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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fourth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations of the Committee on the
Rights of the Child: MARSHALL ISLANDS**

1. The Committee considered the second periodic report of the Republic of the Marshall Islands (CRC/C/93/Add.8 in the absence of a delegation from the State party), at its 1210th meeting held on 22 January 2007, and adopted at the 1228th meeting, held on 2 February 2007, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the Republic of the Marshall Islands. However, the Committee regrets that the State party did not provide replies to the list of issues (CRC/C/MHL/Q/2). The Committee also deeply regrets the absence of a delegation from the State party for the second time. Consequently, the Committee could not benefit from the opportunity of having a constructive dialogue with representatives of the State party. The Committee had to base its recommendations on information provided in the State party's report and other reliable information made available to it.

B. Follow up measures and progress achieved

3. The Committee notes with appreciation the enactment of the following legislation:

- a) The Adoption Act in 2002 which ensures the protection of children through legal safeguards and the creation of a supervisory agency;
- b) The Sale of Tobacco to Minors Act in 2003 (Public Law 2003-101) which prohibits the sale, distribution and use of tobacco products to persons below the age of eighteen;
- c) The amended Birth Registration and Marriage Registration Act which raises the legal age of marriage for girls from sixteen to eighteen years, bridging the disparity between the minimum legal age for the marriage of boys and that of girls, as recommended by the Committee in its previous concluding observations (CRC/C/15/Add.139, para. 24), and
- d) The amended Criminal Code which prohibits the use of corporal punishment against children as a disciplinary measure in penal institutions.

4. The Committee also welcomes the ratifications of the following international human rights instruments:

- (a) The Rome Statute of the International Criminal Court in 2003;
- (b) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction in 2004;
- (c) The Geneva Convention Relative to the Protection of Civilians in Times of War in 2004; and
- (d) The Convention on the Elimination of All Forms of Discrimination against Women on 2 March 2006.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee acknowledges the challenges faced by the State party in implementing adequate programmes and services for children in its dispersed island communities, some of which are isolated, very difficult to reach and have few inhabitants.

D. Principle areas of concern and recommendations

1.General Measures of Implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

Committee's previous recommendations

6. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.139 of 16 October 2000) made upon the consideration of the State party's initial report have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, coordination, independent monitoring, data collection, parental responsibilities, child abuse and neglect, health and health services, adolescent health, education, and the administration of juvenile justice have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations in the next periodic report.

Legislation

8. The Committee notes the measures undertaken by the State party to review its legislation with a view to ensuring its conformity with the Convention. The Committee is however concerned at fact that not all principles and provisions of the Convention are covered by the State party's legislation.

9. The Committee recommends that the State party take effective measures, to harmonize its domestic legislation, which includes customary law, with the provisions and principles of the Convention.

10. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005). The State party may also wish to seek the assistance of UNICEF.

11. The Committee notes that the Marshall Islands is a party to two of the nine core international human rights treaties. Although Parliament seems to have approved the ratification of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Committee is concerned at the information that the

instruments of ratification for these four treaties have not been submitted to the Secretary-General of the United Nations.

12. The Committee recommends that the State party promptly submit instruments of ratification for the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment to the Secretary-General of the United Nations.

13. The Committee highly recommends that the State party consider ratifying other core international human rights treaties, as recommended in the Pacific Plan of Action for Strengthening Regional Cooperation and Integration adopted in October 2005 by the sixteen Leaders of the Pacific Islands Forum.

National Plan of Action

14. The Committee is concerned at the absence of a National Plan of Action covering all areas of the Convention. The Committee is also concerned at the absence of a holistic policy framework governing all aspects of children's well-being, as well as the limited financial and human resource capacity of the National Nutrition and Children's Council (NNCC).

15. The Committee recommends that the State party develop a comprehensive, rights-based National Plan of action, that covers all areas of the Convention on the Rights of the Child and takes taking into account the objectives and goals of the outcome document entitled "A World Fit for Children" of the 2002 United Nations General Assembly Special Session for Children, as well as the Millennium Development Goals. In this exercise, the Committee urges the State party to allocate sufficient human and economic resources for its implementation and to use a participatory approach, involving children and NGOs.

Coordination

16. While taking note of the establishment of a Child Rights Office within the Ministry of Internal Affairs to serve as the focal point for children issues, as well as the coordinating role of the National Nutrition and Children's Council (NNCC), the Committee is concerned that the Child Rights Office has not yet been officially endorsed by Cabinet and does not have an independent budget. The Committee notes with concern that the multi-sectoral coordination of implementation at all levels remain inadequate.

