

The RMI became independent in 1979. Prior to this, following World War II, our islands were administered by the United States under a United Nations-mandated Trust Territory of the Pacific Islands. During that period, the U.S. conducted its Nuclear Weapons Testing Program, detonating 67 atomic and thermonuclear weapons in our islands between 1946 and 1958. The total explosive yield was the equivalent to 1.6 Hiroshima-size nuclear detonations every day for 12 years. It exposed thousands of our people to high levels of radiation, particularly those living on Bikini, Enewetak, Rongelap and Utrok Atolls. In 2012, a UN Special Rapporteur acknowledged to the Human Rights Council that the nuclear test program resulted in both immediate and continuing effects on the human rights of the Marshallese, including fatalities, acute and long-term health complications, and the indefinite displacement of many of our people.

Yesterday, March 1st, marked Nuclear Victims Remembrance Day. This is the only public holiday designated by our Parliament that does not entail celebrations and festivities. Instead, it is a solemn occasion to remember the tremendous sacrifice made by the victims of the Nuclear Weapons Testing Program. Mrs. Lemeyo Abon, who was one of the last surviving victims, passed away two weeks ago, a few days short of the 64th anniversary. She is remembered for her courage in speaking out about the injustices suffered by the Marshallese people for many years. In 2012, Mrs. Abon addressed the Human Rights Council here in Geneva, sharing some of the harrowing details of the hardship and pain she had personally experienced. Tragically, the devastating effects of the U.S. Nuclear Weapons Testing Program continue to linger today, and many issues remain unresolved, including the outstanding settlement of awards under the Nuclear Claims Tribunal.

Marshall Islands is a matrilineal society and traditionally women are decision-makers and landowners. Women are recognized for their significant contribution to the peaceful development and well-being of families, communities and society as a whole. Fundamental values include caring for each other, respect, and partnership. However, as in many Pacific Island countries, these traditional beliefs and women's customary rights coexist with dissonant globalized gender stereotypes, gender roles and gender inequalities. Stereotypes include the belief that the place of a woman is in the home while men should occupy the public space and be the breadwinner. Positions of leadership and decision-making are regarded as male roles. Women mostly care for children and make decisions regarding their health care. Men typically have higher incomes than women or are the sole source of income for the household with women making decisions regarding household spending.

CHALLENGES AND CONSTRAINTS

As a small island developing state, RMI has an economy that is fragile and heavily dependent on foreign aid, in particular funding under the Compact of Free Association with the U.S. since 1986. Annual grant assistance under the Compact is channeled primarily towards education, health, and infrastructure. These grants are set to expire in 2023, thereafter to be replaced by proceeds from the Trust Fund of the People of the Republic of the Marshall Islands.

RMI's economic base is limited mainly to commercial fisheries and other marine resource activities, followed by the export of copra and other coconut-based products. Private sector growth is constrained by the country's small size, isolation, and the dispersal of islands over a vast ocean area. Aside from direct Compact funding, the economy relies on the U.S. Army Garrison at Kwajalein Atoll. These challenges are exacerbated by capacity and resource constraints. Unrestricted migration into the United States has resulted in a high turnover rate of both Government officials and private citizens seeking better employment opportunities in the U.S.

Climate change severely affects the fundamental human rights of the Marshallese people. It threatens their very existence on low-lying atolls as well as the customary right to statehood and self-determination, as argued in our 2009 UPR Report to the Human Rights Council. Climate change also appears to particularly affect women, children and persons with disabilities because of their greater vulnerability to climate change-related phenomena such as vector- or water-borne diseases, malnutrition, and the psychological and physical impacts of natural disasters. For example, the drought of 2015-16 resulted in a loss of 4.9 million US dollars from the economy, adversely affecting approximately 21,000 Marshallese. Difficulties accessing safe drinking and bathing water during the drought were especially felt by women and girls.

