

**Joint Submission of the UN Country Team for the Republic of Marshall Islands for the  
UN Compilation  
Universal Period Review of the Marshall Islands  
22<sup>nd</sup> Session, 4-15 May 2015**

## Introduction

1. As the Republic of Marshall Islands (RMI) prepares for its second cycle review of the UPR in 2014, this submission is made by members of the Pacific Regional Offices that work in RMI<sup>1</sup>. While the submission provides available information, it does not attempt to provide a comprehensive review of the human rights situation in RMI.
2. UNCT Pacific hopes that the preparations for the second review are seized as an opportunity for the Government and stakeholders to engage in consultations and exchange of views on new developments and implementation of 2010 UPR recommendations. It also encourages the Government to use the outcomes of the second review to further the enjoyment of human rights in RMI.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations

1. RMI ratified CRC in 1993 and CEDAW in 2006 but has yet to ratify their respective optional protocols. The UNCT notes the concerns raised by the Committee on the Rights of the Child in 2007 that RMI was only party to two of the nine core international human rights treaties. The Concluding Observations of the 2007 report further noted that although Parliament seems to have approved the ratification of ICCPR, ICESCR, ICERD and CAT<sup>2</sup>, no international human rights treaties, or their respective optional protocols and complaint procedures, have been ratified or acceded since the last UPR.
2. **In this regard, UNCT recommends ongoing efforts by RMI to ratify and accede to the remaining seven core international human rights treaties<sup>3</sup>, and their optional protocols, as recommended [56.1 – 56.8] and accepted [55.1 – 55.8] in the 2010 UPR and to implement through domestic application.**
3. **RMI is further urged to sign and ratify the CRPD as recommended by the Pacific Islands Disability Ministers (including RMI) in 2012<sup>4</sup>, and endorsed by the Pacific Forum Leaders in 2013<sup>5</sup>. The UNCT further encourages RMI to consider ratification of the Vocational Rehabilitation (Disabled) Convention, 1983 (ILO No. 159), as agreed by Pacific Disability Ministers (including RMI) in 2012<sup>6</sup>. Ratification of Convention 159 would enhance equality of opportunity and treatment of persons with disabilities in the areas of employment and vocational training.**
4. RMI is also party to the Rome Statue (2003), Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (2004), the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (2004) and the Seafarers Identity Documents Convention (Revised) 2003 (No. 185) (2013). The Government has also expressed an interest in ratifying the eight Fundamental Conventions of the ILO<sup>7</sup>. **UNCT encourages RMI to work with the ILO to achieve ratification and implementation of these eight Fundamental Conventions.**

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

*(1<sup>st</sup> UPR cycle recommendations 56.24 and 56.24 on constitutional amendment; and recommendations 56.23 and 56.29 on non-discriminatory legislation and policy)*

