

Gender equality and women's empowerment

76. We recognize that gender equality and women's empowerment and the full realization of human rights for women and girls have a transformative and multiplier effect on sustainable development and are a driver of economic growth in small island developing States. Women can be powerful agents of change.

Government of the Marshall Islands (GRMI) recognizes these challenges and though we may not have made major progress towards substantive gender equality and the empowerment of women, we are confident that the initiatives being implemented will result in positive change in the lives of Marshallese women and men. The adoption of the 2015 National Gender Mainstreaming Policy has guided the RMI government in mainstreaming gender perspectives across its policies, strategies and programs. This has allowed us to work alongside stakeholders to translate the policy into reality to benefit the people of Marshall Islands.

In early 2015, GRMI adopted its National Gender Mainstreaming Policy. The policy guides the development of laws, policies, procedures and practices to address the needs, priorities and aspirations of all women and men and eliminate all forms of discrimination and inequality in key priority areas: government delivery of gender-responsive programs and services, family well-being, gender-based violence, economic empowerment and decision-making. The priority areas of the policy are: strengthening capacity across government to integrate gender equality into government services and programs; eliminating gender-based violence and protecting and caring for survivors; and improving women's economic empowerment. The policy also identifies vulnerable groups of women including those living in the outer islands (rural areas) and those with disabilities.

77. In this regard, we support the efforts of small island developing States:

(a) To eliminate all forms of discrimination against women and girls;

The RMI is committed to the principles of non-discrimination and gender equality that underlie Convention on the Elimination of Discrimination Against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD) and Child (CRC). GRMI recognize our obligations as a state party, and are committed to improving the situation of women and girls. We will continue to strive towards progressive compliance with conventions ratified, including through legislative reform.

RMI's *Constitution* recognizes the right of all persons to equality under the law and prohibits discrimination (both direct and indirect) on multiple grounds including gender. In 2017, the adoption of temporary special measures in the form of electoral quotas for women in the national Parliament and the inclusion of sexual orientation as a ground for non-discrimination were both proposed as amendments to the *Constitution*. However, unfortunately, while both proposals received support in parliament, they were defeated during the 2017 Constitutional Convention.

Since ratifying CEDAW (2006), the following legislation has been enacted by the *Nitijela* (Parliament).

- 1) *Domestic Violence Prevention and Protection Act, 2011*;
- 2) *Revised Criminal Code 2011*;
- 3) *Marshall Islands Public School System Act, 2013*;
- 4) *Child Rights Protection Act, 2015*;
- 5) *Human Rights Committee Act, 2015*;
- 6) *Rights of Persons with Disabilities Act, 2015*;
- 7) *Youth Service Corps Act, 2016*;
- 8) *Birth, Deaths and Marriages Registration (Amendment) Act 2016*; and
- 9) *Prohibition of Trafficking in Persons Act, 2017*.

This legislation clearly shows the progress the RMI has made in terms of adopting laws and policies towards progressive compliance with CEDAW. The revised Criminal Code 2011, for example, removes the former corroboration rule and exemption of marital rape from prosecution. The *Domestic Violence Prevention and Protection Act, 2011* (DVPPA) criminalizes domestic violence, establishes a no-drop policy, and provides for restitution to victims.

The *Prohibition of Trafficking in Persons Act, 2017* strengthens the legal framework for dealing with trafficking, including sex trafficking of girls and women. It creates various offences in trafficking and applies stiffer penalties than previously applied. However, we are aware that more needs to be done to address this growing problem, in particular to investigate and prosecute those involved in the exploitation of prostitution of women and girls on our shores, and to improve community awareness. The National Taskforce on Human Trafficking is currently seeking technical assistance to help us improve our responses and monitoring. Human trafficking has already been incorporated into the school curriculum.