This link between climate change and human rights, including the protection of livelihoods in the Pacific, is increasingly acknowledged by the international community, and we thank your Committee for some of the work it has done in this regard. As you are aware, the UN Special Rapporteur on human rights and the environment

emphasized “the human rights obligations relating to the enjoyment of a safe, clean, health and sustainable environment” in his 2016 report.

IMPLEMENTATION PROGRESS

Madam Chair, in regards to our Constitutional and Legislative Framework, the RMI is committed to the principles of non-discrimination and gender equality that are highlighted in the CEDAW. We recognize our obligations as a state party, and are committed to improving the situation of women and girls. We will continue to strive towards progressive compliance with CEDAW.

RMI’s *Constitution* recognizes the right of all persons to equality under the law and prohibits discrimination based on multiple grounds including sex. In 2017, the adoption of temporary special measures in the form of electoral quotas for women in our Parliament and the inclusion of sexual orientation as a ground for non-discrimination were both proposed as amendments to the *Constitution*. However, both proposals were unfortunately defeated during the 2017 Constitutional Convention.

Since acceding to CEDAW in 2006, the following legislation has been enacted by our Parliament.

- 1) *Domestic Violence Prevention and Protection Act, 2011*;
- 2) *Criminal Code 2011*;
- 3) *Marshall Islands Public School System Act, 2013*;
- 4) *Child Rights Protection Act, 2015*;
- 5) *Human Rights Committee Act, 2015*;
- 6) *Rights of Persons with Disabilities Act, 2015*;
- 7) *Youth Service Corps Act, 2016*;
- 8) *Birth, Deaths and Marriages Registration (Amendment) Act 2016*; and
- 9) *Prohibition of Trafficking in Persons Act, 2017*.

These legislations clearly shows the progress the RMI has made in terms of adopting laws and policies towards progressive compliance with CEDAW. The *Criminal Code 2011*, for example, removed the exemption of marital rape from prosecution. The *Domestic Violence Prevention and Protection Act, 2011* (DVPPA) criminalizes domestic violence, establishes a no-drop policy, and provides for restitution to victims. The *Prohibition of Trafficking in Persons Act, 2017* strengthens the legal framework for dealing with trafficking, including sex trafficking of girls and women. It creates various offences in trafficking and applies stiffer penalties than previously applied.

At the request of our Government, UNESCAP and Pacific Islands Forum Secretariat will undertake this review and assist with drafting CEDAW compliant legislation, as they have similarly done in relation to the Convention on the Rights of Persons with Disabilities. Amongst other things, the CEDAW review will address the concerns raised in the List of Issues including the lack of a definition of discrimination against women in line with Article 1 (Issue 1), the absence of any laws relating to gender data collection (Issue 3), the lack of temporary special measures (Issue 5), the leniency of penalties in the DVPPA compared to the Criminal Code (Issue 42), and the need for more gender-inclusive disaster risk management legislation (Issue 19).

Following the legislative review, the Government plans to have a new standalone anti-discriminatory Bill ready for submission to our Parliament by early 2019.

RMI’s Engagement with Other Human Rights Mechanisms

RMI has ratified the *UN Convention on the Rights of the Child* (1993) and acceded to the *Convention on the Rights of Persons with Disabilities* (2015). In 2011, we extended a standing invitation to the UN Special Procedures, which led to a visit by the Special Rapporteur on the implications for human rights if the environmentally sound management and disposal of hazardous substances and waste.

We are pleased to report also that our Parliament has approved RMI’s accession to:

1. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
2. The International Covenant on Economic, Social and Cultural Rights; and
3. The International Covenant on Civil and Political Rights.

The Ministry of Foreign Affairs and Trade has already transmitted Instruments of Accession to the UN Secretary-General.

In addition, the proposed accession of *ILO Convention 182 (Worst Forms of Child Labor)* is currently before our Parliament, and it is expected that accession resolutions will be similarly considered for the Optional Protocols to CEDAW, CRC and CRPD following approval by Cabinet in the next couple of months.