3. There is general protection under Section 12 (Part 1) of the Bill of Rights in the Constitution for all persons to be considered equal under the law and entitled to the equal protection of the law. Part 2 of Section 12 provides the grounds for non-discrimination which includes gender, race, colour, language, religion, political or other opinion, national or social origin, place of birth, family status or descent. However, the bill does not include sex and disability as grounds for non-discrimination. The constitution also does not make provisions for the registration of babies after birth. **UNCT encourages RMI to amend the Constitution to include sex and disability as grounds for non-discrimination as recommended [Rec. 56.24] and accepted by RMI [Add. 55.24] in the 2010 UPR.**
4. RMI does not have disability-specific or inclusive legislation to ensure that persons with disabilities have access to buildings, public transport, education, communication and information<sup>8</sup>. The main exception is the Education Act 1991 in which the Nitijela (Parliament) recognises the government's obligation "to provide educational opportunities which will enable all children to lead fulfilling and productive lives. This obligation includes providing appropriate educational opportunities to handicapped children who require special education" (s.340). The Act also makes provision for "necessary supplementary services in regular classrooms" (s.341); "procedures to ensure the ongoing identification, evaluation, program placement, instruction and related services of handicapped children" (s.342); and disability-inclusive provisions in respect of school transportation (s.327).
5. A preliminary scoping review of RMI's laws was undertaken in early 2014, as an important first step towards developing comprehensive disability rights legislation consistent with the CRPD<sup>9</sup>, as recommended [Rec. 56.29] and accepted [55.29] by RMI in the 2010 UPR.
6. **UNCT encourages the Government to include a specific provision in the Constitution on the Rights of the Child, which should include the best interest of a child as the primary consideration in every matter concerning children. Laws should also be reviewed to ensure compulsory and free registration of all children born in the country.**
7. To address high rates of domestic violence, RMI passed the *Domestic Violence Prevention and Protection Act* (2011) (DV Act) which criminalizes domestic violence and provides a mechanism for protection orders. While the Act indicates a positive political shift and signals that domestic violence is no longer considered a private matter, the law has several shortcomings. The penalties provided under the DV Act are very low with a maximum of 6 months imprisonment for first time offenders and a maximum of 2 years imprisonment for repeat offenders. While this might be sufficient in minor cases, the Act does not provide for increased sentences for even the most severe cases. Although the prosecutor's office has discretion to file additional charges under the criminal law, this does not appear to be practiced by prosecutors.

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

*(1<sup>st</sup> UPR cycle recommendations 56.9 – 56.12 on NHRIs; and recommendation 56.29 on disability policy)*

8. In the 2010 UPR [Rec. 55.1], RMI noted that whilst it recognised the importance of establishing national human rights institutions, a lack of resources to both establish and maintain such institutions hindered its ability to favourably consider this option<sup>10</sup>. **UNCT continues to encourage RMI to consider the establishment of an independent national human rights institution (NHRI) to coordinate, provide capacity development and assist with strengthening human rights implementation throughout RMI.**
9. Apart from the education and health sectors, RMI policies and documents (including the building code) are generally silent on disability. However, the development of the first national disability policy, with technical assistance from UNESCAP, Pacific Islands Forum Secretariat (PIFS) and the Pacific Disability Forum (PDF), has been underway for a few years. A draft policy that is consistent with the CRPD was submitted in late 2013 and is expected to be adopted by the Government in the near future.
10. The UNCT welcomes RMI's commitment to pursuing a disability rights agenda, including its high level undertakings at the regional level to promote disability inclusive development and policy implementation, including measures to support women with disabilities<sup>11</sup>. **The UNCT urges the expeditious adoption and implementation of a comprehensive national disability policy that is fully compliant with international standards, as recommended [Rec. 56.29] and accepted [Add. 55.29] in the 2010 UPR.**

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with international human rights mechanisms**

*(1<sup>st</sup> UPR cycle recommendations number 56.1 to 56.8 on ratification and recommendations number 56.5 – 56.7 on disability)*

11. At the adoption of the UPR outcomes in 2010, RMI committed to “abiding by the principles of the main human rights treaties and in continuing efforts in ratifying and acceding to the said treaties.”<sup>12</sup> In December 2013, the UN High Commissioner for Human Rights encouraged States in the Pacific, including RMI, to renew consideration of and become State Parties to the ICCPR, ICESCR, CAT and the respective Optional Protocols<sup>13</sup>.
12. Although RMI ratified CEDAW in 2006, the Government has not yet been able to submit its initial and periodic CEDAW state reports.
13. RMI ratified the CRC in 1993, and has since submitted its initial and periodic state reports but has yet to submit its second periodic report which was due November 2010.
14. In the 2010 UPR, RMI noted that there is a need for ‘technical and financial assistance in properly implementing these treaties.’<sup>14</sup> This was provided by UN partners (UNFPA, UN Women, OHCHR and UNICEF) through the deployment of a UNV whose main tasks were to support the Government's preparation of periodic reports for CEDAW and CRC,

as well as to provide input for the second cycle national UPR report. However, the provisions of this technical support has not yet resulted in increased reporting under the human rights treaties.

