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**Marshall Islands\***

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## Foreword

The Republic of the Marshall Islands is a small, quaint and un-heard of country by most of the world's population. Yet we are a strong, hardworking people. We are forever adapting to the changes of our climate, as the sea rises and our islands wash away. We are forever navigating the sea of diplomatic relations as our ancestors once navigated the Blue Pacific. We are forever rising to the challenges we face as a people, as a nation, as a whole.

This Common Core Document is a snapshot of our people, our place, and our current realities. We hope that it better explains to you the context of our nation at this moment so that you may better understand our efforts to further Human Rights initiatives. The Government of the Republic of the Marshall Islands (GRMI) values the work of the UN Human Rights Council and its Treaty Bodies in ensuring that every person, globally, is able to live with their fully realized rights in peace and harmony.

The GRMI sees this Common Core Document as an opportunity to begin conversations on context and reality so that, we can work towards the fulfillment of Human Rights of all persons in the Republic of the Marshall Islands, in the Pacific, and around the world.

Furthermore, the GRMI realizes that there is no way to numerate the spirit of Iakwe, of love, of welcome, of peace that our nation exudes. And so, if you ever are in the Pacific we invite you to experience the realities of our home for yourself.

## Abbreviations

CAT	Convention Against Torture, Cruel Degrading and Inhuman Treatment
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CERD	Convention on the Elimination of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DV	Domestic Violence
DVPPAA	Domestic Violence Prevention and Protection (Amendment) Act 2018
ECD	Early Childhood Development
EPPSO	Economic Policy, Planning and Statistics Office
FAA	Federal Aviation Administration
FDIC	(US) Federal Deposit Insurance Corporation
FY	Fiscal Year
GDP	Gross Domestic Product
GRMI	Government of the Republic of the Marshall Islands
HIV	Human Immunodeficiency Virus
HRC	(national) Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development
Iroij	Traditional Chief
JNAP	Joint National Action Plan
JSC	Judiciary Service Commissioner
KADA	Kwajalein Atoll Development Authority
LDC	Least Developed State
MDGs	Millennium Development Goals
MICNGOS	Marshall Islands Council of Non-Governmental Organizations
MICS	Marshall Islands Conservation Society
MIDPO	Marshall Islands Disabled Persons Organization
MOCIA	Ministry of Culture and Internal Affairs
MOHHS	Ministry of Health and Human Services
NCDs	Non-Communicable Diseases
NDC	Nationally Determined Contributions
Nitijelā	GRMI Parliament
NGO	Non-Governmental Organization
NOAA	(US) National Oceanic and Atmospheric Administration
NRTD	National Rights Tracking Database

NSP	National Strategic Plan
NTHT	National Taskforce on Human Trafficking
PIF	Pacific Island Forum
PIFS	Pacific Islands Forum Secretariat
P.L.	Public Law
PLGED	Pacific Leaders Gender Equality Declaration
PSS	Public Schools System
RMI	Republic of the Marshall Islands
RRRT	Regional Rights Resource Team (under SPC)
SDGs	Sustainable Development Goals
SDP	Social Development Program (under SPC)
SEG	Special Education Grant
SIDS	Small Island Developing State
SPC	Pacific Community (formerly Secretariat of the Pacific Community)
SRH	Sexual Reproductive Health
STIs	Sexually Transmitted Infections
TB	Tuberculosis
TRC	Traditional Rights Court
UDHR	Universal Declaration on Human Rights
UNICEF	United Nations Children’s Fund
UPR	Universal Periodic Review
US	United States of America
USD	United States Dollar
WAM	Waan Aelon in Majel (Canoes of the Marshall Islands) NGO
WUTMI	Women United Together Marshall Islands
YTYIH	Youth to Youth in Health