The RMI intends to accede to the remaining core human rights treaties and protocols. However, with our limited capacity and resources, we have to be mindful of the responsibilities and obligations that come with ratification or accession, in particular with respect to domestication, implementation, monitoring and reporting. The formal establishment of the Human Rights Committee in 2015 signaled our intention to move this process forward in a more organized and efficient manner.

Finally, this is perhaps an opportune time to mention that the Marshall Islands recently concluded its constructive dialogue with the CRC Committee last month. The Concluding Observations provided by the Committee will be another mechanism for improving the rights of girls in the RMI.

Institutional arrangements and policy frameworks for gender equality

While RMI does not have a National Human Rights Institute (NHRI) or a formal National Mechanism on reporting and follow-up (NMRF), the Human Rights Committee is a multi-stakeholder committee with a broad mandate to promote the human rights of the Marshallese people. This includes providing advice to the Government and supporting the development of human rights policy and legislation; monitoring human rights implementation; preparing reports to UPR and UN Treaty Bodies; and investigating complaints of human rights violations. Proposal 18 to create an Ombudsman's Office in the RMI was approved by the Constitutional Convention and is with the Parliament for referendum.

The Gender and Development Office in the Ministry of Culture and Internal Affairs is responsible for RMI's National Gender Mainstreaming Policy. The priority areas of the Policy are: strengthening capacity across Government to integrate gender equality into Government services and programs; eliminating gender-based violence and protecting and caring for survivors; and improving women's economic/leadership empowerment. The Policy identifies vulnerable groups of women including those living in the outer islands (rural areas) and those with disabilities.

As of December 2017, the Gender and Development Office has increased from two to five employees. Yet, there are still insufficient human and financial resources available to promote gender equality and the empowerment of women and girls. Development partners provide capacity strengthening, funding for positions and technical support.

Education and Health Sector initiatives

Marshallese girls enjoy access to education on a fairly equal basis with boys at all levels, and this is reinforced by a constitutional right to education as well as the compulsory and free public-school system established under the *Marshall Islands Public School System Act 2013*. The Public School System recently reviewed its gender and social inclusion policy to include Human Rights, Gender and Nuclear issues in its school curriculum. A Family Health Education curriculum will be implemented this coming school year, Fall 2018. Public School System regulations allows for pregnant students to remain in school as long as their attendance and studies are not adversely affected. However, this is not applied in private schools, an issue that has been noted by the National Board of Education. The Board is currently considering the best way to enforce an inclusive policy throughout all private schools.

Childbearing starts early and is nearly universal among Marshallese women. Fertility rates have declined from 8.7 (1964) but remain high at an average of 4.1 births for each woman of reproductive age, and our teenage pregnancy rate is one of the highest in the Pacific, with 49 births for every 1,000 women aged 15-19 years in 2016. The high teenage pregnancy rate represents an urgent and ongoing challenge for RMI. The development of a Prevention of Adolescent Pregnancy (PAP) Strategy is the product of collective efforts and commitment, and recognizes the need for rights-based, action oriented strategic plan.

Violence against women and girls is alarmingly high, with 51% of women experiencing intimate partner physical and/or sexual violence in their lifetime and 18% of women currently experiencing physical and/or sexual violence. Two out of every three women are survivors of physical and/or sexual violence by an intimate partner or another person in their lifetime. Attitudes towards domestic violence perpetuate the prevalence of domestic violence, with 85% of women agreeing that it is justified for a man to “discipline” a woman under certain circumstances (FHSS 2012).

Since the *Domestic Violence Prevention and Protection Act 2011* came into force, 48 applications for protection orders have been made to the courts. Of these, 25 were granted, 1 is pending and the rest were either dismissed by the courts or withdrawn by complainants. With the assistance of SPC RRRT, training has been provided to judges presiding over gender-based violence cases, including domestic violence, and a Domestic Violence Protocol or Standard of Care for Health Care Providers has been developed in partnership with WUTMI. Implementation of the *Domestic Violence Prevention and Protection Act 2011* has been assisted by a UN Trust Fund grant called the Aenemon Project which allotted 145,100.00 USD to the Gender and Development Office for dissemination across RMI ministries, agencies and NGOs for Domestic Violence awareness, prevention, and protection activities.