15. OHCHR, PIFS and the Secretariat of the Pacific Community/Regional Rights Resource Team (SPC/RRRT) together with UN Women provided technical assistance on the UPR process including implementation and reporting. They are also providing ongoing assistance to government to adopt a harmonised human rights treaty reporting approach aimed at facilitating a coherent and timely submission of the common core document and convention specific reports.

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

#### **Equality and non-discrimination**

*(1<sup>st</sup> UPR cycle recommendation 56.25 – 56.26 on CEDAW)*

16. The development of a national gender policy will address key priority issues and support gender and women's human rights. **UNCT therefore encourages the Government to implement the 2010 UPR recommendations to “continue its work to fill the gaps in legislation and national policies that prevent the full implementation of CEDAW”<sup>15</sup> in this regard.**

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

*(1<sup>st</sup> UPR cycle recommendations 56.15 – 56.18 on domestic violence and 56.20 – 56.22 on violence against children and child labor)*

17. RMI with the support of UNFPA completed its first Family Health and Safety study. At 1 August 2014, this report was submitted for review by the Research and Development Committee and the Cabinet, after which it will be finalized. The study will provide data specifically on forms of, level of occurrence, and severity of violence against women in the country. While the figures are yet to be published, initial findings indicate that the level of violence against women is comparable to that of other Pacific Islands countries.
18. Domestic violence is a challenge that is complicated by tradition, cultural practices and general perceptions and attitude that abuse is normal in marriage<sup>16</sup>. **UNCT encourages the effective implementation of the *Domestic Violence Prevention and Protection Act (2014)* through advocacy and awareness amongst targeted audience. Greater gender sensitization training to change mindsets and attitudes is important.**
19. RMI is one of three countries in the Pacific where more than 20 percent of parents use physical punishment that hurts a child on a daily basis, and verbal humiliation is used on at least 12 percent of children on a daily basis. While corporal punishment is prohibited in schools and recognized as an unlawful disciplinary measure, there are still concerns that it is still being used in homes and other alternative care settings.
20. RMI does not have a cohesive Child Protection Program. The legal framework for child protection is weak and programs and services lack strategic direction. Child protection concerns are largely undetected and seem to go unattended for the most part. **UNCT encourages the Government to strengthen the normative framework. Child**

**protection laws and a comprehensive child protection policy should integrate existing mechanisms such as the Central Adoption Agency. There must also be effective linkages and coordination between the ‘informal’ and the ‘formal’ parts of the Child protection system.**

21. The Committee on the Rights of the Child 2007 Report on RMI also recommended [Rec. 66] development of appropriate regulation of working hours, nature of work and working conditions for children who have not reached the age of 18, in accordance with relevant international norms and standards, in particular ILO Conventions No. 138 (1973) concerning the Minimum Age for Admission to Employment, and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour<sup>17</sup>.

#### **Administration of justice, including impunity, and the rule of law**

22. The definition of domestic violence offences in RMI generally complies with international standards, including provisions for physical, sexual, psychological and economic abuse. Currently the statistics to evaluate the implementation of the *Domestic Violence Prevention and Protection Act* are not available. Similarly, an evaluation on women’s access to justice, including an assessment of the effectiveness of the justice chain to care for sexual violence survivors has not been undertaken. **RMI is encouraged to undergo studies of the access to justice, particularly by survivors of domestic violence, and to plan and respond accordingly.**
23. Under s107 of the *Criminal Code [31 MIRC Ch 1]*, Children under 10 years old are presumed, or deemed, by law to be incapable of committing an offence. The same presumption is applied to children between 10 and 14 years old, except for cases of murder and rape. However, there is no such presumption for children between the ages of 14 and 18 meaning that they can be prosecuted for all criminal code offences. The CRC Committee recommends at least 14 or 15 years of age to be set as minimum criminal responsibility. **UNCT encourages the Government of RMI to consider legal reform to revise its minimum ages of criminal responsibility to 15 years of age for children.**

