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**Summary prepared by the Office of the High Commissioner  
for Human Rights in accordance with paragraph 15 (c) of the  
annex to Human Rights Council resolution 5/1**

**Marshall Islands\***

The present report is a summary of 6 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Marshall Islands Special Parents Association (MISPA) encouraged the Government to sign and ratify the Convention on the Rights of Persons with Disabilities at the earliest practical opportunity.<sup>2</sup>

### **B. Constitutional and legislative framework**

2. According to Joint Submission 1 (JS1), under the Constitution, there is a section on fundamental rights and freedoms of individuals. There is a definition of discrimination but it does not specifically refer to disability, highlighting the need to include disability in the non-discrimination provision of the Constitution. MISPA noted that the Government had not made plans for the creation of a gender and human rights specific disability legislation, and that the existing laws discriminate against people with disabilities.<sup>3</sup> MISPA emphasized that when creating gender and human rights specific disability legislation, it was important for the Government to consider applying the Convention on the Rights of Persons with Disabilities, and the Biwako Framework for creating national policies and legislation on disability.<sup>4</sup>

3. MISPA noted that there was no specific reference to disability highlighting the need to include disability in the non-discrimination provision of the Constitution.<sup>5</sup>

4. Further, JS1 noted that sex was not included in the list of non-discrimination grounds. In this connection, JS1 recommended that the Government revise Section 12(2) of the Constitution to include sex, which currently allows and enables discrimination against women based on sex.<sup>6</sup>

5. JS1 noted the ratification of the Convention on the Elimination of All Forms of Discrimination against Women by Marshall Islands in 2006. According to JS1, until today, nothing has been done to make its legislation compliant with this convention. Accordingly, JS1 recommended that the Government enact national legislation that is aligned with human rights standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women.<sup>7</sup>

6. Youth to Youth in Health (YTYIH) recommended enforcing and implementing human rights conventions and relevant laws to protect the rights of the child and young persons.<sup>8</sup>

### **C. Institutional and human rights infrastructure**

7. JS1 recommended that the Government support the establishment of a Pacific regional human rights commission to address human rights issues in Marshall Islands and the region, and consider lobbying and entering into partnership with other Pacific Island States to support the establishment of such a commission.<sup>9</sup>

8. JS1 noted the functions of the Resource Development Committee aimed at developing measures and policies to progressively implement the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, including through legislative reform and establish relevant mechanisms and mainstream the rights of women and children into sectoral strategies; to recommend to

Cabinet national strategic plans of action and other measures to implement both conventions; to ensure that State reports under both conventions are prepared in a timely manner and according to relevant guidelines; to ensure decisions reflect the views of proposed beneficiaries; and to advocate sufficient human and financial resources to carry out its functions.<sup>10</sup>

9. MISPA stated that the national Interagency Council on Disabled Individuals and Their Families had not been active in implementing its goal to provide services for children with special health care needs and their families. MISPA also stated that people with disabilities continued to be disadvantaged and marginalized in society. The ineffectiveness of the Interagency Council was not in line with the principles contained in regionally and internationally agreed norms and standards for people with disabilities, namely the Biwako Framework and the Convention on the Rights of Persons with Disabilities.<sup>11</sup>

10. JS1 noted that the Millennium Development Goals (MDGs) Working Group was established in 2009 to ensure that Marshall Islands delivers on its MDGs promises. JS1 also noted that some of these MDGs goals were tackled by NGOs to improve and sustain lives in the country.<sup>12</sup>

#### **D. Policy measures**

11. MISPA called on the Government to urgently develop and implement national disability policy and legislation in compatible with the Convention on the Rights of Persons with Disabilities, and to support the use of Biwako Framework as a policy guideline, including strategic plans and implementation frameworks.<sup>13</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Implementation of international human rights obligations**

#### **1. Right to life, liberty and security of the person**

12. JS1 quoted its own survey conducted on four outer island communities in Marshall Islands in 2003, which found that as many as 87 out of every 100 women in the country had suffered physical violence. JS1 also noted another survey conducted in 2007, which indicated that only about 35% of cases of abuse were reported.<sup>14</sup> JS1 recommended: amending the current legislation to include a “no drop” policy on cases to protect women who are too scared to pursue their perpetrators; establishing national action plans to combat violence against women and girls, and putting in place the institutional, technical and financial resources required for coordinated, multi-sectoral responses. JS1 further recommended instituting immediate frontline support and services from the police, health and legal aid providers for survivors of gender-based violence, education and sensitivity training for frontline workers. Moreover, JS1 recommended that the Government allocate budget to allow collection, analysis and dissemination of data as an essential component for measuring the progress of anti-violence initiatives and developing effective strategies.<sup>15</sup>

13. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was lawful in the home.<sup>16</sup> The Criminal Procedure Code and Juvenile Procedure Code make no provision for corporal punishment.<sup>17</sup> GIEACPC further noted that corporal punishment was lawful in alternative care settings.<sup>18</sup>

**2. Administration of justice and the rule of law**

14. MISPA stated that legal services were provided by the Government but access to the services was not enjoyed by people with disabilities. It is difficult for people with disabilities to access the building. Ramps were not provided for and the authorities did not provide signs and aids for those with visual impairments.<sup>19</sup>

**3. Right to participate in public and political life**

15. JS1 noted that there had never been more than one female senator serving in the 33-member Parliament at any given time. Female participation in local government councils had improved slightly over the years, but total numbers remained low.<sup>20</sup> JS1 further noted the following gaps and challenges in relation to women's participation: the *Nitijela* (Parliament) runs on influence from the traditional system where male chiefs have dominated leadership; prevailing attitudes toward male control over family decision-making make Marshallese women vulnerable to personal and financial insecurity; a large number of women cast their votes based on their husband's decisions; and the power of the Church and church leaders sometimes surpass the control of the Government and traditional leaders and women are sometimes influenced by Church decisions.<sup>21</sup>

16. In relation to this, JS1 recommended that the Government implement a quota for women to be represented in Parliament; raise awareness and promote the importance of women in Parliament and women voters; and promote and redefine women's role as decision makers at all levels of society.<sup>22</sup> JS1 also recommended that the Government create temporary special measures as an affirmative action in the political arena in order to ensure 30% quota of women representatives in Parliament.<sup>23</sup>

**4. Right to work and to just and favourable conditions of work**

17. MISPA recommended that the Government develop policy on and awareness of the need for the employment of persons with disabilities.<sup>24</sup>

18. YTYIH recommended that Marshall Islands provide employment opportunities for young people especially in agriculture, aquamarine farming, traditional crafts and art and other vocational skills, and increased entrepreneurship trainings for young people.<sup>25</sup>

**5. Right to social security and to an adequate standard of living**

19. JS1 noted inadequate growth rate, micro-nutrient deficiencies, and common childhood illnesses such as diarrhea, fever and acute respiratory infections.<sup>26</sup> According to JS1, a leading cause to early childhood illnesses is the lack of immunization and appropriate treatment. In this connection, JS1 noted a 2007 health survey, which found that only about 34% of children from the age of 12-23 months had been vaccinated<sup>27</sup>

20. YTYIH noted that young people were vulnerable to many diseases and infections, including tuberculosis, diabetes, heart disease, cancers, influenza, gastroenteritis illnesses, malnutrition, skin disease, dental caries, hearing loss and eye problems. Many were not receiving the care they needed.<sup>28</sup>

21. MISPA stated that despite a constitutional provision for health and education, people with disabilities did not enjoy these rights due to limited access. Health services as other Government services were not fully enjoyed by people with disabilities.<sup>29</sup>

**6. Right to education and to participate in the cultural life of the community**

22. JS1 noted that while female enrolment rates in elementary and high school were nearly equal to their male counterparts, completion rate at these levels were lower. Participation rate in college was lower than their male counterparts. JS1 also stated that

cultural, societal and parental expectations of girls and their roles was a major factor in the discrepancy in school attendance at the postsecondary level.<sup>30</sup> JS1 recommended that the Government enforce laws that require individuals to attend school at least until the age of 18 years to ensure completion of primary and secondary education.<sup>31</sup>

23. MISPA recommended that the Government develop and strengthen special education training programmes for persons with disabilities through local colleges and schools. MISPA also recommended that the Government improve the provision of sign language, especially in schools.<sup>32</sup>

### III. Achievements, best practices, challenges and constraints

24. GIEACPC further noted that corporal punishment was prohibited in schools by the 1992 Rules and Regulations of the Ministry of Education.<sup>33</sup> According to GIEACPC, in the penal system, corporal punishment is unlawful as a sentence for a crime. It is reportedly prohibited as a disciplinary measure in penal institutions under the amended Criminal Code.<sup>34</sup>

25. Noting that the inhabitants of the Rongelap Atoll in Marshall Islands had to be evacuated due to a detonation of a hydrogen bomb in 1954, the Society for Threatened Peoples (STP) expressed concern about the scheduled return of roughly 400 islanders who live in a temporary communion/settlement in Kwajalein Atoll to Rongelap. STP also stated that the acceptance of the Rongelap people to a return to Rongelap is the single most important condition for such a return.<sup>35</sup>