A comprehensive review of RMI's legislation is now being planned in order to identify provisions that are inconsistent with CEDAW, address gaps, and pave the way for further law reform. At the request of the government, UNESCAP and Pacific Islands Forum Secretariat will undertake this review and assist with drafting CEDAW compliant legislation, as they have similarly done in relation to the CRPD. Amongst other things, the CEDAW review will address the concerns raised in the List of Issues including the lack of a definition of discrimination against women in line with Article 1 (Issue 1), the absence of any laws relating to gender data collection (Issue 3), the lack of temporary special measures (Issue 5), the leniency of penalties in the DVPPA compared to the Criminal Code (Issue 42), the need for maternity leave improvements and equal pay for work of equal value (Issue 14), and the need for more gender-inclusive disaster risk management legislation (Issue 19). Following on from the legislative review, the Government plans to have a new standalone anti-discriminatory Bill ready for submission to the *Nitijela* by early 2019.

RMI's Engagement with Other Human Rights Mechanisms

RMI has already ratified the *UN Convention on the Rights of the Child* (1993) and the *Convention on the Rights of Persons with Disabilities* (2015). In 2011, we extended a standing invitation to the UN Special Procedures, which led to a visit by the Special Rapporteur on human rights and the environment.

We are now pleased to report that the *Nitijela* has approved RMI's accession to:

1. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
2. The International Covenant on Economic, Social and Cultural Rights; and
3. The International Covenant on Civil and Political Rights.

The Ministry of Foreign Affairs and Trade has already transmitted Instruments of Accession to the UN Secretary-General. In addition, the proposed ratification of *ILO Convention 182 (Worst Forms of Child Labor)* is currently before the *Nitijela*, and it is expected that ratification resolutions will be similarly considered for the Optional Protocols to CEDAW and CRC, following approval by Cabinet a few months ago.

The RMI intends to ratify the remaining core human rights treaties and protocols. However, with our limited capacity and resources, we have to be mindful of the responsibilities and obligations that come with ratification, in particular with respect to domestication, implementation, monitoring and reporting. The formal establishment of the Human Rights Committee in 2015 signaled our intention to move this process forward in a more organized and efficient manner.