Data collection

The Ministry of Culture and Internal Affairs has taken steps to improve gender statistics, notably championing the 2012 Family Health and Safety Study. In collaboration with SPC Social Development Program, the Ministry of Culture and Internal Affairs also collects data annually on women’s formal sector employment, education, health, gender-based violence and women in decision making to report on progress towards gender equality. It is expected that the above-mentioned CEDAW legislative review will propose legislative provisions to ensure the collection and use of gender disaggregated statistics.

Employment

In 2011, 26% of adult women were working for pay or profit compared with 48% of adult men. However, between 2005 and 2015, women’s formal sector employment increased by 13%, double that of men (6% increase). The increase was much greater in the public sector, where women’s employment rose by 33% compared to 18% in the private sector. There are approximately 1,350 women working in the private sector and about 950 women work in the public sector compared with 2,650 men working in the private sector and 1,500 working in the public sector (2015).

A Bill is presently with the Parliament to provide for minimum conditions of employment. It includes provisions for non-discrimination of women in the workplace, equal pay for equal work, hours set aside for nursing children, maternity leave of at least one month, and specific conditions regarding the employment of children.

Government Partnerships

As mentioned earlier, the advancement of human rights requires the involvement of all actors. Consequently, the RMI Government consistently partners with non-governmental organizations, namely the Women United Together Marshall Islands (WUTMI) and Youth-to-Youth-in-Health. With limited capacity and resources, a large number of Government officials often have to juggle many tasks or committee seats. In these circumstances, having a strong partnership with WUTMI and Youth-to-Youth-in-Health is especially beneficial in filling gaps and addressing issues that the Government is not yet equipped to handle. This relationship also extends to development partners such as the Pacific Community and the Pacific Regional Office of the UN Office of the High Commission on Human Rights.

LOOKING AHEAD

Before I conclude, and to facilitate our constructive dialogue today, Madame Chair, allow me to quickly summarize some of the key challenges we are preparing to address going forward.

Agenda 2020: Framework for Progress is Her Excellency President Hilda Heine’s roadmap for reform and social development. This calls for a comprehensive review of laws including those related to human rights and development. We will make every effort to strengthen the alignment of our laws with international human rights standards.

We recognize the need to further strengthen our organizations responsible for human rights especially relating to women and girls, including the Human Rights Committee, Human Rights Secretariat, and our national machineries. We must improve the capacity of the Marshall Islands Police Department to enforce our laws and more effectively respond to and report on human rights violations occurring in the RMI. We also need to broaden and fortify our network of social workers, either through our Government ministries or through better partnerships with civil society organizations. On that note, strengthening partnerships with civil society is a priority.

The RMI is aware that more should be done to improve community understanding of CEDAW as well as other human rights conventions that we have ratified/acceded to. We intend to nominate Champions in our Parliament in order to ensure that all our laws consider the interests and rights of women and girls, and other marginalized groups.

The problems of data collection and reporting are longstanding, but we are making progress in this area. We face enormous challenges on account of our limited human capacity and resources. Nonetheless, we continue to work with our national statistics office to develop a comprehensive database with improved administrative data collection and analysis in health, justice, education and social services.

CONCLUSION

Madame Chair, in conclusion, we face some unique circumstances in the Marshall Islands, however, we are dedicated to pursuing a steady path towards full enjoyment of human rights and development for the Marshallese people. To that end, and with a view to strengthening the Government's relationships with the international community, the RMI delegation looks forward to discussing with the Committee avenues to obtain technical and financial assistance in the following areas:

- a) Capacity-building of public servants and elected Government officials with respect to the implementation of human rights treaties in the RMI;
- b) Human rights awareness programs for the Government and civil society;
- c) Capacity-building and software development for collecting data on climate change and social indicators;

We value this opportunity to meet with the Committee and look forward to our constructive dialogue.

Kom emmol tata (thank you all very much.)