## I. General information about the reporting State

### Demographic, economic, social and cultural characteristics of the State

1. The Republic of the Marshall Islands (RMI) is made up of 29 low-lying coral atolls and five islands with a total area of 181 square kilometres located in the North Pacific, between 4 degrees and 14 degrees north and 160 degrees and 173 degrees east. The atolls and islands form two groups: the Ratak Chain and the Ralik Chain (meaning “sunrise” and “sunset” chains, respectively). Two-thirds of the nation’s population live on Majuro (the capital) and Ebeye. A majority of the islands’ land mass is at sea level.
2. In 1885, after a 25-year period of commercial contact with other nations through the copra trade, the Republic of the Marshall Islands formally became a protectorate of the German empire. The Germans were followed by the Japanese, who seized the islands from Germany in 1914. The Japanese administered the islands under a League of Nations mandate from 1920 to 1935, and were expelled by American forces during the Second World War.
3. The people of the Republic of the Marshall Islands are Micronesians descendants of seafarers from Southeast Asia who migrated to the islands 2,000 to 3,000 years ago. Since the first settlers arrived, the RMI has remained a highly homogeneous society. The 2011 census showed that of the total population of 53,158, 90% are Marshallese with the remaining 10 per cent being from the United States (U.S.), the Philippines, China, New Zealand, Australia, other Micronesian countries, Korea, and Fiji. From the total population, 27,243 are males and 25,915 females. Children aged 0 to 17 years comprise 46 per cent of the population. The annual population growth rate is only 0.4 per cent due to high rates of outmigration rather than a decline in fertility. See Annex A: Table 1. Resident Population by Gender, Annual Population Growth Rate and Natural Increase rate: 1920–2011.
4. Despite being under successive foreign control by Missionaries, Germany, Japan and the United States, the Marshallese people retain a strong sense of cultural identity. Marshallese continues to be the primary language of the country. The 2011 census documented a literacy rate of ninety-five (95) per cent in the Marshallese language.
5. In recent years, the RMI has had a very high growth rate. The first census, taken in 1920 under the Japanese administration, counted 9,800 people. At the next census, taken in 1935, the population numbered 10,628 individuals, indicating a very modest 6.6 per cent population increase over a period of 15 years. Since the late 1950s, however, the rate of population growth has increased rapidly. The most recent national census, in 2011, showed a population of 53,158 reflecting a .4 per cent increase since the 1999 census. See Annex A: Figure 1 Population of Marshall Islands: Census Figures 1920–2011.
6. The RMI population is young. Forty per (40) cent of the population is under the age of 15 years, and only two (2) per cent is 65 years of age or older. See Annex A: Table 2. Population by sex and age.
7. Each atoll consists of a ring of islets encircling a deep-water lagoon. The islets are interconnected and surrounded by a coral reef. None of these low-lying land areas has an elevation greater than ten (10) feet above sea level. The mean height of the land is about 7 feet above sea level.
8. The islands have a hot and humid climate. The average annual temperature is 81.6 degrees Fahrenheit with little seasonal variation. Trade winds from the north-east cool the high temperatures from December through March. The average annual rainfall varies from 70 inches in the north of the nation to 170 inches in the south. The wettest months of the year are October and November, and the months from December to April are generally drier.
9. The Republic of the Marshall Islands are not considered to be in the typhoon belt. Nevertheless, because the island groups are true atolls with low-lying reefs and land masses, they are easily flooded during storms and tidal surges. In 1958, a typhoon destroyed buildings and structures in the old capital at Jabor on Jaluit Atoll. In 1979 storm surges struck the most heavily populated areas of the capital Majuro Atoll over a two-week period, destroying hundreds of homes and causing several million dollars in damage. A series of other storm

surges and king tides causing inundations occurring at least twice a year beginning in 2008. There have been other significant destructive events including the 1997 typhoon Paka, and more recently typhoon Nangka in 2015.

10. Due to the geography and topography of the RMI, climate change poses a great threat to the islands. King tides and other natural weather occurrences impact the land, sea and lives of the Marshallese people.

11. The RMI has faced severe droughts recently in 2014 and 2016 which, had devastating crops, water supply and the health of the people particularly in the outer islands. At both times the President of the Republic of the Marshall Islands issued an emergency declaration leading to humanitarian assistances such as food and water distributions to people of the outer islands.

12. Kwajalein and Enewetak in the RMI were major battlefields of the American island-hopping campaign. At the end of the war, the United States assumed responsibility for administering the RMI under a United Nations Trusteeship. During this time, the RMI became testing ground for atomic and nuclear weapons. Between 1946 and 1958, the United States exploded 67 atomic and nuclear devices on Bikini and Enewetak Atolls, which have led to the temporary relocation of the Enewetak population, and a permanent relocation of the people of Bikini to other parts of the RMI. Kwajalein Atoll became and continues to be leased by the United States Army as a military strategic base.

13. The 2011 census also established certain indices of the health of the Marshallese people: the crude birth rate was 32.1 per 1,000; the crude death rate was 3.7 per 1,000; the infant mortality rate was 63 per 1,000; the total fertility rate was 4.1, a decline from the last census in 1999; the life expectancy at birth for men was 71.3 years and for women was 72.5 years, an increase since the 1999 census; and the population growth rate was 40 per cent.

14. The Marshallese custom is recognized and protected in the Constitution, specifically in relation to land tenure. However, as the social and economic context moves from a subsistence-based rural society to an urban, cash-based economy, traditional practices have eroded.

15. Traditionally, Marshallese live in extended matrilineal family groups of three or more generations. In 2011, the average household size was 6.8 people. Each person also belongs to his or her mother's *bwij*, or lineage, and has the right to use lineage land and other property. These lineage groups own the land in the Republic of the Marshall Islands. The government does not own land; however, land would be leased to government buildings and electrical lines and structures.

16. Marshallese society is also divided into two hereditary classes: the *Iroij*, the nobility, and the *Drijerbal*, the workers who are the *Kajur*, or strength of the *Iroij*. Both classes have clan rights to live and work on land. While the workers are expected to respect the nobles and pay them tribute from the fruits of their labour, the nobles are expected to assist their people in times of need and to resolve disputes.

17. The senior member of a royal clan is called an *Irojlaplap* or an *Iroij*. The senior member of a worker's lineage is called an *Alap* and is the spokesperson for his clan with the *Iroij*. If the *Alap* or the *Iroij* is a woman, she may elect to have a younger brother or a son speak for her, but she can exercise her rights directly if she so chooses.

18. As the Republic of the Marshall Islands has moved from a subsistence economy to a mixed cash/subsistence economy, the observance of the traditional social structure has diminished. Rather than living and working on the wife's land with her extended family, nuclear families migrate to Majuro and Ebeye (the urban centres) or aboard for cash jobs and other opportunities.

19. Most Marshallese, over 80 per cent of the population, are Christians.<sup>1</sup> The principal Protestant denomination, the United Church of Christ, includes 60 per cent of the population. This Church is the successor to the Congregationalists from New England and Hawaii who converted the islanders in the latter half of the nineteenth century. The Catholic Church is the

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<sup>1</sup> RMI 2011 Census.

next largest church with 20 per cent of the population. Other religious faiths present in the RMI include the Assembly of God, Seventh Day Adventists, Baptists, Baha'is, Mormons and Jehovah's Witnesses.