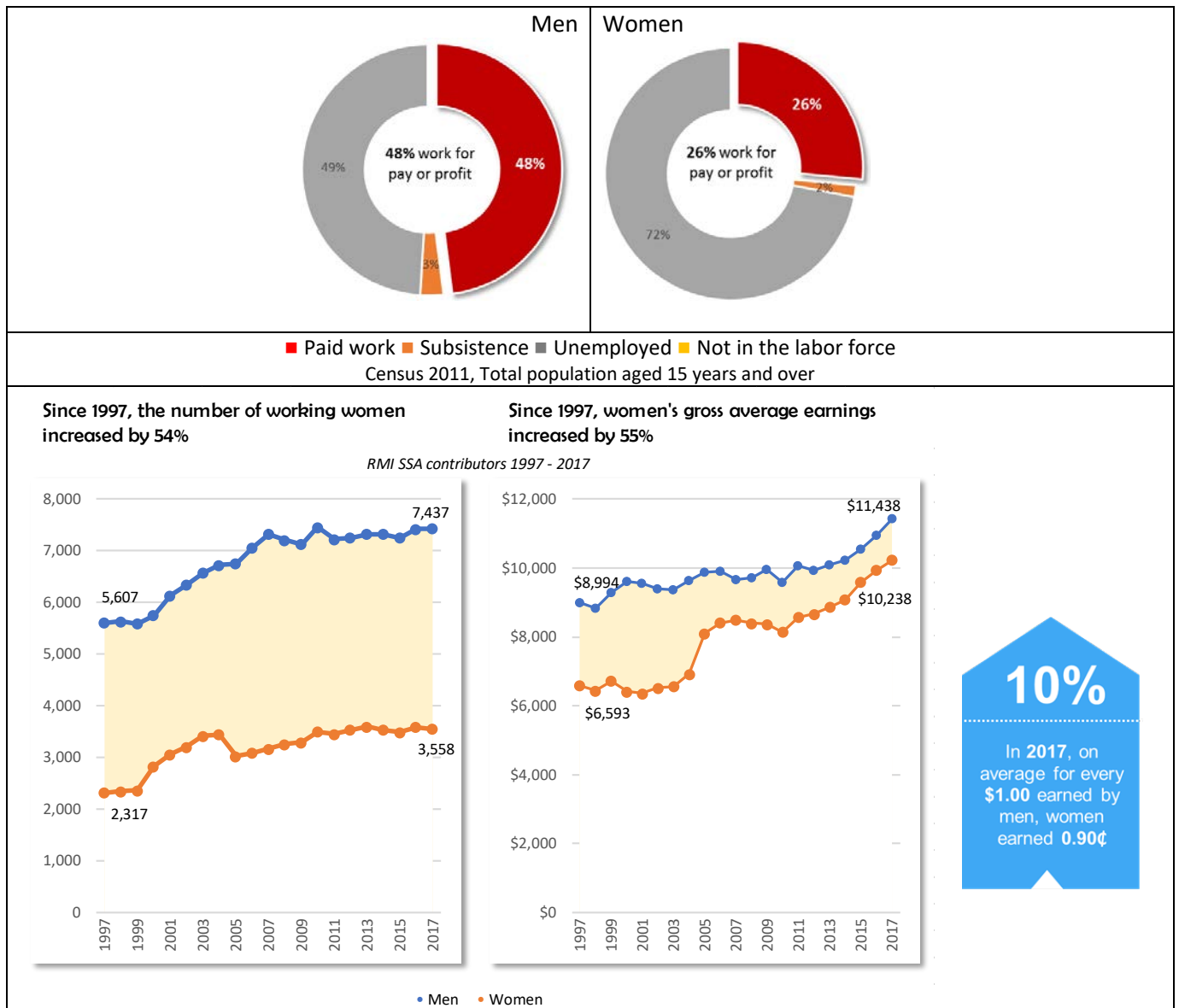
Institutional arrangements and policy frameworks for gender equality

RMI does not have a National Human Rights Institute (NHRI) or a formal National Mechanism on reporting and follow-up (NMRF). However, the Human Rights Committee, established by the Human Rights Committee Act 2015 is a multi-stakeholder committee with a broad mandate to promote the human rights of the Marshallese people. This includes providing advice to government and supporting the development of human rights policy and legislation; monitoring human rights implementation; preparing reports to UPR and human rights treaty bodies; and investigating complaints of human rights violations.

(b) To integrate a gender perspective in priority areas for sustainable development:

The purpose of the National Gender Equality Policy is to guide the process of developing laws, policies, procedures and practices that will address the needs, priorities and aspirations of all women and men and effectively eliminate all forms of discrimination and inequality. It concerns private and public sectors, local governments, and communities. It requires the mainstreaming of gender perspective across all governments policies, strategies, programs and services.

(c) To strengthen women's economic empowerment and ensure equal access to full and productive employment and decent work;



Women's participation in the workforce was 28% in terms of the work-to-population ratio, 23% points lower than the male equivalent, which was 51% (Census of Population and Housing, 2011). These percentages suggest that many people were significantly under-employed, if not actually unemployed, although there is no information about how these women and men used their time in terms of productive and reproductive work. Working men were more likely to work for wages or salaries than women, and women were more likely to work producing goods for sale than men, with 30% of women working in craft and related occupations compared to 23% of men. Three-in-ten women (31%) worked in vulnerable employment as own-account operators, unpaid workers in family enterprises or producing goods for own consumption or sale, compared to one-in-five men (21%).

In 1997, there were 7,924 people in the social security system (71% men and 29% women). In 2017, 10,995 people were employed (68% men and 32% women). In the past 21 years, the number of women in employment increased by 54% and men by 33%. Gross average earnings for men increased by 27% and for women by 55%, reducing the gender gap in earnings from 27% to 10%.