#### **Right to privacy, marriage and family life**

24. The Committee on the Rights of the Child, in their 2007 consideration of RMI<sup>18</sup>, noted with appreciation the amendment of the *Birth Registration and Marriage Registration Act*, raising the legal age of marriage for girls from 16 to 18 years, bridging the disparity between the minimum legal age for marriage of boys and that of girls, as recommended by the Committee in its previous concluding observation<sup>19</sup>. However, the Act still allows for girls to be married at the age of 16 with consent from a parent or guardian. **UNCT encourages the Government of RMI to consider reform of s428 of the Act to make absolute the legal age of marriage for girls to be 18 irrespective of parental or custodian consent as consistent to the legal age of marriage for boys.**

#### **Right to participate in public and political life**

25. The participation of women in public life, including through political representation and engagement in the public service, helps to address social inequalities on many levels.

However, RMI has a low rate of women's representation in politics, with for example only one woman elected to the RMI legislature in the last 5 cycle of elections. **UNCT encourages the adoption of temporary special measures to facilitate greater participation and representation of women in public offices particularly in politics.**

### **Right to work and to just and favorable conditions of work**

26. Economic opportunities for the population in the RMI are few. The national total dependency rate is as high as 82, which means that a high percentage of the population is dependent on a rather small number of working age people. In addition, women make up on only 35% of the total formal workforce. The 2012 gender stock take conducted by the Secretariat of the Pacific Community (SPC)<sup>20</sup> states that young women are involved in the sex trade through the tuna industry. The report cites the lack of economic opportunities for women as the reason for engaging in sex work.
27. The existing labour law framework has been in place for a number of years, and the Government has recognised that elements of existing labour legislation is in need of reform to improve consistency with international labour standards<sup>21</sup>. In 2013, the ILO office of Pacific Island Countries provided technical assistance to support RMI better implement its ILO Constitutional Obligations at a tripartite workshop for new member States in Apia, Samoa. This included briefing tripartite constituents on the requirements of the eight Fundamental Conventions and the benefits of ratification. This has not yet translated into further progress towards ratification.
28. There has been no formal technical legal review of the existing labour law framework benchmarked against international labour standards. The ILO is available to provide some technical assistance to the RMI to review its labour legislation should request for technical assistance be received by the office.

### **Right to health**

*(1<sup>st</sup> UPR cycle recommendations 56.32 on health and nuclear tests and 56.34 on children's health)*

29. A sharp rise in the incidence of obesity and non-communicable diseases (NCDs) has produced a health crisis for RMI. This has been largely brought about by the consumption of unhealthy, imported processed foods and more sedentary lifestyles. As a result, diabetes-related diseases and cancer are now the leading causes of death<sup>22</sup>, and RMI ranks with its Micronesian neighbor, FSM, as having the highest diabetes rate in the world. There is also a reemergence and/or rise in communicable diseases such as tuberculosis and leprosy as a result of extremely high population density and urban overcrowding<sup>23</sup>. **UNCT calls on its specialized agencies to increase technical and financial assistance to RMI in order to combat these and other critical health problems, as recommended [56.32] and accepted [55.32] in the 2010 UPR, and with particular attention to NCDs as emphasized by the Special Rapporteur on Implications for Human Rights of the Environmentally Sound Management of Hazardous Substances and Wastes (SR-HSW) in 2012 [Rec 63 (b)].**
30. Poor immunization coverage and child malnutrition are additional challenges. Rural children are three times less likely to be fully immunized compared to urban children<sup>24</sup>.

