



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

# **BIRTHS, DEATHS AND MARRIAGE REGISTRATION (AMENDMENT) ACT 2016**

**Sponsored by:**

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**HON. MINISTER AMENTA MATTHEW**

**Approved:**

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**HON. SPEAKER KENNETH A. KEDI /s/**



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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



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Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**BIRTHS, DEATHS AND MARRIAGE REGISTRATION  
(AMENDMENT) ACT 2016**

5

**Index**

6

**Section**

**Page**

7

**BIRTHS, DEATHS AND MARRIAGE REGISTRATION (AMENDMENT)**

8

**ACT 2016**

**1**

9

§1. Short title .....5

10

§2. Amendment .....5

11

§3. Effective Date .....6

12



1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
2 37TH CONSTITUTIONAL REGULAR SESSION, 2016



3 Republic of the Marshall Islands  
4 *Jepilpilin Ke Ejukaan*

**BIRTHS, DEATHS AND MARRIAGE REGISTRATION  
(AMENDMENT) ACT 2016**

5 **A BILL FOR AN ACT** to amend Section 428 of the *Births, Deaths and Marriage*  
6 *Registration Act 1988* (26 MIRC, Chapter 4) in order to raise the legal age for marriage of  
7 girls from 16 to 18.

8 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

9 **§1. Short title**

10 This Act may be cited as the Births, Deaths and Marriage Registration  
11 (Amendment) Act 2016.

12 **§2. Amendment**

13 Section 428 shall be amended by revising the existing language as follows:

14 **§428. Requisites of a marriage.**

15 In order to contract a valid marriage it shall be necessary:

- 16 (a) that the male at the time of contracting the marriage be not less  
17 than eighteen (18) years of age and the female be not less than  
18 ~~sixteen (16)~~ eighteen (18) years of age;
- 19 ~~(b) that where the female is not less than sixteen (16) years of age~~  
20 ~~but less than eighteen (18) years of age one of her parents or~~  
21 ~~her guardian shall consent to her marriage;~~
- 22 (be) that the marriage between the two parties is not within the  
23 prohibited degrees of marriage by law or custom; and

1                   (cē) that where either of the parties were married earlier, the  
2                   former spouse of that party has died, or the prior marriage of  
3                   that parry was annulled or dissolved by a court of competent  
4                   jurisdiction.

5   **§3.    Effective Date**

6                   This Act shall take effect in accordance with the Constitution and the Rules  
7                   of Procedures for the Nitijela.

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016

**BIRTHS, DEATHS AND MARRIAGE REGISTRATION  
(AMENDMENT) ACT 2016**

**BILL SUMMARY**

This Bill proposes to amend section 428 of the Births, Deaths and Marriage Registration Act, in order to raise the legal age for marriage of girls from 16 to 18 years

The aim is to comply with the United Nations Convention on the Rights of the Child (CRC). The CRC is a human rights treaty setting out the civil, political, economic, social, and cultural rights of children. The CRC generally defines a child as any human being under the age of eighteen, unless an earlier age of majority is recognized by a country's law.

Nations that ratify this convention are bound to it by international law. Compliance is monitored by the United Nations Committee on the Rights of the Child (Committee) which is composed of members from countries around the world. Governments of countries that have ratified the Convention are required to report to, and appear before, the Committee periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country. Their reports and the Committee's written views and concerns are available on the Committee's website.

The CRC deals with the child-specific needs and rights. It requires that states act in the best interest of the child. In many jurisdictions, properly implementing the Convention requires an overhaul of child custody and guardianship laws, or, at the very least, a creative approach within the existing laws. The CRC acknowledges that every child has certain basic rights, including the right to life, his or her own name and identity, to be raised by his or her parents within a family or cultural grouping, and to have a relationship with both parents, even if they are separated. The Convention obliges states to allow parents to exercise their parental responsibilities. The Convention also acknowledges that children have the right to express their opinions and to have those opinions heard and acted upon when appropriate, to be

1 protected from abuse or exploitation, and to have their privacy protected, and it  
2 requires that their lives not be subject to excessive interference. The Convention also  
3 obliges signatory states to provide separate legal representation for a child in any  
4 judicial dispute concerning their care and asks that the child's viewpoint be heard in  
5 such cases. The Convention forbids capital punishment for children.

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7 The Republic of the Marshall Islands ratified the Convention on the Rights of the  
8 Child (CRC) in 1993. The initial report (CRC/C/28/Add.12) was considered by the  
9 Committee on the Rights of the Child (CRC Committee) in the year 2000. The second  
10 periodic report (CRC/C/93/Add.8) was submitted in 2005 and considered by the  
11 CRC Committee in 2007. The rationale behind this Bill is to bridge the disparity  
12 between the minimum legal age for the marriage of boys and that of girls as  
13 recommended by the CRC Committee in its previous concluding observations  
14 (CRC/C/15/Add.139, para. 24).





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(AMENDMENT) ACT 2016**

3 SIGNATURES

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4 DATE: AUG.9,2016 INTRODUCED BY MIN. AMENTA MATTHEW /S/\_  
5 *Print Name* *Signature*  
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