17. The Committee recommends that the State party:

- a) Strengthen the coordination mechanisms between the various ministries, with a view to ensuring effective coordination and monitoring of children's policies and programmes, including by defining clearly the role and mandate of the Child Rights Office and its**

relationship to the National Nutrition and Children's Council (NNCC). In this regard, the Committee recommends that the State party take into account General Comment No. 5 on general measures of implementation for the Convention on the Rights of the Child (CRC/GC/2003/5);

- b) Provide the NNCC and Child Rights Office with adequate human and financial resources to execute their mandate.**

Independent Monitoring

18. The Committee remains concerned that no independent body exists to monitor the implementation of the Convention and receive individual complaints on cases of violations of the rights of the child.

19. The Committee reiterates its recommendation that the State party to establish a national human rights institution, including the nomination of an ombudsperson for Children provided with adequate human and financial resources to promote and strengthen accessibility for children and to enable the latter to submit complaints. While taking into account General Comment No.2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the State party is encouraged to seek technical assistance from, among others, UNICEF and the Office of the High Commissioner for Human Rights Regional Office. The Committee also encourages the State party to involve non governmental organizations (NGOs) in its ongoing efforts to monitor the implementation of the Convention.

Resources for children

20. The Committee notes that the State party assigns significant resources to the health and education sectors. The Committee is however concerned at the negative impact which the lack of an effective system of accountability may have on the allocation of resources to effectively improve the promotion and protection of children's rights.

21. The Committee recommends that the State Party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, “to the maximum extent of available resources and, where needed, within the framework of international cooperation”. While acknowledging the efforts made in this regard, the Committee further recommends that the State party strengthen its actions to implement the recommendations of the Task Force on Accountability.

Data collection

22. While noting that the State party has received support for data collection through a bilateral assistance project financed by the United States Department of Health and Human Services, the Committee is concerned at the lack of an adequate mechanism for the systematic collection of comprehensive disaggregated data for all areas covered by the Convention and in relation to all groups of children.

23. The Committee recommends that the State party develop a system for a comprehensive collection of data on all areas of the Convention in a way that allows for disaggregation and analysis. Particular emphasis should be placed on those groups who are in need of special protection, including street children, children in alternative care, children “informally” adopted, children with disabilities and children who head families. Such data would be used for the purpose of monitoring and evaluating progress achieved and assessing the impact of policies adopted with respect to children.

24. The Committee further encourages the State party to use this data for the formulation of policies and programmes in view of the effective implementation of the Convention, to continue its cooperation with UNICEF in this respect and to consider the publication of an annual statistical report on the implementation of the Convention.

Cooperation with civil society

25. While appreciating the fact that the number of non-governmental organizations is increasing in the Marshall Islands, and taking note of the recently established Marshall Islands Council of Non-Governmental Organizations, the Committee is of the opinion that civil society and in particular the role of Non-Governmental Organizations should be further strengthened in the promotion and implementation of the Convention. It is also concerned about the lack of awareness on rights based approaches to development among many civil society actors.

26. The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs in the promotion of children’s rights, including, *inter alia*, their participation in the follow-up to the concluding observations of the Committee. The Committee also recommends that the State party encourage service-based NGOs as well as those working in the area of development to adopt a rights-based approach to their work.

3. General principles (Arts. 2, 3, 6 and 12 of the Convention)

Non-Discrimination

27. While noting that the Marshallese Constitution prohibits discrimination on the basis of sex, race, colour, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, the Committee remains

concerned that the principle of non-discrimination is not fully implemented for children living in outer islands and in disadvantaged urban communities, especially with regard to their access to adequate health and educational facilities.

28. The Committee urges the State party to take adequate measures to ensure the practical application of the constitutional and legal provisions guaranteeing the principle of non-discrimination in full compliance of article 2 of the Convention. The Committee further recommends that the State party collect disaggregated data to enable effective monitoring of potential discrimination, in particular against girls, children living in disadvantaged urban communities, in outer islands, and those with disabilities.

29. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme on Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account General Comment No. 1 on article 29(1) of the Convention (aims of education).

Respect for the views of the child

30. While noting with appreciation the efforts made by the State party to implement the principle of respect for the views of the child, in particular through the development of a five-year Strategic Plan following the second Marshall Islands Youth Congress (MIYC), the Committee remains concerned that traditional attitudes still prevailing in the country may not be conducive to the full participation of children in family, community, school and social life.