20. In the 50 years since the end of the Second World War, the Republic of the Marshall Islands has experienced both rapid urbanization and population growth. While somewhat more than 30 per cent of the population (16,900) lives in a semi-subsistence mode in the rural atolls and islands, almost 70 per cent of the population (39,400) resides in the two population centres of Majuro and Ebeye.

21. Majuro Atoll, the capital and most highly developed area in the nation and has several high schools, a community college, a 104-bed hospital and infrastructure that includes electricity, telecommunications, drinking water and sewage disposal. The atoll is 22 miles long. The widest islet measures about half a mile from ocean to lagoon.

22. As the national capital, Majuro is home to an expanding population. Majuro is the site of most public, commercial and industrial development. With a land area of 3.75 square miles, Majuro Atoll has a population density of 7,413 people per square mile. Over half of Majuro's residents, 14,649, are crowded into a "downtown" administrative and commercial centre of 0.51 square miles. The population density in this "downtown" area is 1,290 people per square mile. As most housing is single storey, these figures represent a high ratio of people to floor space.

23. Ebeye, a small island within Kwajalein Atoll, is the only other urban centre in the RMI. Ebeye has a population of more than 12,800 on 0.14 square miles of land – a population density of over 90,000 people per square mile. The urbanization of Ebeye commenced in the late 1940s with the development of Kwajalein Atoll as a logistical support centre for the United States Department of Defence. The population of Ebeye has continued to grow over the years as people continue to migrate from the outer islands to Ebeye as well as Majuro.<sup>2</sup>

24. Conditions on Ebeye are poor. Housing is substandard and extremely crowded. Health problems are numerous and may be attributed in part, to overcrowding and an inadequate water supply. There have been numerous recent developments by the Kwajalein Atoll Development Authority (KADA) and partners to improve housing, water, sanitation, ports and energy services to the people of Ebeye.

25. The rural outer islands comprise the remainder of the RMI. Scattered over great expanses of the Pacific Ocean, the people live in separate communities ranging from 50 to 1,700 persons. The outer islands constitute a diminishing proportion of the population of the nation. With few exceptions, residents of the outer islands do not have electricity or running water. Travel between non-contiguous islets of an atoll can only be made by canoe or motorboat. Meals are cooked on open fires, on single-burner kerosene stoves, or in traditional earth-ovens. The Government's field trip ships travel to each outer island every two to eight months, and depending on open ocean weather as well as weather and conditions of the island or atoll, bringing passengers, medical and education supplies, and trade goods. Income for residents of the outer atolls is generated primarily from the sale of copra (dried coconut) and hand-woven handicrafts.

26. In the outer islands, medical care is available at dispensaries staffed by health assistants who maintain radio contact with the Majuro or Ebeye hospitals for instruction and guidance. Only two outer island atolls, excluding Ebeye, have public high schools located on Jaluit Atoll and on Wotje Atoll attended by students from neighbouring islands.

27. Each of the 24 inhabited outer islands has an airstrip. Several of the larger atolls have more than one airstrip. Emergency medical evacuations are performed by small aircraft or, at islands where the airstrips have been closed for repair, by field trip ship. Medical evacuation by air can only take place by daylight since the outer island airstrips do not have landing lights. Medical evacuation by ship to Majuro or Ebeye can take as long as two days.

28. The RMI public sector continues to dominate the economy in terms of contribution to GDP and overall employment. The primary commercial industries include wholesale/retail

<sup>2</sup> The RMI 2011 Census of Population and Housing Summary and Highlights.

trade, construction, tourism, light manufacturing, general business services, commercial fisheries. See Annex A: Table 2: Employment Data and Table 3: Unpaid versus Paid Work.

29. Employment data shows that the economy has generated a number of additional jobs amounting to 0.7% per annum during the period of The Compact of Free Association, as Amended. The generation of additional jobs has been insufficient to provide gainful employment opportunities, and outward migration remains substantial, averaging 1.7% annually since 2004.<sup>3</sup> The public sector has seen a 1.7% increase in the number of jobs during the period of the Compact of Free Association. This reflects the growing opportunities provided by the SOE sector, government and local governments.

30. Annual export values continue to increase primarily due to continued exports of tuna by locally based fishing operations. However, the RMI continues to rely heavily on imports and continues to run a negative balance of payments. The primary export products include frozen fish (tuna), topical fish, ornamental clams and corals, coconut oil and copra cake, and handicrafts.

31. The remoteness of the RMI from major markets historically has had a negative impact on the economy. Considering that the RMI is a small island developing state (SIDS) and least developed country (LDC), RMI's economy is small in relative terms, with a narrow export base and limited production capacities. As such, it is vulnerable to external shocks.

32. Between 2003 and 2007, economic growth in the RMI averaged 1.9%. In 2008, following the global economic crisis, growth was negative and inflation around 18%. Due to high fuel and food prices in July that year, the RMI Government was forced to declare the first-ever State of Economic Emergency with hardships felt throughout the country. However, economic growth rebounded in 2010 to 5.2 per cent, mainly as a result of low inflation and expansion in fisheries. In 2018, the RMI economy saw a 3.5 percent growth in GDP (221 million USD)<sup>4</sup> with the manufacturing sector contributing largely adding 1.2 percent to the GDP<sup>5</sup> as a result of subsidies and the increase price of copra purchased from producers.