**UNCT recommends the implementation of cost-effective public health interventions to expand immunization coverage, including in rural communities and outer islands.**

31. Women in the outer islands have limited access to professional obstetric or gynecological care which is only available in urban centres<sup>25</sup>.
32. RMI has the highest teenage pregnancy rates in the Pacific and there are alarming rates of sexually transmitted infections (STI)<sup>26</sup>. Early marriage tends to be accepted. Teenage pregnancies account for about 15 – 20 per cent of all recorded births<sup>27</sup>. Socio-economic factors such as high school drop-out rates and unemployment may play a role, but cultural acceptances of early pregnancy might be a stronger determinant.
33. A study undertaken by Youth to Youth Health in 2006 concluded that despite the high rates of adolescent pregnancy in RMI, it was not considered a major societal problem.<sup>28</sup> The study revealed that although efforts had been made to make sexual and reproductive health (SRH) services available to young people, they were still not accessing such services and the level of contraceptive use among young people was low. Sexuality education was offered in schools and many teachers and educators indicate a discomfort with teaching it.
34. In order to scale-up efforts to prevent adolescent pregnancy in RMI, the Ministry of Health, Youth in Youth Health and UNFPA have identified the need for a rights-based, action oriented strategic plan for the prevention of adolescent pregnancy. The strategic plan will identify desired outcomes and the necessary outputs and activities to achieve these outcomes. It will include an estimated budget, an M&E framework and will identify the responsible stakeholders. Imperative in its development, implementation and monitoring is the meaningful involvement of young people and other stakeholders. The proposed Strategic Plan for Prevention of Adolescent Pregnancy will align with the National Development Strategic Plan (currently in development and the Health/RH Plan/Policy). **UNCT encourages ongoing efforts to finalize and implement the proposed Strategic Plan to encourage a rights based approach towards the prevention of adolescent pregnancy. UNCT recommends greater awareness on teenage pregnancy including addressing cultural acceptance of the issue.**
35. RMI has reduced the under-five and infant mortality rates to an estimated 26 and 22 deaths per 1,000 live births respectively, and will most likely meet the MDG target of two-thirds reduction between 1990 and 2015.
36. The legacy of the US nuclear weapons testing programme is ongoing. Marshall Islanders continue to experience the adverse impacts, including severe health problems arising from exposure to high levels of radiation<sup>29</sup>. In all, 67 nuclear tests were carried out by the United States between 1946 and 1958, during which time RMI was, for the most part, a UN Trust Territory. Women not only experienced a high occurrence of still births and infants born with disabilities, but also the multigenerational effects of increased risk of ovarian cancer, infertility, and other reproductive developmental problems<sup>30</sup>.
37. The Nuclear Claims Tribunal, established under the Compact of Free Association between RMI and the United States in 1986, was a response to campaigning and restitution demands by the RMI community<sup>31</sup>. Charged with adjudicating claims from



personal injury and property damage arising from the nuclear test programme, the Tribunal has admitted some 32 types of cancer as being the result of nuclear contamination<sup>32</sup>. An ongoing issue of contention has been the inadequacy of the original trust funds (USD150 million) assigned for compensation awards to just four (recognized) contaminated atolls. Available funds have fallen well short of awards made by the tribunal.

38. The 2010 UPR review of RMI encouraged RMI to seek assistance from the UN specialized agencies with a view to realizing rights to health and addressing the legacy of nuclear tests. **UNCT favorably notes the cooperation of the Government in supporting its first ever mission to RMI in 2012 by an independent expert of the UN Human Rights Council – the Special Rapporteur on Implications for Human Rights of the Environmentally Sound Management of Hazardous Substances and Wastes (SR-HSW).** The Rapporteur referred to the collective responsibility of the US Government, the international community and the RMI Government to redress the many longstanding and unresolved human rights issues that are products of the nuclear test programme. The Rapporteur found that “radiation from the testing resulted in fatalities and in acute and long-term health complications. The effects of radiation have been exacerbated by near-irreversible environmental contamination, leading to the loss of livelihoods and lands. Moreover, many people continue to experience indefinite displacement”.<sup>33</sup>
39. The Report of the SR-HSW in 2012 found implications for the rights to health and effective remedy. In particular, the SR-HSW recommended [Rec 63 (b)] the “development of a comprehensive national health strategy and plan of action, on the basis of epidemiological evidence, addressing the health concerns of the whole population, and in particular, non-communicable diseases”<sup>34</sup>. The Report further highlights [Rec 63 (b)] the need for the plan to “pay special attention to women and children, and seek to overcome the barriers that women encounter in their access to health facilities, goods and services”<sup>35</sup>. While studies have not been conducted, anecdotal evidence also suggests that this has severely impacted women’s role as custodians of the land and may have also contributed to increased gender inequalities.
40. **The UNCT notes the actions taken by the Government of RMI in seeking ongoing realization of responsibility and compensation for the ongoing effects of the nuclear testing in RMI, and welcomes the Special Rapporteur’s call to the US Government to pay the awards adjudicated by the Tribunal**<sup>36</sup>. The Government of RMI also has a duty of care to its affected population and a responsibility to acknowledge the unequal experience of women and provide gender-responsive treatment and care. Ongoing monitoring and health surveys of affected women should be a priority.
41. **The UNCT encourages ongoing efforts to consider the findings, and implement the recommendations, of the Special Rapporteur with particular focus encouraged on the ongoing health [Rec 63 (b)-(e)] and gender [Para. 27 – 30] dimensions of nuclear testing.**<sup>37</sup>