26. JS1 stated that women and children would be most vulnerable to climate change when the sources of their livelihood are depleted and their rights are under threat as they have limited adaptive capacities due to prevailing social inequalities and ascribed roles. Also, as primary care-givers, women may see their responsibilities increase as the family's health is affected by the diseases caused by impacts of climate change.<sup>36</sup> Thus, JS1 recommended that the Government adhere to the minimum human rights standards provided for under the Convention on the Elimination of All Forms of Discrimination against Women in the implementation, mitigation and adaptation of national responses to climate change.<sup>37</sup>

27. JS1 further recommended that the Government: increase its capacity regarding waste removal and recycling; build local ordinances, policies and agreements to protect conservation areas; strengthen advisory support to local governments, island councils, traditional leaders, and communities about the use of management measures to protect the environment and how to control overfishing; issue one water catchment and trash bins per home; and realize that climate change is causing many issues for the country.<sup>38</sup>

28. According to Joint Submission 2 (JS2), increasing changes in the physical environment will result in direct threats to many of the human rights guaranteed by Marshall Islands under international law, including the rights to life, security of person, water, freedom from hunger, means of subsistence, sanitation, health, property, housing, self-determination, culture and traditional knowledge, an adequate standard of living and a healthy environment.<sup>39</sup>

29. JS2 also noted that in the traditional societies that still dominate much of Marshall Islands, land is deeply linked to personal, family and cultural identity. Loss of land due to sea level rise, storm surges and coastal erosion may force thousands of Marshall Islands citizens to become climate migrants evacuating their island homes long before inundation is total.<sup>40</sup>

30. JS2 recommended that the Human Rights Council: welcome the efforts of Marshall Islands to include the protection of human rights in its national policies to combat climate

change; recognize the responsibility of major greenhouse gas-emitting States for the human rights threats suffered by the people of Marshall Island and support them in the protection of human rights violations caused by climate change; and encourage the international community to take immediate action to decrease global greenhouse gas emissions and assist the Government of Marshall Islands in its efforts to mitigate and adapt to the effects of climate change.<sup>41</sup>

#### IV. Capacity-building and technical assistance

31. JS2 stated that significantly increased international cooperation would be fundamental to help protect the human rights of the citizens of Marshall Islands. The responsibility for adaptation to and mitigation of climate change in Marshall Islands should be shared by major greenhouse gas emitting States, relative to their share of historic and current emissions.<sup>42</sup>

#### Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).
- <sup>2</sup> MISPA, p. 4.
- <sup>3</sup> MISPA, p. 3.
- <sup>4</sup> MISPA, p. 3.
- <sup>5</sup> MISPA, p. 2.
- <sup>6</sup> JS1, p. 3.
- <sup>7</sup> JS1, p. 3.
- <sup>8</sup> YTYIH, p. 5.
- <sup>9</sup> JS1, p. 1. See also MISPA, pp. 4-5.
- <sup>10</sup> JS1, p. 10.
- <sup>11</sup> MISPA, p. 2.
- <sup>12</sup> JS1, p. 10.
- <sup>13</sup> MISPA, p. 4.
- <sup>14</sup> JS1, p. 3.
- <sup>15</sup> JS1, pp. 3–4.
- <sup>16</sup> GIEACPC, para. 1.1.
- <sup>17</sup> GIEACPC, para. 1.3.
- <sup>18</sup> GIEACPC, para. 1.4.
- <sup>19</sup> MISPA, p. 3.
- <sup>20</sup> JS1, p. 4.
- <sup>21</sup> JS1, p. 4.
- <sup>22</sup> JS1, p. 4.
- <sup>23</sup> JS1, p. 5.
- <sup>24</sup> MISPA, p. 5.
- <sup>25</sup> YTYIH, p. 5.
- <sup>26</sup> JS1, p. 8.
- <sup>27</sup> JS1, p. 9.
- <sup>28</sup> YTYIH, p. 3.
- <sup>29</sup> MISPA, p. 3.
- <sup>30</sup> JS1, p. 8.
- <sup>31</sup> JS1, p. 8.
- <sup>32</sup> MISPA, p. 5.
- <sup>33</sup> GIEACPC, para. 1.2.
- <sup>34</sup> GIEACPC, para. 1.3.
- <sup>35</sup> STP, p. 1.
- <sup>36</sup> JS1, p. 6.

<sup>37</sup> JS1, p. 7.

<sup>38</sup> JS1, p. 6.

<sup>39</sup> JS2, paras. 5 and 8–12

<sup>40</sup> JS2, para. 13.

<sup>41</sup> JS2, p. 5.

<sup>42</sup> JS2, para. 3.

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