33. The economy remains dependent on donor funding. Funding from the Compact of Free Association, as Amended, provided between 40–50% of the FY14-18 budgets. A Trust Fund has been set up to bolster the RMI's long-term budgetary self-reliance and to provide Government with an ongoing source of revenue after 2023 when Compact grants are set to expire.

34. Annual sector grants, infrastructure, and disaster assistance are set to expire in FY2024 except for those dedicated to Kwajalein. The loss of approximately \$27.2 million in FY2024, inflation adjusted thereafter, is targeted to be replaced through funding provided from distributions from the Compact Trust Fund; however, there is considerable uncertainty over the continuation of many other special and Federal programs and services the RMI receives from the US. In particular, the RMI benefits from the Special Education Grant (SEG) \$4.8 million in FY2018, which was cashed out from former Federal programs provided during the original Compact funding period. SEG funding is provided through discretionary, annual Congressional appropriations that will end after FY2023 under current law. There are many further US Federal programs such Postal Services, FDIC, NOAA, Pell grants, FAA, health programs, etc., which are subject to Congressional authorization. While the shortfall in fully sustainable distributions from the Compact Trust Fund is estimated to be \$7.0 million after FY2023 – representing a 26 percent decline from the \$27.21 million target in FY2024 for sector grants – the range of possible values in the loss of Federal programs may, in a truly severe case, be a further \$20 million or more.<sup>6</sup>

35. The *Minimum Wage Act* was amended in 2016 to increase the minimum wage from \$1.50 to \$2.50 with a \$.50 increase every year thereafter until the minimum wage reaches \$4.00 an hour for every public and private employee.<sup>7</sup>

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<sup>3</sup> USDA Graduate School 2019.

<sup>4</sup> RMI FY 2018 – Economic Update – August 2019.

<sup>5</sup> USDA Graduate School 2019.

<sup>6</sup> RMI FY 2018 – Economic Update – August 2019.

<sup>7</sup> Marshall Islands Minimum Wage (Amendment) Act 2016.



## Constitutional, political and legal structure of the State

36. The Republic of the Marshall Islands have seen foreign powers rule the islands for such advantages as trade, religious influence, and exploitation of resources, strategic considerations and maintenance of sea routes.

37. On 1 May 1979, the RMI became self-governing and the U.S. Trusteeship administration of the RMI came to an end. On 21 October 1986, the Compact of Free Association between the U.S. Government and the Government of the RMI came into effect. Under free association, the RMI is self-governing under its own *Constitution* and conducts its own domestic and foreign affairs, while the United States Government has authority and responsibility for defence and security matters. The Compact, as Amended will remain in effect until 2023.

38. The *Constitution* of the RMI incorporates a blend of the British and American constitutional concepts and consists of legislative, executive, and judicial branches. The legislature is a bicameral institution consisting of the Council of *Iroij* and the *Nitijelā*. The main function of the Council of *Iroij*, which has a membership of 12, is to request consideration by the *Nitijelā* of bills affecting customary law, land tenure, or any traditional practice. The *Nitijelā* is the law-making body and consists of 33 members who stand for election every four years. The *Nitijelā* also elects from its ranks a President and, on nomination by the President, other members of the *Nitijelā* to serve with the President as the Cabinet. The Cabinet is the executive branch of the Government and directs the actions of the Public Service. The Cabinet is answerable to the *Nitijelā* for its actions. The judicial branch is independent of the legislative and executive powers and consists of a supreme court, a high court, a traditional rights court, district court, and community courts.<sup>8</sup>

39. The Supreme Court consists of the Chief Justice and two Associate Justices,<sup>9</sup> and has appellate jurisdiction with final authority to adjudicate all cases and controversies properly brought before it. It has the right to form any final decision of any court.<sup>10</sup>

40. The High Court has jurisdiction over any of its subordinate courts and has “jurisdiction to review the legality of any final determination by a government agency at the behest of any party aggrieved by such determination.”<sup>11</sup>

41. The Traditional Rights Court (TRC) is a constitutional court of record consisting of three or more judges selected to include a fair representation of all classes of land rights. The jurisdiction of the TRC is limited to questions relating to titles to land rights or other legal interests depending wholly or partly on customary law and traditional practices. The jurisdiction of the TRC may be invoked as of right upon application by a party to a pending judicial proceeding, if the court in which the proceeding is pending certifies that a substantial question has arisen within the jurisdiction of the TRC. Decisions of the TRC are to be given substantial weight, but are not binding unless the certifying court concludes that justice so requires. The Supreme Court has held that this means the certifying court is to review and adopt the decision of the TRC unless that decision is clearly erroneous or contrary to law.<sup>12</sup>

42. The District Court consists of a Presiding Judge and two Associate Judges. The jurisdiction of the District Court is limited to civil cases where the amount claimed or value of property involved does not exceed \$10,000, and to criminal cases where the involving offenses where the maximum penalty does not exceed \$4,000 or three years of imprisonment, or both.<sup>13</sup>

43. The Community Court is a statutory court of record for a local government area of which there are 24. The jurisdiction of the Community Court is limited to civil cases where the amount claimed or value of property involved does not exceed \$200, and to criminal cases

<sup>8</sup> Marshall Islands Constitution Art. VI Section 1(1)

<sup>9</sup> 27 MIRC Chapter 2 Part II Division 2 Section 206.

<sup>10</sup> Marshall Islands Constitution Art VI Section 2.

<sup>11</sup> Marshall Islands Constitution Art VI Section 3.

