

Country session: Marshall Islands

Date of session: 29th January 2018

Context

The Committee regretted the long-lasting effects of the United States nuclear bombing testing on the islands, whose effects are still felt today in the environment and the health of the population. Moreover, it acknowledged that climate change and natural disasters pose a threat to the enjoyment of human rights. The delegation highlighted that United States' financial help compact will end in 2023 and that this will be a big challenge in terms of financing projects.

Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

| Common core document | |
|------------------------------------|-----------------------------|
| Initial submission | 18 th March 1998 |

| CRC: | | OPAC: | | OPSC: | |
|----------------------|----------------------------------|---------------|---|---------------|---|
| No. of report | 3 rd -4 th | No. of report | - | No. of report | - |
| Due date | 2 nd November 2010 | Due date | - | Due date | - |
| Submission | 7 th July 2016 | Submission | - | Submission | - |

| Written replies to LOIs | |
|---|-------------------------------|
| Submission | 17 th October 2017 |
| Due date | 15 th October 2017 |

Public reports from children's rights defenders

| Alternative reports | |
|-------------------------------------|--|
| NGOs | <ul style="list-style-type: none"> Child Helpline International |



| | |
|--------------|---|
| | <ul style="list-style-type: none"> • Cultural Survival • Global Initiative to End All Corporal Punishment of Children |
| NHRIs | - |

State delegation

The delegation was headed by Ben Graham, Chief Secretary, who was accompanied by six other members of the Ministry of Foreign Affairs and Trade, Ministry of Cultural and Internal Affairs, Ministry of Human and Health Services, Director of Staff Service for Public Schools, an Assistant Attorney General and a Deputy Chief of Embassy to Fiji. There were not any members present whose focus was on children or the rights of the child.

Committee’s Task Force members

| Name & Last Name | Country |
|-----------------------------|----------------|
| Mr. Clarence NELSON | Samoa |
| Mr. Cephas LUMINA | Zambia |



Dialogue description

i. Character of the dialogue

The dialogue was shorter than for other State Parties, but the conversation was nevertheless productive and highly cooperative, with the Committee complimenting the honesty of the report.

ii. General assessment made by the Committee

The Committee welcomed the advancements in child protection legislation but wondered if the efforts in terms of implementation had been effective. In terms of coordination, the Committee showed concern over the lack of strategic guidance on public policies for children. At the end of the discussion, the Committee appreciated the good will of the State to meet the challenges.

iii. Main issues discussed:

- **Violence Against Children:** The Committee expressed concern over the fact that more than 20% of parents use corporal punishment and worried over the fact that there did not seem to be a mechanism for complaints in schools or measures undertaken by the State to prevent it. The delegation replied that corporal punishment was forbidden by law in schools and at home but acknowledged that the criminal code included a provision allowing for corporal punishment which need to be amended.
- **Children Deprived of a Family Environment:** The Committee was concerned about the lack of provisions on customary adoption and asked if the children who were abroad in the United States still maintained contact with their parents. The delegation replied that the best interest of the child was considered in adoption cases and that there were provisions for customary adoption and that children could keep in contact with their biological families. The Committee remained concerned about the fact that under the law only children below sixteen years old could be adopted.
- **Adolescent Health:** While the Committee complimented the decrease in numbers of teenage pregnancies, it underlined that it was still one of the highest percentages in the Pacific region and that the numbers were worse for girls in rural areas. It showed concern over the link between drugs, alcohol and tobacco abuse and sexually transmittable diseases and asked what the State was doing to prevent suicide and address the issue of geographical and social class inequalities with regard to access to healthcare. The delegation replied that teenage pregnancy had dropped thanks to the essential cooperation with NGOs and UNFPA
- **Impact of Climate Change on the Rights of the Child:** The Committee asked if there were evacuation plans in place and if child participation was an important element of decision making. The delegation said that there many activities were carried out by children such as summer camp, participation in the Committee on Climate Change (CCC) negotiations and a CCC UN children delegation. However, the delegation lamented the lack of enough shelters in case of an environmental disaster.
- **Education:** The Committee showed concern over the number of children who do not attend school because they are too far away and the lack of access to schools in urban areas due to overcrowding. The Committee also added that it had heard reports of pregnant girls not being allowed to attend school. The delegation said there were special programmes for girls to return to school after giving birth. Also, it said that there had been a reduction of the lack of access to education, partially due to the 2013 change to a public education system administrated by one less connected to state institutions and more privatised and special education programmes supported by the United States of America. Additionally, the government has also carried out policies for inclusive education and improvement of accessibility to education for children with disabilities and in outer islands.