## Persons with disabilities

(1<sup>st</sup> UPR cycle recommendations 56.28 – 56.29 and 56.7 on disability)

42. While the constitution prohibits discrimination in general, specific dispositions to protect persons with disabilities are not provided, and the country has not ratified the CRPD. With few exceptions, notably the *Education Act 1991*, RMI has not passed laws or adopted policies to ensure that persons with disabilities can enjoy full and effective participation and inclusion in society, through equal access to employment, the physical environment, education and vocational training, health, social protection, transportation, political participation, information and communication services, in addition to appropriate access to assistive devices such as wheelchairs, hearing aids and glasses. **UNCT recommends that RMI move to ratifying CRPD and harmonizes domestic legislation with the provisions and principles in the convention, including the needs of children and women with disabilities.**
43. **The UNCT further encourages RMI to hasten progress towards the adoption and implementation of a national disability policy and action plan consistent with the CRPD and based on the Incheon Strategy, endorsed by UN member countries of the Asia Pacific region in 2012<sup>38</sup>, and the Pacific Regional Disability Framework 2010 – 2015 – as recommended [Rec. 56.7] and accepted [55.7] at the 2010 UPR, endorsed by Pacific Leaders in 2009<sup>39</sup>, and adopted and reaffirmed by Pacific Disability Ministers in 2009 and 2012 (including RMI)<sup>40</sup>.**

## Right to development and environmental issues

(1<sup>st</sup> UPR cycle recommendations 56.32 on development and 56.36 on climate change)

44. On 5 March 2014, a State of Emergency was issued by Cabinet following the effects of king tides inundating Majuro Atoll and some of the outer islands, including Arno Atoll, Mili Atoll and Kili Island on 3 March. The inundation affected housing infrastructure and contaminated water supplies, agriculture and food crops. A total of 1,730 people were affected, mainly in Majuro, with 940 people displaced. A total of 18 homes were destroyed and 67 were damaged. There were no reports of fatalities or serious injuries.
45. The UNCT notes the rapid request for assistance from the National Government. OCHA, IFRC and WHO provided technical assistance, with the US and Australia providing financial support. A response plan was developed by the Government, with support from OCHA, and released in late March 2014. **UNCT encourages ongoing efforts to implementing the response plan with a focus on sustainability and disaster risk prevention.**
46. RMI is highly vulnerable to climate change impacts including rising sea levels, increases in the frequency and intensity of storms and weather-related events including droughts, erosion and coral bleaching, and contamination and salinization of ground water and reservoirs. The World Bank estimates annual GDP loss from weather events is currently around two percent, with a predicted loss of 43.3 percent with each “100 year event”. Studies have demonstrated that average temperatures and sea levels are rising and ocean acidification is increasing while rainfall is decreasing. Food security is impacted by prolonged drought resulting in changes to the water table, hampering the production of traditional food crops such as taro and breadfruit.