<sup>12</sup> Marshall Islands Constitution Art. VI Section 4. See *Abija v. Bwijmaron*, 2MILR 6, 15 (RMI Sup. Ct. 1994).

<sup>13</sup> 27 MIRC Chapter 2 Part IV Section 228.

where maximum penalty does not exceed a fine of \$400 or imprisonment not exceeding six months, or both. Community Courts do not preside over cases involving divorce, adoption and change of name. These become the jurisdiction of the District Court.<sup>14</sup>

44. The *Constitution* also provides for a Judicial Service Commission (“JSC”) that consists of the following: the Chief Justice of the High Court, as chair; the Attorney-General; and a private citizen selected by the Cabinet. The JSC nominates to Cabinet for appointment judges for the Supreme Court, the High Court, and the TRC and appoints judges to the District Court and the Community Courts. The JSC also may make recommendations to the *Nitijelā* regarding the qualifications of judges.<sup>15</sup>

45. At the local government level, there are 24 local governments that govern the affairs of the atolls and islands. Each local government consists of an elected council, an elected mayor, appointed or elected local officials, and a local police force.

46. In February 2016, for the first time in RMI history and the history of the Pacific Islands, with the exception of New Zealand and Australia, the Government elected its first female President, H.E. President Hilda C. Heine. Also, an increase of women in leadership is reflected with the 3 female members of *Nitijelā* (Parliament) as opposed to just one since the inception of the RMI Constitutional Government in 1986.

47. The RMI became a member of the United Nations in September 1991. Since becoming a member, the RMI has established two offices to serve as the Mission to the United Nations in both New York, USA and Geneva, Switzerland.

## **II. General framework for the protection and promotion of human rights**

### **Acceptance of international human rights norms**

48. The Republic of the Marshall Islands has made various strides in promoting its international human rights obligations. Since becoming self-governing in 1986 and becoming a member of the United Nations in 1991, the RMI has made commitments to international obligations and adopted national laws to prevent and protect people of human rights violations and to promote and protect the rights of people.

49. The RMI recognizes the Universal Declaration on Human Rights, and is a party to seven of the nine core human rights treaties and three optional protocols. See Annex for a full listing.

50. GRMI made no reservations on any of the treaties and optional protocols it is party to. However, as a small island state with a small economy, the RMI realizes and conveys its limitations in adhering to these international treaties without support from national, regional and international partners. The RMI is committed to realizing the objectives of its human rights obligations and is working toward strengthening this commitment through existing Government mechanisms.

51. As of September 2019, the RMI was elected to the UN Human Rights Council. This is the first time RMI has run for the Council.

### **Legal framework for the protection of human rights at the national level**

52. The *Constitution*, as the supreme law of the RMI, under the Bill of Rights protects the peoples’ freedom of thought, speech, press, religion, assembly, association and petition. The people are protected from slavery and involuntary servitude, given the right to due process and fair trial, and health, education and legal services, freedom from cruel and unusual

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<sup>14</sup> 27 MIRC Chapter 2 Part V Section 234.

<sup>15</sup> Marshall Islands Constitution Art. VI Section 5; and Chief Justice Carl Ingram.

punishment, and equal protection and freedom from discrimination on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status and descent.

53. It was not until 2016 during the Constitutional Convention, that the RMI proposed to include in its non-discrimination clause, equal freedom from discrimination on the basis of disabilities. This proposal was not adopted. However, the proposal for RMI to set up an Ombudsman’s Office is moving toward a referendum in June 2020.

54. *Public Law (P.L.) 2015-49*, establishes the RMI Human Rights Committee (HRC), a multi stakeholder body to promote human rights of all persons living in RMI. The national HRC is also mandated to promote the implementation of international human rights standards, including international human rights treaties.<sup>16</sup>

55. In recognition of the violation of people’s rights and to ensure its compliance, the RMI has taken steps to review, amend and pass legislation to promote and protect people’s rights and fulfil its obligations to the People. Namely, the Gender Equality Act, (passed in September 2019) and the Rights of Persons with Disabilities (Consequential Amendments) Bill (originally introduced in January 2019) are the results of legislative reviews conducted on RMI Legislation in relation to the *CEDAW* and *CRPD* respectively. The Ministry of Culture and Internal Affairs is also working to negotiate technical assistance in completing a similar review on the CRC.

56. The *Criminal Code* was amended in 2013 “to provide for a more integrated system of criminal offenses, defences and penalties to repeal sections 156 and 157 of the *Criminal Procedures Act* to provide for the defence of insanity; to repeal section 512 of the *Child Abuse and Neglect Act* to provide for the criminal offense of child abuse in the *Criminal Code*; to repeal the *Prostitution Prohibition Act, 31 MIRC Chapter 5* to provide for criminal offenses of prostitution and human trafficking in person.”<sup>17</sup>

57. The *Birth, Deaths and Marriages Act* was amended in 2016 to include free and compulsory birth registration and raise the legal age of marriage to 18 years old for both girls and boys.<sup>18</sup>

58. The *Domestic Violence Prevention and Protection Act, 2011* was amended in 2018 to allow Community Courts to preside over DV cases and administer punishment fines in accordance with their jurisdiction.

### **Framework within which human rights are promoted at the national level**

59. Established in 2015 to replace the Resources and Development Committee, the national Human Rights Committee (HRC) is responsible for the implementation, monitoring and reporting on UN Treaties. The national HRC is also mandated to receive, investigate and follow human rights violations, reports, and complaints in-country. The national HRC members are encouraged to bring up and discuss all matters that may pertain to human rights in the RMI. The national HRC has set up a Working Group to assist with report writing and reviewing treaty conventions prior to recommending GRMI to become a party.