In 2017, 93% of women worked in service industries, such as wholesale and retail trade, public administration, education and financial intermediation. In the services sector, a higher proportion of women worked in wholesale and retail trade than men, even though the number of women working was lower.

In 2017, on average, women's gross earnings in fisheries were higher than those of men, with men earning 0.89¢ for every \$1.00 earned by women. In electricity, gas and water supply, men earned 0.77¢ for every \$1.00 earned by women. However, in the services sector, where most women work, for every \$1.00 earned by men, women earned 0.83¢.

More women than men work in the banking sector. While the number employed is relatively small, women's gross average earnings are 14% lower than those of men because more women work in lower paid jobs (clerks, tellers) than men (managers, supervisors). In 2017, while more men than women worked in public enterprises such as the National Telecommunications Authority, Marshall Electricity Company, Tolobar, and Air Marshall Islands, on average women working in this sector had higher gross earnings. Similarly, women working in government agencies, such as the Marshall Islands Marine Resources Authority and Social Security Administration, on average had higher gross earnings than men. Men working at the US Base in Kwajalein, local government and the private sector had, on average, higher gross earnings than women.

In 2017, women had higher gross average earnings than men in public enterprises, the RMI government and government agencies. Women's gross earnings in the RMI government and public enterprises were probably higher than for men because women hold professional and managerial occupations in these sectors. In comparison, men's average gross earnings were higher than women's in the private sector, banking, local government and NGOs. The average gender gap in gross earnings was highest in local government, where for every \$1.00 earned by the 841 men working in the sector, the 268 women working in the same sector earned 0.57¢. The gross earnings gender gap in favor of women was highest in government agencies, where for every \$1.00 earned by the 245 women working in the sector, on average the 474 men earned 0.80¢.








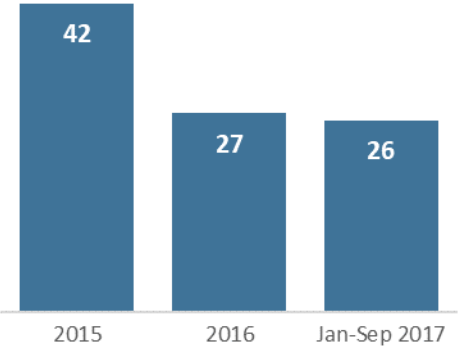
[Source of the statistics and further reading](#)

Economic Policy, Planning and Statistics Office (EPPSO): <https://www.eppso.org/> or <http://rmi.prism.spc.int/>

Republic of the Marshall Islands. 2011 Census report. SPC, Noumea, New Caledonia. ISBN 978-982-00-0564-8. Available from: <http://sdd.spc.int/en/resources/document-library>

Marshall Islands Social Security Administration: <http://www.rmimissa.org/>

d) To end all forms of violence against women and girls:

 <p>51% 5 IN 10</p>	<p>women have experienced physical or sexual violence by an intimate partner in their lifetime</p>																				
 <p>18% 2 IN 10</p>	<p>women have experienced physical or sexual violence by an intimate partner in the last 12 months</p>																				
 <p>79% 8 IN 10</p>	<p>women have experienced at least one type of controlling behavior by an intimate partner in the last 12 months</p>																				
 <p>11% 1 IN 10</p>	<p>women were sexually abused before age 15</p>																				
 <p>9% 1 IN 10</p>	<p>women reported injuries as a result of partner violence and needed health care in the last 12 months (injured enough to need health care)</p>																				
 <p>54% 5 IN 10</p>	<p>women told no one about the violence</p>																				
 <p>39% 4 IN 10</p>	<p>women agreed with the statement "Wife is obliged to have sex with husband"</p>																				
 <p>85% 9 IN 10</p>	<p>women agreed that a man has good reason to hit his wife for one or more of the reasons mentioned</p>																				
 <p>57% 6 IN 10</p>	<p>women agreed with the statement "A married woman can refuse sex if she doesn't want to".</p>																				
 <p>64% 6 IN 10</p>	<p>children aged 1–4 years were subjected to at least one form of psychological or physical punishment by household members in the past month</p>																				
<p>Number of domestic violence complaints recorded by the Majuro Police, 2015–2017</p>  <table border="1"> <thead> <tr> <th>Year</th> <th>Number of Complaints</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>42</td> </tr> <tr> <td>2016</td> <td>27</td> </tr> <tr> <td>Jan-Sep 2017</td> <td>26</td> </tr> </tbody> </table>	Year	Number of Complaints	2015	42	2016	27	Jan-Sep 2017	26	<p>Protection orders issued 2012-2017</p>  <table border="1"> <thead> <tr> <th>Year</th> <th>Number of Protection Orders</th> </tr> </thead> <tbody> <tr> <td>2012</td> <td>2</td> </tr> <tr> <td>2014</td> <td>9</td> </tr> <tr> <td>2015</td> <td>10</td> </tr> <tr> <td>2016</td> <td>12</td> </tr> <tr> <td>2017</td> <td>16</td> </tr> </tbody> </table>	Year	Number of Protection Orders	2012	2	2014	9	2015	10	2016	12	2017	16
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Violence against women and girls is alarmingly high, with 51% of women experiencing intimate partner physical and/or sexual violence in their lifetime and 18% of women currently experiencing physical and/or sexual violence. Two out of every three women are survivors of physical and/or sexual violence by an intimate partner or another person in their lifetime. Attitudes to domestic violence perpetuate the prevalence of domestic violence, with 85% of women agreeing that it is justified under certain circumstances (MIA 2014).

Since the Domestic Violence Prevention and Protection Act 2011 came into force, 48 applications for protection orders have been made to the courts. Of these, 25 were granted, 1 is pending and the rest were either dismissed by the courts or withdrawn by complainants. With the help of SPC RRRT, training has been provided to judges presiding over gender based violence cases, including domestic violence, and a Domestic Violence Protocol or Standard of Care for Health Care Providers has been developed in partnership with WUTMI. Implementation of the Domestic Violence Prevention and Protection Act has been assisted by a UN Trust Fund grant.

WUTMI (Women United Together Marshall Islands), a non-governmental organization formed to advance women's rights, has long advocated for victims of domestic violence and has conducted a number of programs to change public attitudes. WUTMI's awareness, advocacy and lobbying campaigns were a major factor in the passage of the DVPPA. WUTMI Wetu in Mour: Violence Against Women and Girls Support Service (WIM), which is co-funded by the government and donor partners, ensures that survivors are accommodated in safety, have basic necessities and are provided with transport fares to enable them to attend their appointments with Micronesian Legal Services and with WIM for psychosocial support. WIM has provided 44 survivors with all of these services, with community education reaching about 250 people in the 12 months to September 2017, along with ongoing information and awareness campaigns (statistics from WIM administrative records).

The DVPPA provides for a temporary protection order if the judge is satisfied that a complainant, or a child in the care of a complainant, is in danger from an act of domestic violence. A judge is available 24/7 to consider protection order applications. In 2017, 16 temporary protection orders were issued to women to keep their partners away from them and their homes, and nine (56%) of these women were granted permanent protection orders; bringing the total number of permanent protection orders issued since 2012 to 26 of the 49 protection orders issued. In 2018, Ebeye court heard the first case filed using the DVPPA there reflecting increasing awareness of the Act with more women exercising their rights under the legislation to file for protection orders.