47. RMI is participating in activities to adapt to and mitigate climate change through funding from GEF and support from UNDP, SPREP, SPC, and other donors and development partners. Notable successes from these activities that directly link to improved livelihoods have been reported. A significant population in Majuro now have reliable water supply as a result of enhanced water storage capacities, and the rural population can access electricity through renewable energy technologies. Although significant improvement has been made, access to water in extreme weather conditions (such as the drought of 2013) for remote population is still a concern. **UNCT encourages the Government towards the implementation of sustainable mitigation strategies to respond, within a rights based approach, to the ongoing risks raised by climate change as recommended in the 2010 UPR [56.36] and accepted [55.36].**
48. In addition, to the threats of climate change and climate variability, population pressures and changes in governance, lifestyle and consumption patterns are causing problems with urbanization, solid waste and habitat destruction. GEF/UNDP supported a sustainable land management (SLM) medium sized project that was intended to help lift some of the barriers for SLM thus paving the way for RMI to achieve greater economic success, food security and environmental sustainability. Unfortunately, the limited capacity of the Government implementing partner has prevented the project from being successfully completed and to date, very little has been done to incorporate SLM into land management policies. **UNCT encourages the Government to utilize the resources of its developmental partners, including the UN, to strengthen its capacity to respond to and implement land management policies.**
49. Water and sanitation problems are acute in RMI, especially in the densely populated urban areas where impoverished informal settlements are emerging. RMI is off track (demonstrates insufficient progress) to achieving MDG 7c (improved access to safe water and basic sanitation) and all three targets of MD 1 (eradicated extreme poverty and hunger)<sup>41</sup>. A household water survey conducted on Majuro and Kwajalein in 2010 concluded that “poverty was a real and serious problem in urban areas of the RMI, with households facing problems such as no water, no electricity, high unemployment, stagnant wages, rising prices, a need for improved government services, and access to information<sup>42</sup>. **UNCT encourages RMI to seek international assistance to improve public infrastructure, including for water and sanitation as recommended by the Special Rapporteur [Rec 63(i)].**
50. The UNDP Drought Recovery Project has supported the affected communities in RMI with drought resistant crops for food security, and prepared a Drought Recovery Plan for the RMI Government. Under the declared state of emergency, the concern was that the limited preparedness for ensuring vulnerable population with access to water. Due to the geographical condition, basic resources such as water is a continued concern. **UNCT encourages ongoing collaboration between the RMI Government and its development partners, including UNDP, to identify and implement strategies to mitigate risks arising from drought and the geographical conditions of RMI.**

## Notes

<sup>1</sup> OHCHR Pacific Regional Office, UN Women, UNICEF, ILO, UNFPA, UNESCAP, OCHA

<sup>2</sup> CRC/C/MHL/CO/2 paragraph 11

<sup>3</sup> To date RMI is only party to the CRC and CEDAW. UNCT urges accession and ratification to the remaining seven core international human rights treaties: ICCPR, ICESCR, ICERD, CAT, CRPD, ICRMW, CPED

<sup>4</sup> Outcomes Document, Forum Disability Ministers' Meeting, Port Moresby, PNG, 3-4 October 2012.  
[http://www.forumsec.org.fj/resources/uploads/attachments/documents/2012FDMM\\_Outcomes.pdf](http://www.forumsec.org.fj/resources/uploads/attachments/documents/2012FDMM_Outcomes.pdf).

<sup>5</sup> Forum Communique, 44<sup>th</sup> Pacific Islands Forum, Majuro, Republic of the Marshall Islands, 3-5 September 2013.

<sup>6</sup> Outcomes Document, Forum Disability Ministers' Meeting, Port Moresby, PNG, 3-4 October 2012.

<sup>7</sup> Ibid.

<sup>8</sup> RMI Ministry of Foreign Affairs (May 2013) 'Republic of the Marshall Islands: National Report' Prepared in preparation for the Third International Conference on Small Island States, Apia, Samoa, 2014.

