

REFERENCE: BJ/follow-up/Marshall Islands/79

19 July 2021

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined initial to third periodic reports of the Marshall Islands, at the Committee's sixty-ninth session, held in March 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/MHL/CO/1-3](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 55 on follow-up to the concluding observations, the Committee requested Marshall Islands to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 9 (a), 17, 25 (a) and 29 (a) of the concluding observations.

The Committee welcomes the follow-up report received in March 2021 ([CEDAW/C/MHL/FCO/1-3](#)) under the CEDAW follow-up procedure. At its seventy-ninth session, held remotely due to the ongoing COVID-19 pandemic in July 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 9 (a)** of the concluding observations, urging the State party 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 fully 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, 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”**:

The Committee takes note that in 2019, the State party developed the three-year rolling National Nuclear Commission (NCC) Strategy to address the ongoing impacts of nuclear testing and account for those impacts on fundamental human rights of the Marshallese people. The NNC Strategy addresses five key pillars of nuclear justice: (1) Full payment of all past and future awards of the Nuclear Claims Tribunal (Compensation); (2) Quality health care for all Marshallese (Health Care); (3) Reducing the risks of exposure to radiation and other toxins in the environment (Environment); (4) Building national capacity to monitor and understand radiation impacts (National Capacity); (5) Education and awareness of the nuclear legacy (Education & Awareness). However, it regrets the lack of information on the incorporation of measures for seeking technical and financial assistance

Her Excellency
Ms. Doreen Debrum
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Marshall Islands
to the United Nations Office at Geneva
Email: admin@rmiembassygeneva.org

from the international community and the United Nations system, particularly the United State of America.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 9 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Incorporate into the National Nuclear Commission (NCC) Strategy measures for seeking technical and financial assistance from the international community and the United Nations system.

In relation to the recommendation made in **paragraph 17** of the concluding observations, urging the State party to “**establish, within a clear time frame, an independent national human rights institution, in accordance with the Paris Principles, with a broad mandate to promote and protect human rights, including women’s rights, and gender equality**”:

The Committee takes note that the Human Rights Committee was established by law in 2015 as a multi-stakeholder committee with a broad mandate to promote the human rights in the State party. In November 2016, the State party requested technical assistance including from the Asia Pacific Forum of National Human Rights Institutions (APF) to undertake a scoping study on the feasibility of establishing a National Human Rights Institution (NHRI). The Scoping Team recommended that the State party establish a national human rights institution as a Constitutional Office. It also recommended the establishment of the Office of the Ombudsman but the decision is awaiting a referendum.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 17** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Establish an independent national human rights institution, in accordance with the Paris Principles, with a broad mandate to promote and protect human rights, including women’s rights, and gender equality.

With regard to the recommendation made in **paragraph 25 (a)** of the concluding observations, urging the State party to “**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 are prosecuted and adequately punished. In that context, the State party should take appropriate legislative measures**

to harmonize the penalties for crimes involving gender-based violence against women and girls in the Act and the amended Criminal Code”:

The Committee takes note that, in 2011, the Criminal Code underwent a major transformation based on the Model Penal Code. The new Criminal Code added provisions criminalizing harassment and stalking albeit there is no provision for non-violence orders where couples continue to live together. The Committee notes the lack of information on State party's efforts to prioritise the implementation of the Domestic Violence Prevention and Protection Act and the amended Criminal Code to ensure that perpetrators of gender-based violence are prosecuted and adequately punished.

The Committee considers that there is a **lack of sufficient information to make an assessment**.

The Committee notes that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 25 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

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 are prosecuted and adequately punished. In that context, the State party should take appropriate legislative measures to harmonize the penalties for crimes involving gender-based violence against women and girls in the Act and the amended Criminal Code.

Regarding the recommendation made in **paragraph 29 (a)** of the concluding observations, urging the State party to “**use the ongoing legislative review process to introduce temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 and general recommendation No. 23 (1997) on women in political and public life, including through quotas and reserved seats, as well as other temporary special measures to ensure gender parity in appointed and elected positions, including in the *Nitijelā*, the Council of *Iroj*, local governments and senior leadership positions in the civil service, in order to accelerate the full and equal participation of women in elected and appointed bodies.**”

The Committee takes note that, in 2017, the State party proposed an amendment to the Constitution that would result in the adoption of temporary special measures in the form of electoral quotas for women in parliament. However, the proposal was defeated during the 2017 Constitutional Convention. In 2019, the State party passed the Gender Equality Act, which is an enabling piece of legislation that addresses key areas of gender discrimination and inequality. The State party indicates that it may consider the adoption of special measures to address the under-representation of women in decision-making in the *Nitijelā*, local councils, boards, committees, task forces, and State-owned enterprises.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.



The Committee recommends that, in relation to **paragraph 29 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Review legislation in order to introduce temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 and general recommendation No. 23 (1997) on women in political and public life, including through quotas and reserved seats, as well as other temporary special measures to ensure gender parity in appointed and elected positions, including in the *Nitijelā*, the Council of *Iroij*, local governments and senior leadership positions in the civil service, in order to accelerate the full and equal participation of women in elected and appointed bodies.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Louiza Chalal'.

Louiza Chalal
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women