The judiciary has made a number of reforms to increase access to justice, including a decrease in fees, reducing the court case backlog and shortening the average time taken to deal with cases from the time of filing until the court's decision. In 2016, the fee for filing child custody and support cases was reduced from \$25 to \$5, recognizing that the \$25 fee was a financial barrier for women. The judiciary has widely publicized its fee waiver program, lower fees for vulnerable parties and availability of free legal services from the Office of the Public Defender. Women comprised 12% of the judiciary in 2016, with one woman serving as a judge in the Traditional Rights Court, and two as Community Court judges.








Statistics from the RMI Courts show that the majority of defendants are men, but the proportion of women defendants is increasing in the High Court and District Courts. In 2017, there were 268 woman defendants compared with 153 in 2015, an increase of 75%. In 2017, 766 defendants were men, compared with 794 in 2015 – about the same number. The proportion of women as victims is also increasing, with the DVPPA likely to be a contributing factor. One-in-five defendants in juvenile court cases are young women.

Source of the statistics and further reading

Republic of the Marshall Islands. National Study on Family Health and Safety Dāpġij Aenōmman Eo Ilo Mōko Imōd, 2014. Available at <http://pacific.unfpa.org/en/publications/rmi-national-study-family-health-and-safety>

RMI Courts <http://rmicourts.org>

(e) To continue to take measures to ensure women’s full, equal and effective participation in all fields and leadership at all levels of decision-making in the public and private sectors through such policies and actions as temporary special measures, as appropriate, and by setting and working to achieve concrete goals, targets and benchmarks;

 <p>9% 1 IN 10</p>	In the 2015 national elections, three of the five women candidates were elected to the <i>Nitijela</i> (national parliament)
 <p>12% 1 IN 10</p>	In the 2015 mayoral elections, three of the nine women candidates were elected as mayors
 <p>18% 2 IN 10</p>	In the 2015 local council elections, 56 of the 125 women candidates were elected as councilors
 <p>39% 4 IN 10</p>	Women’s share of the two highest levels of management positions employed by PSC ¹
 <p>24% 1 IN 4</p>	Women’s share of all managerial positions (2011)
 <p>3% 6%</p>	Percentage of women and men working in managerial occupations (2011)
 <p>25% 1 IN 4</p>	Women’s share of State Owned Enterprise board membership (2016)

Traditionally, RMI is a matrilineal society and women are decision-makers. Land rights are passed down through a mother to her daughters. Women are recognized for their contribution to the peaceful development and well-being of families, communities and society as a whole. The fundamental values of Marshallese culture include caring for each other, respect, reciprocity and partnership. However, these traditional beliefs and women’s customary rights coexist with dissonant gender stereotypes, gender roles and inequality. In modern society, most decision-making has shifted to the men of the family. Stereotypes include the belief that women’s place is

in the home, while men should occupy the public space and be the breadwinners. Leadership and decision-making positions are generally regarded as male roles.

Marshall Islands, like the majority of Pacific Island countries, has low representation of women in the legislature compared with international rates. Only three women were elected to the current *Nitijela*; although the President is a woman. In early 2016, RMI made history by electing its first female President and the 2015 election returned the highest number of women – three – since independence in 1986 or five electoral cycles.

Source of statistics and further reading

The Parliament of the Marshall Islands: <https://rmiparliament.org/cms/>

Office of the President, Republic of the Marshall Islands: <https://www.rmigov.com/>

(e) To continue to take measures to ensure women's full, equal and effective participation in all fields and leadership at all levels of decision-making in the public and private sectors through such policies and actions as temporary special measures, as appropriate, and by setting and working to achieve concrete goals, targets and benchmarks;

A Bill is presently with the Parliament to provide for minimum conditions of employment. It includes provisions for non-discrimination of women in the workplace, equal pay for equal work, hours set aside for nursing children, maternity leave of at least one month, and specific conditions regarding the employment of children.

(h) To tackle the structural and socioeconomic inequalities and multiple intersecting forms of discrimination that affect women and girls, including those with disabilities, that hinder progress and development;

GRMI, ESCAP and Pacific Island Forum are currently reviewing all existing laws and develop a *Rights of Persons with Disabilities (Consequential Amendments) Bill 2017*, which aims to mainstream disability rights across all relevant legislation. The target for tabling the Bill in the *Nitijela* is March 2018.