60. The following is a list of the current government policies, action plans and frameworks that impact the lives of people of the RMI and address challenges they face, including discrimination:

(a) National Strategic Plan (NSP) (2015–2023): The NSP’s objective of “sustainable, equitable and measurable development reflecting the priorities and culture of the Marshallese people” is based on a foundation of non-discrimination. GRMI underwent a review of the NSP starting in 2018. It is expected that a ten year NSP (2020–2030) will be endorsed by Cabinet in March 2020;

<sup>16</sup> Marshall Islands Human Rights Committee Act, 2015.

<sup>17</sup> Marshall Islands Criminal Code, 2011.

<sup>18</sup> Marshall Islands Birth, Death and Marriage (Amendment) Act, 2016.

(b) RMI Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management (JNAP) (2013–2018): The JNAP provides a detailed strategy for “holistically and co-operatively” addressing risks in the RMI. The JNAP’s goals include: establishing and supporting an enabling environment for improved coordination of disaster risk management/climate change adaptation in the RMI, public education and awareness of effective Climate Change Adaptation and Disaster Risk Management from local to national level, enhanced emergency preparedness and response at all levels within the RMI, improved energy security while working towards a low carbon future for the RMI, enhanced local livelihoods and community resilience for all people of the RMI, and an integrated approach to development planning including consideration of climate change and disaster risks;

(c) PSS Child Rights Protection Policy was endorsed in 2015 to promote a rights-based approach to child protection, and is used to assess and manage the risk to children within the PSS system including through recruitment process, induction and training programs, working with children under the code of conduct, and provides guidance to risk assessment, incident reporting, and consequences;<sup>19</sup>

(d) The *Reimaanlok* Framework is an 8-step conservation and management planning process that engages community members and leadership to develop tools and approaches to support conservation efforts.<sup>20</sup> Currently, over 20 communities have commenced the *Reimaanlok* process with the support of the Marshall Islands Marine Resource Authority, the Marshall Islands Conservation Society, and the Coastal Management Advisory Council;

(e) In 2018 the GRMI endorsed the *Tile Til Eo* 2050 Climate Strategy is a long-term strategy to elevate the country’s ambition under the current Nationally Determined Contribution (NDC) to reach a net-zero carbon emission by 2050.<sup>21</sup> To do this, the RMI has established a NDC Partnership Plan that aligns to the 2050 Strategy focusing on coordination of key climate change activities and government priorities, progress tracking of mitigation, adaptation and cross-sectoral applications, and mobilize resources.<sup>22</sup> The RMI has also developed an Electricity Roadmap to meet its climate change targets and strengthen its role in the climate change arena. Both strategic plans included consultation and partnerships between government, civil society organizations, private sector, and individual community members and leaders to encompass challenges and strength of the nation.<sup>23</sup>

61. The RMI Public Service Regulations prohibit discrimination against a person with HIV/AIDS, TB or another communicable disease. The Regulations, as well as government policies will be reviewed and adjusted to provide corresponding protection policy against discrimination on the basis of sex, gender, age or other status to reflect the Constitutional mandate against such forms of discrimination.

62. The Ministry of Health and Human Services makes available family planning services such as pap smears and contraception. These services are readily available at the main Hospital on Majuro and on Ebeye. Services in the outer islands is less reliable due to inconsistent supply shipments to the outer islands health dispensaries.

63. Despite the emergency declaration on Non-communicable Diseases (NCDs) such as diabetes, cardiovascular disease and cancer, continues to be the leading cause of death in the RMI followed by pneumonia, hepatitis B, suicide, tuberculosis, septicemia, cerebrovascular disease, and meningitis.<sup>24</sup> The National NCDs Coalition was established in 2016 and has been working on several initiatives including a 2017-2018 hybrid survey on NCDs. The results of said survey are informing the current draft Strategic Plan for combating NCDs.

64. More recently, the RMI has been inundated with several health outbreaks that led to emergency declarations. In 2018, the Ministry of Health and Human Services (MOHHS)

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<sup>19</sup> Marshall Islands Public School System Child Protection Policy.

<sup>20</sup> <https://www.atollconservation.org/reimaanlok>.

<sup>21</sup> Tile Til Eo 2050 Climate Strategy “Lighting the way”.

<sup>22</sup> NDC Partnership Plan 2019–2021.

<sup>23</sup> Navigating Our Future: Marshall Islands Electricity Roadmap.

<sup>24</sup> RMIMOHHS 2017 Annual Report.

conducted mass screening for tuberculosis, Hansen's disease (leprosy) and diabetes on Majuro and Ebeye.

65. In 2017, the RMI requested support from the SPC RRRT supported by the Asia Pacific Forum of National Human Rights Institutions to conduct a scoping study on the desirability, feasibility and options for the establishment of a Paris Principles-compliant National Human Rights Institution. There was a proposal within Constitutional Convention made to establish an Ombudsman Office. GRMI awaits the Referendum (June 2020) to see if the proposal will be two-thirds (2/3) voter approved.

66. The Public-School System underwent a curriculum review and worked with SPC EQAP and RRRT to integrate human rights, gender equality and ending violence against women and girls into the social studies curriculum for secondary schools as part of the Pacific regional program titled Pacific Partnerships to Ending Violence Against Women and Girls. This work is piloted on select schools on the capital of Majuro, and two outer islands, Wotje and Jaluit. As part of the program, there is a non-formal education component to raise awareness among the general communities to reinforce the lessons children learn in school.