- **Trafficking and Sexual Exploitation:** The Committee asked the delegation what measures were being undertaken to combat trafficking after its official ban. The delegation replied that a task force was working with police and fishing communities. while conducting awareness raising and developing victims' services. In regard to sexual abuse and exploitation, the Committee was concerned about cultural practices which interpret this as a family matter and not a crime and lamented the lack of a proper system for denouncing abuses. Given the high number of girls submitted to sexual exploitation in sex tourism, the Committee asked the delegation how effective the law prohibiting sex tourism was in practice The delegation replied that the recent law had enabled the State to investigate and prosecute these crimes.

Recommendations of the Committee

- **Corporal Punishment:** The Committee recommended the State to amend the Criminal code to explicitly prohibit corporal punishment in all settings and repeal article 3.08; immediately implement provisions prohibiting corporal punishment in schools; establish reporting mechanisms and ensure that investigations and legal proceedings are followed through; conduct awareness raising and training programmes for those in contact with children.
- **Children Deprived of a Family Environment:** The Committee recommended to review the amended Adoption Act to ensure that any child below 18 years old is eligible for adoption; develop regulations and guidelines for all stakeholders in adoptions; enhance the capacity of the Central Adoptions Authority to oversee formal adoption processes; increase awareness of formal adoption at community level; further strengthen awareness raising and monitoring efforts; consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
- **Adolescent Health:** The Committee urged the State to adopt a new comprehensive sexual and reproductive health policy for adolescents, in particular related to STD's, HIV/AIDS and early pregnancy; ensure that comprehensive age-appropriate sexual and reproductive health education is part of the mandatory school curriculum targeting adolescent girls and boys; decriminalise abortion in all cases for girls and ensure safe access to abortion and post-abortion care services and that the views of the girl are always considered; improve adolescents' access to reproductive healthcare and related services, including access to available and affordable contraception; develop a policy and plan of action on alcohol, smoking and drug abuse by children and adolescents and create accessible and youth-friendly drug dependence treatment and harm reduction services.
- **Impact of Climate Change on the Rights of the Child:** The Committee recommended to implement the already existing national plans for climate change; increase children's awareness and preparedness for climate change and natural disasters and establish school-based programmes; develop a comprehensive disaster-sensitive social protection system and ensure that the special vulnerabilities of children are taken into account; review emergency protocols to include assistance and support for children with disabilities during emergencies and natural disasters; increase the number of evacuation centres and ensure their accessibility to all children; improve data and assessment to establish an evidence base for risk reduction and preparedness, particularly for children with disabilities.
- **Education:** The Committee recommended that the State implements documents relating to the rights of the child and education; analyse the root causes of low enrolment rates at different school levels and implement actions to remedy it; ensure pregnant teenagers and adolescent mothers are supported and assisted in continuing their education; develop and

promote quality vocational training; take measures to ensure equal access to quality education in all areas, particularly for girls and children with disabilities.

- **Trafficking and Sexual Exploitation:** The Committee urged the State to ensure that relevant legislation is enforced and perpetrators are brought to justice and adequately punished; train relevant staff on how to receive, monitor and investigate complaints in a child-sensitive manner; strengthen the capacity and inter-agency coordination of the National Task Force on Human Trafficking; establish mechanisms, procedures, and guidelines to ensure mandatory reporting of cases of child trafficking and exploitation; strengthen awareness raising activities and establish a complaint mechanisms which can receive, monitor and investigate reports on cases of child trafficking; establish protective mechanisms and services to safeguard children at risk and victims; improve access to disaggregated data on victims; consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, , Especially Women and Children.

Sustainable Development Goals

In its Concluding Observations, the Committee referenced the following Sustainable Development Goals in its recommendations:

- Target 1.3 on implementing nationally appropriate social protection systems and measures for all;
- Target 3.2 to end preventable deaths of new-borns and children under 5 years of age;
- Target 3.5 on strengthening the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol;
- Target 3.7 on ensuring universal access to sexual and reproductive healthcare services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes;
- Target 4.5 on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities and children in vulnerable situations;
- Target 13.b on promoting mechanisms for raising capacity for effective climate-change related planning and management in least developed countries and small island developing States;



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- Target 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children;
- Target 16.9 on providing legal identity for all, including birth registration;

Next State report

| CRC | |
|---------------|----------------------------------|
| No. of report | 5 th -7 th |
| Due date | 2 nd May 2024 |

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.