Based on the success of the CRPD legislative review and drafting work, GRMI has requested support from ESCAP and PIFS to undertake a similar exercise of comprehensively reviewing all RMI laws in order to meet our legal obligations under the CEDAW. Similar to the CRPD work, the CEDAW legislative review will involve a comprehensive legal analysis of all legislation and produce recommendations for aligning these laws to the CEDAW. This exercise will also advance RMI's progress towards implementing the 2030 Sustainable Development Agenda, in particular SDG 5, and the Forum Leaders' Declaration on Gender Equality.

(i) To give women equal rights with men to economic resources, including access to, ownership of and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technologies Social development

While still in the early stages of planning, organizing, GRMI is looking for support to assist the RMI 50:50 Innovation Fund (the 50:50 Fund) concept note that will create groundbreaking and sustainable change for women and girls in RMI, providing options and opportunities through

transformative grants to effective organizations, groups, networks and communities to ensure no one gets left behind, having sustainable livelihoods, good health and wellbeing, lives free from sexual, physical and psychological violence and able to make informed decisions for their future.

The RMI 50:50 Fund will build and strengthen gender-interested networks and coalitions for improvements to the lives of women throughout the RMI. The 50:50 Fund program, is expected to be under a Steering Committee, who will identify and support women and gender-interested groups, organizations and networks to implement projects and programs to achieve gender equality. Modelled along the lines of the Fiji Women's Fund, the 50:50 Fund will be flexible and responsive, with accessible mechanisms to support innovative initiatives to promote gender equality and women's human rights.

78. We recognize that social development, as one of the three dimensions of sustainable development, is crucial to ensuring development progress by small island developing States both now and in the future. We therefore support efforts to enhance social protection and inclusion, to improve well-being and to guarantee opportunities for the most vulnerable and disadvantaged.

79. We support small island developing States in their commitment to an approach to development that is focused on poverty eradication, which should ensure that people, particularly those living in poverty, have equal access to education, health, food, water and sanitation and other public and social services and access to productive resources, including credit, land, training, knowledge, information and know-how. That approach enables citizens and local communities to participate in decision-making on social development policies and programmes.

Culture and sport

80. We recognize that small island developing States possess a wealth of culture, which is a driver and an enabler for sustainable development. In particular, indigenous and traditional knowledge and cultural expression, which underscores the deep connections among people, culture, knowledge and the natural environment, can meaningfully advance sustainable development and social cohesion.

81. In this regard, we strongly support the efforts of small island developing States:

In 2017, the cultural institution was, mandated to the Ministry of Internal Affairs (MoCIA), which is now Ministry of Culture and Internal Affairs. Currently MoCIA is working with World International Property Organization, Pacific Community (SPC), National Park Service and UNESCO to strengthen this area. GRMI anticipates that in the coming years, policies, laws, coordination and capacity will be in place.

(a) To promote cultural diversity, intercultural dialogue and international cooperation in the cultural field in line with applicable international conventions, in particular those of the United Nations Educational, Scientific and Cultural Organization;

(b) To leverage and build on the joint work of the World Intellectual Property Organization and the United Nations Educational, Scientific and Cultural Organization;

(c) To develop and strengthen national and regional cultural activities and infrastructures, including through the network of World Heritage sites, which reinforce local capacities, promote awareness in small island developing States, enhance tangible and intangible cultural heritage, including local and indigenous knowledge, and involve local people for the benefit of present and future generations;

(d) To develop cultural and creative industries, including tourism, that capitalize on their rich heritage and have a role to play in sustainable and inclusive growth;

(e) To develop domestic mechanisms to conserve, promote, protect and preserve their natural, tangible and intangible cultural heritage practices and traditional knowledge.