for adopting such a plan. The Committee recommended that the Marshall Islands adopt, without delay, such a plan, ensure that it included a gender perspective, and provide information in its next periodic report on the measures taken to ensure access to education, employment and health care for disadvantaged groups of women, such as single women, women heads of households, women with disabilities and older women.<sup>79</sup>

53. The Committee on the Rights of the Child recommended that the Marshall Islands adopt a human rights-based approach to disability and ensure the effective implementation of the Rights of Persons with Disabilities Act and the national policy on disability inclusive development, develop and support community campaigns and programmes to address discrimination and stigma against children with disabilities, give priority to measures that facilitated the full inclusion of children with disabilities, ensure access to all public buildings and public spaces and all service delivery and transportation in all areas, especially in the outer islands, guarantee that all children with disabilities, including children with intellectual and psychosocial disabilities, had the right to inclusive education in mainstream schools, independent of parental consent, and provide the necessary resources for families of children with disabilities.<sup>80</sup>

## Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Marshall Islands will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/MHIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/MHIndex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.1–75.36, 75.61–75.63 and 75.66.
- <sup>3</sup> CRC/C/MHL/CO/3-4, paras. 39–40, 42 and 43.
- <sup>4</sup> CEDAW/C/MHL/CO/1-3, para. 54.
- <sup>5</sup> UNESCO submission for the universal periodic review of Marshall Islands, p. 7.
- <sup>6</sup> *Ibid.*, pp. 1 and 4.
- <sup>7</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.37–75.38, 75.43–75.53, 75.58, 75.60 and 75.64.
- <sup>8</sup> CRC/C/MHL/CO/3-4, para. 10.
- <sup>9</sup> CEDAW/C/MHL/CO/1-3, paras. 16–17.
- <sup>10</sup> CRC/C/MHL/CO/3-4, para. 46.
- <sup>11</sup> CEDAW/C/MHL/CO/1-3, paras. 12–13.
- <sup>12</sup> CRC/C/MHL/CO/3-4, para. 9.
- <sup>13</sup> CEDAW/C/MHL/CO/1-3, paras. 24–25 and 48–49.
- <sup>14</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.41–75.42 and 75.93.
- <sup>15</sup> CEDAW/C/MHL/CO/1-3, paras. 10–11.
- <sup>16</sup> CRC/C/MHL/CO/3-4, para. 14.
- <sup>17</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.94, and 75.106–75.111.
- <sup>18</sup> CEDAW/C/MHL/CO/1-3, para. 51.
- <sup>19</sup> *Ibid.*, paras. 44–45. See also A/HRC/21/48/Add.1, sect. V.
- <sup>20</sup> CRC/C/MHL/CO/3-4, paras. 33–34.
- <sup>21</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24956&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24956&LangID=E). See also [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25408&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25408&LangID=E).
- <sup>22</sup> See <http://webtv.un.org/watch/climate-vulnerable-forum-%E2%80%93-press-briefing-23-september-2019/6088866218001/?term=>.
- <sup>23</sup> CEDAW/C/MHL/CO/1-3, paras. 8–9.
- <sup>24</sup> CRC/C/MHL/CO/3-4, para. 13.
- <sup>25</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.52–75.53, 75.58 and 75.81.
- <sup>26</sup> CRC/C/MHL/CO/3-4, para. 41.
- <sup>27</sup> CEDAW/C/MHL/CO/1-3, paras. 14–15.
- <sup>28</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.88–75.92.
- <sup>29</sup> UNESCO submission, pp. 2 and 6.
- <sup>30</sup> *Ibid.*
- <sup>31</sup> *Ibid.*, p. 6.
- <sup>32</sup> *Ibid.*, p. 7.
- <sup>33</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, para. 75.84.
- <sup>34</sup> CEDAW/C/MHL/CO/1-3, paras. 26–27.
- <sup>35</sup> CRC/C/MHL/CO/3-4, paras. 38–39.
- <sup>36</sup> For the relevant recommendation, see A/HRC/30/13 and Corr.1, para. 75.81.
- <sup>37</sup> CEDAW/C/MHL/CO/1-3, paras. 46–47.
- <sup>38</sup> CRC/C/MHL/CO/3-4, para. 21.
- <sup>39</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, para. 75.95.
- <sup>40</sup> CRC/C/MHL/CO/3-4, para. 35.
- <sup>41</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.65, and 75.97–75.100.
- <sup>42</sup> CEDAW/C/MHL/CO/1-3, paras. 36–37.
- <sup>43</sup> CRC/C/MHL/CO/3-4, para. 28.
- <sup>44</sup> *Ibid.*, para. 30.
- <sup>45</sup> CEDAW/C/MHL/CO/1-3, para. 32.
- <sup>46</sup> CRC/C/MHL/CO/3-4, para. 31.
- <sup>47</sup> CEDAW/C/MHL/CO/1-3, paras. 32–33 and 36–37.
- <sup>48</sup> UNESCO submission, p. 6.
- <sup>49</sup> CEDAW/C/MHL/CO/1-3, paras. 36–37.
- <sup>50</sup> CRC/C/MHL/CO/3-4, paras. 30–31.
- <sup>51</sup> *Ibid.*, para. 29.
- <sup>52</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.101–75.102.
- <sup>53</sup> UNESCO submission, pp. 2–4.
- <sup>54</sup> *Ibid.*, pp. 5–6.

- <sup>55</sup> CRC/C/MHL/CO/3-4, paras. 36–37.
- <sup>56</sup> UNESCO submission, p. 6.
- <sup>57</sup> CRC/C/MHL/CO/3-4, para. 37.
- <sup>58</sup> UNESCO submission, p. 6.
- <sup>59</sup> CEDAW/C/MHL/CO/1-3, paras. 32–33.
- <sup>60</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.39, 75.55–75.57, 75.67, 75.69–75.80 and 75.82–75.83.
- <sup>61</sup> CEDAW/C/MHL/CO/1-3, paras. 24–25.
- <sup>62</sup> *Ibid.*, paras. 22–23.
- <sup>63</sup> *Ibid.*, paras. 18–19.
- <sup>64</sup> *Ibid.*, paras. 20–21.
- <sup>65</sup> *Ibid.*, paras. 21 and 28–29.
- <sup>66</sup> *Ibid.*, paras. 34–35.
- <sup>67</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.40, 75.68, 75.81 and 75.85–75.87.
- <sup>68</sup> CRC/C/MHL/CO/3-4, para. 4.
- <sup>69</sup> *Ibid.*, para. 20.
- <sup>70</sup> *Ibid.*, paras. 18–19.
- <sup>71</sup> *Ibid.*, para. 5.
- <sup>72</sup> *Ibid.*, para. 6.
- <sup>73</sup> *Ibid.*, para. 11.
- <sup>74</sup> *Ibid.*, para. 17.
- <sup>75</sup> *Ibid.*, para. 25.
- <sup>76</sup> *Ibid.*, para. 40.
- <sup>77</sup> For relevant recommendations, see A/HRC/30/13 and Corr.1, paras. 75.54, 75.59 and 75.104–75.105.
- <sup>78</sup> CRC/C/MHL/CO/3-4, para. 14.
- <sup>79</sup> CEDAW/C/MHL/CO/1-3, paras. 42–43.
- <sup>80</sup> CRC/C/MHL/CO/3-4, para. 27.
-