67. The GRMI welcomes and continues to pursue partnerships with CSOs. The role of CSOs in raising awareness on human rights and supporting the GRMI on its human rights obligations has strengthened the relationship between government and civil society organizations, led to a significant increase in financial support from the government to CSOs, and CSOs becoming members of several national committees.

68. Women United Together Marshall Islands (WUTMI) is the national women's organization's umbrella organization leading the work on ending violence against women and early childhood education and development. WUTMI has been operating for over 30 years and chapters in outer islands across the RMI. It wasn't until 2013 that WUTMI began to receive funds from the GRMI on an annual basis to support the work on ending violence against women and on early childhood education and development. WUTMI has played a key role in the UN human rights treaty reporting process having submitted two UPR shadow reports and one CEDAW shadow report, including contributing to the RMI State Reports for UPR, CRC, CEDAW and CRPD. WUTMI has a seat on several national committees including the National Strategic Plan/Sustainable Development Goals Committee, Human Rights Committee, National Taskforce on Human Trafficking, and the DVPPAA Taskforce.

69. WUTMI continues to lead the work on ending violence against women in close partnership with the Gender in Development Office of the Ministry of Culture and Internal Affairs. In 2016, WUTMI established a support services for women and girls experiencing violence and has since lent its services to over 50 women and girls. These services range from psycho-social support to legal, financial, transportation and safe accommodation. Their prevention unit conducts community awareness raising sessions, presentations at national workshops and are invited by the GRMI to co-represent at regional and international gender-related conferences and training.

70. In 2017, WUTMI became a partner in the national program on Early Childhood Development aimed at addressing key issues impacting the development of children under the age of five following the Integrated Child Health and Nutrition Survey in 2017 completed by MOHHS, EPPSO, and UNICEF. The study revealed high rates of stunting, and moderate to severe underweight, wasting and overweight of children under the age of 5.

71. In 2018, the Marshall Islands Council of NGOs was re-established as the umbrella organization for CSOs and NGOs in the RMI. During its reestablishment, MICNGOs representatives joined a CSO/Government dialogue that led to a significant financial allocation from GRMI for MICNGOs to support administrative and professional development of its membership. MICNGOs is a welcomed partner of the government, and has been given a seat on the NSP/SDGs Committee and the national HRC.

72. The Marshall Islands Disabled Persons Organization (MIDPO) receives support from the national Disability Coordination Office. MIDPO was provided office space and financial support when it was established in 2013. It was a member of the working group that developed the CRPD Initial State Report, and is a named member of the national Human Rights Committee via the *Human Rights Committee Act, 2015*.

73. Other government budget allocations include funds to support the work of the Human Rights Committee, and the Community Development Division which includes the Human Rights Office, Child Rights Office, Gender in Development Office, Youth Services Bureau, Disability Coordination Office, and the Senior Citizens Affairs Office. GRMI recognizes that budget allocation to these offices is not nearly enough to cover all the work required to fulfil its human rights obligations and works closely with partners to off-set this resource limitation.

74. RMI is appreciative of the international and regional support received in implementing its human rights obligations. The GRMI has received support around legislative and policy reform, preparation for treaty dialogues, improving access to justice for victims of violence, gender mainstreaming, professional development of its national HRC members and the CDD staff, as well as technical assistance around data collection and reporting from various agencies including (but not limited to) UNOHCHR, UNESCAP, UNFPA, SPC and the PIFS.

75. SPC-RRRT has placed an in-country staff to support GRMI and civil societies implement its obligations to promote, protect and fulfill human rights, good governance, and ending violence against women and girls. This staff works directly with the Community Development Division of MOCIA.

76. Since the establishment of the national HRC, the reporting process has been more organized and streamlined. Given its mandate, the national HRC is responsible for coordinating reports on the GRMI human rights obligations. The national HRC tasks its Working Group to develop a subcommittee to develop the reports. The reporting team includes members from government Ministries and agencies, and CSOs. Once reviewed and vetted, the report is then submitted to Cabinet for review and approval. It is then transmitted by the Ministry of Foreign Affairs and Trade (MOFAT) to the United Nations. The national HRC is answerable to the Cabinet.

77. In developing reports, legislation and policies, the GRMI conducts consultations with relevant people including civil society organizations. However, due to the geographical spread of the islands, it is challenging to ensure that majority of the population is aware and able to voice their opinions. To address this challenge, all government proceedings are aired on the national radio station, V7AB, which has a reach across the entire RMI. This includes, all Nitijelā proceedings and its Committee proceedings like that of the Budget Appropriation and Public Hearings on new and amended legislation.

78. In affirmation of the Pacific Islands Leaders' vision in the Framework for Pacific Regionalism, which identifies a number of ways for ambitious and transformative initiatives can be addressed through a regional approach,<sup>25</sup> the RMI has committed to the Pacific Leaders Declaration on Gender Equality (PLGED) (2012) and the Denarau 2015 Declaration on Human Rights and Good Governance.<sup>26</sup>

79. The PLGED came into effect at the Pacific Island Leaders (PIF) summit in Cook Islands in 2012, and it commits Pacific Leaders "to implement specific national policy actions to progress gender equality in the areas of gender responsive government programs and policies, decision making, economic empowerment, ending violence against women, and health and education."<sup>27</sup> Pacific leaders come together on an annual basis during the Pacific Islands Leaders Forum and report on the progress of the PLGED. Though progress has been slow, in the 2016 report the RMI reported key milestones in all areas of the PLGED, there still remains challenges around monitoring and data collection and reporting, coordination among stakeholders, financial and resource constraints, and customary norms and stereotypes impeding women and girls participation.