<sup>9</sup> Government of RMI (Feb 2014) 'Draft CRPD Legislative Review'. Prepared with the assistance of PIFS.

<sup>10</sup> A/HRC/16/12/Add.1, 55.1

<sup>11</sup> Forum Communique, 43<sup>rd</sup> Pacific Islands Forum, Rarotonga, Cook Islands, 28-30 August 2012; Forum Communique, 44<sup>th</sup> Pacific Islands Forum, Majuro, Republic of the Marshall Islands, 3-5 September 2013.

<sup>12</sup> Ibid.

<sup>13</sup> <http://pacific.ohchr.org/docs/AG15thAnnualConference2013.pdf>

<sup>14</sup> A/HRC/16/12/Add.1, 55.1

<sup>15</sup> A/HRC/16/12, Rec. 56.26

<sup>16</sup> Secretariat of the Pacific Community, 2012: Stocktake of the Gender Mainstreaming Capacity, RMI.

<sup>17</sup> CRC/C/MHL/CO/2, Rec. 66

<sup>18</sup> CRC/C/MHL/CO/2, para. 3(c)

<sup>19</sup> CRC/C/15/Add. 139, para. 24

<sup>20</sup> Secretariat of the Pacific Community, 2012: Stocktake of the Gender Mainstreaming Capacity, RMI.

<sup>21</sup> ILO, *Country Baseline Under the ILO Declaration Annual Review (2009 – 2014) : Marshall Islands*, ILO, Geneva (unpublished)

<sup>22</sup> RMI Ministry of Foreign Affairs (May 2013) 'Republic of the Marshall Islands: National Report' Prepared in preparation for the Third International Conference on Small Island States, Apia, Samoa, 2014.

<sup>23</sup> Ibid.

<sup>24</sup> <http://www.doi.gov/oia/reports/upload/RMI-2011-Census-Summary-Report-on-Population-and-Housing.pdf>

<sup>25</sup> RMI (2014): National Report to SIDS

<sup>26</sup> RMI Ministry of Foreign Affairs (May 2013) ' Republic of the Marshall Islands: National Report' Prepared in preparation for the Third International Conference on Small Island States, Apia, Samoa, 2014.

<sup>27</sup> UNICEF 2014 - comments for the UNCT UPR input.

<sup>28</sup> Information provided by UNFPA Fiji. Study is unpublished.

<sup>29</sup> A/HRC/21/48/Add.1, para 19.

<sup>30</sup> A/HRC/21/48/Add.1, Para. 27 and Para 30

<sup>31</sup> A/HRC/21/Add.1, Para. 14

<sup>32</sup> Nancy J Pollock, "Marshall Islands Women's Health Issues – Nuclear Fallout", Presentation for the Asia-Pacific Regional Meeting, Women's International League for Peace and Freedom, Christchurch, 28 February 2004, p.1.

<sup>33</sup> A/HRC/21/48/Add.1, Para. 19

<sup>34</sup> A/HRC/21/48/Add.1, Rec 63(b)

<sup>35</sup> Ibid.

<sup>36</sup> A/HRC/21/48/Add. 1, Rec 64(f)

<sup>37</sup> A/HRC/21/48/Add.1

<sup>38</sup> UNESCAP (2012) Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific.

<sup>39</sup> Forum Communiqué, 40th Pacific Islands Forum, Cairns, Australia, 5-6 August 2009.

<sup>40</sup> Outcomes Document, Forum Disability Ministers' Meeting, Rarotonga, Cook Islands, 21-23 October 2009, and Outcomes Document, Forum Disability Ministers' Meeting, Port Moresby, PNG, 3-4 October 2012.

<sup>41</sup> PIFS 2013 MDGs Tracking Report.

<sup>42</sup> RMI Ministry of Foreign Affairs (May 2013) ' Republic of the Marshall Islands: National Report' Prepared in preparation for the Third International Conference on Small Island States, Apia, Samoa, 2014.