80. At the Micronesian Island Forum (MIF), the RMI made an intervention to include a committee on Gender that can support the Micronesian Islands on their gender equality commitments toward the PLGED. This was adopted at the 2019 MIF meeting.<sup>28</sup>

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<sup>25</sup> Pacific Islands Forum Secretariat <http://www.forumsec.org>.

<sup>26</sup> Denarau 2015 Declaration on Human Rights and Good Governance para 2.

<sup>27</sup> <https://www.forumsec.org/pacific-leaders-gender-equality-declaration/>.

<sup>28</sup> 2019 MIF Communiqué.

81. The Denarau Declaration on Human Rights and Good Governance came into effect during the Pacific Islands Members of Parliament consultation held in Denarau, Fiji Island in 2015. The Declaration sets out eight areas of focus including compliance with the *CRC*, *CEDAW* and *CRPD*, engagement in the UPR process, recognizing international criminal court and the Rome Statute, climate change and NCDs as emerging human rights issues, and undertaking national consultations with MPs to progress human rights commitments. It calls on the SPC-RRRT to support MP consultations at the national level to progress human rights, good governance and sustainable development.<sup>29</sup> SPC-RRRT supports the Pacific MPs in organizing and facilitating the MPs dialogue as an opportunity to review progress since the Denarau meeting in 2015.

### III. Information on non-discrimination and equality and effective remedies

82. Aside from the *Constitution*, the Government enacted the *Gender Equality Act, 2019* in 2019, which recognizes, protects, promotes and enforces the human rights and fundamental freedoms of all women and girls, on an equal basis with men and boys, and to further implement the legal obligations of the RMI as a party to *CEDAW*.

83. The *Gender Equality Act* mandates the government to refrain from engaging any act or practice that is inconsistent with the law, and to adopt, modify, implement strategies, policies, and legislation for consistency, and to mainstream gender across all sectors and levels including gender budgeting, and that instances of violence or abuse is investigated and prosecuted.

84. The *Gender Equality Act* has a Special Measures provision where if evidence shows inequality, underrepresentation or disadvantage for women, the Government may consider adopting a special measure to achieve and accelerate substantive equality for women. This is the only Act in the RMI that provides for special measures.

85. In 2016, a proposal was introduced to the Constitutional Convention to reserve six seats for women in Parliament. The proposal was turned down.

86. The government has allocated that at least once seat on State Owned Enterprises Board of Directors be allocated to a woman.

87. Some programs implemented in the RMI give special measures for disadvantaged and underrepresented groups such as women, youth, grassroots groups, and rural communities. The UNDP GEF Small Grants Program allows for grassroots groups to apply for grant money to address climate change adaptation and mitigation challenges, and empower community members through project implementation, monitoring, financial management and reporting.

88. The national NDC Partnership Plan outcome 3 considers gender and human rights, and integration measures for gender and human rights through a gender analysis, mainstreaming gender and human rights-based approach, budgeting, empowering and education and training.<sup>30</sup> In 2020, the NDC Working Group intends to commence implementation of this outcome with a national gender mainstreaming conference, with a focus on gaps and success analysis and information sharing.

89. Civil society organizations have played a key role in addressing the needs of communities and families with projects and programs addressing social issues such as parenting skills, substance abuse and prevention, ending violence against women, treatment and support services, and access to health and justice. One particular program, *Weto in Mour – Violence Against Women and Girls Support Services*, offers psycho-social support, emergency services such as transportation, accommodation, financial and medical, and case management to female survivor age 14 and up.

90. WUTMI has led numerous campaigns and public awareness activities over the years and continues to do so on topics related to gender equality such as ending violence against

<sup>29</sup> Denarau 2015 Declaration on Human Rights and Good Governance.

<sup>30</sup> NDC Partnership Plan 2019-2021, Republic of the Marshall Islands.

women, women and girls rights, good governance, women in leadership. They have also led health-related campaigns including elimination of discrimination and stigma around HIV and STIs, early cancer screening, and mosquito-borne illnesses such as dengue and zika viruses.

91. The *Waan Aelon in Majel* (Canoes of the Marshall Islands) NGO offers a vocational training program to out-of-school and unemployed youth through the revival of Marshallese traditional canoes and basic English and Math courses. The program also helps these young individuals develop resumes, access jobs, and increase their financial literacy.

92. The Marshall Islands Conservation Society (MICS) implements programs that address conservation practices (traditional and modern) to reduce the loss of natural resources, increase biodiversity and tackle pollution that affect marine and terrestrial resources. These efforts increase community livelihood and economic empowerment.

93. The Ministry of Culture and Internal Affairs in partnership with WUTMI organize the annual 16 Days of Activism with other government, civil society and private sector organizations conducting activities to raise awareness and educate the general public on gender-based violence, including HIV/AIDS stigma and discrimination and access to treatment and care services, corruption, human trafficking, disabilities, and human rights. The 16 Days of Activism campaign has run in the RMI for over 10 years. Over these years, the number of partnerships has increased from one to now over 10 agencies and businesses participating, the number of initiatives or activities have increased from only activities on the 25th and the 10th to, a full two weeks of activities. Additionally, financial support from partners has increased both by dollar amount and number of contributors.

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