31. The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to express his/her views freely in the family, at school, within other institutions and bodies, and in the community and society at large, with special attention paid to vulnerable groups. The rights enshrined in article 12 of the Convention must also be reflected in all laws, judicial and administrative decisions. In particular, the Committee recommends that the State party:

- (a) Develop community-based training programs for parents, teachers, judges and other professionals working with and for children with a view to promoting children's participation in all relevant settings;**
- (b) Systematically ensure the active participation of children and children associations and bodies in the development of national, regional and local policies or programs affecting them, in particular in the framework of the five-year Strategic Plan; and**

(c) Seek the technical assistance of UNICEF.

32. Furthermore, the Committee recommends that the State party take fully into consideration the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006.

**4. Civil rights and freedoms
(Arts. 7, 8, 13-17 and 37(a) of the Convention)**

Birth registration

33. While taking note with appreciation of the efforts undertaken by the State party to improve the registration system, the Committee shares the State party's concern that children are still discharged from hospitals or health centres without a proper name and may remain without a formal name for several months.

34. In the light of article 7 of the Convention, the Committee recommends that the State party establish an efficient and accessible birth registration system, which covers its entire territory, including through inter alia:

- (a) Promoting awareness and appreciation of the importance of birth registration through mass campaigns by providing information on the procedure of birth registration, including the rights and entitlements derived from the registration, through television, radio and printed materials or other means;**
- (b) Introducing measures such as the mandatory registration of new born children in hospitals; facilitating the registration process and ensuring that birth registration is free of charge;**
- (c) Introducing mobile birth registration units in order to reach remote areas, especially in outer islands;**
- (d) Taking appropriate measures to register those who have not been registered at birth; and**
- (e) Enhancing its cooperation with relevant United Nations programmes, funds and specialized agencies such as UNICEF and the United Nations Population Fund (UNFPA).**

**5. Family environment and alternative care
(arts. 5; 18 (paras.1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)**

Family environment

35. The Committee is concerned at the limited human and financial resources available at the community level to provide assistance to families, as well as at the breakdown of family structures.

36. The Committee recommends that the State party strengthen the services of the Ministry of Social Welfare at the local level, by increasing the number of trained professionals working with families in order to assist them in addressing and preventing difficulties which they may encounter, and by ensuring that sufficient financial resources are allocated to these services. The State party should also provide support to families to prevent breaking down of family structures.

Parental responsibilities

37. The Committee remains concerned at the many children in urban areas who are left unattended at home and notes that, owing to recent and rapid urbanization, assistance from extended family support networks is not always available. Furthermore, the Committee remains concerned that single parenthood and teenage pregnancy are still common in the State party.

38. The Committee reiterates its recommendation that the State party continue and strengthen its measures and programmes to educate and provide counselling on parental responsibilities to the general public. In light of articles 18 and 21 of the Convention, it also urges the State party to consider developing comprehensive measures to encourage responsible parenthood and to assist needy families with their child-rearing responsibilities, for instance by offering social assistance to families or by securing childcare services and facilities for working parents. Furthermore, the Committee recommends that the State party take fully into consideration the recommendations adopted on the Committee's day of general discussion on children without parental care, on 16 September 2005.

Adoption

39. While noting with satisfaction the enactment of the Adoption Act 2002, which regulates inter-country adoptions, and the establishment of the Central Adoption Authority (CAA), the Committee remains concerned at the continued practice of “customary adoptions” by family members as well as at the lack of accompanying measures to prevent illegal inter-country adoption.

40. The Committee reiterates its recommendation encouraging the State party to undertake a study, including data disaggregated by sex, age and rural/urban area provenance, to analyse the phenomenon of “customary adoptions” by family members with a view to understanding the scope and nature of this practice and adopting adequate policies and measures. The

Committee further recommends that the State party disseminate information on the Adoption Act 2002; take measures to criminalize illegal adoption and implement the provisions of the Act. It also encourages the State party to ratify the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993.

Corporal Punishment

41. While noting that corporal punishment is prohibited in schools by the Rules and Regulations of the Ministry of Education (1992) and that it is unlawful as a disciplinary measure under the revised Penal Code, the Committee is concerned that it is lawful in the family and not formally prohibited in alternative care settings.

42. The Committee urges the State party to:

- (a) Explicitly prohibit all forms of corporal punishment in the family, and other institutional settings and alternative care systems as a matter of priority;**
- (b) Sensitize and educate parents, guardians and professionals working with and for children by carrying out public educational campaigns about the harmful impact of corporal punishment; promote positive, non-violent forms of discipline as an alternative to corporal punishment, and**
- (c) Provide children with child sensitive mechanisms to lodge complaints in case they are victims of violence, including corporal punishment.**

43. In this respect, the Committee recommends the State party to take into account General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

Child abuse and neglect

44. The Committee is concerned at the reduction and subsequent termination of social work services, as well as at the lack of funding under the Compact Agreement available for child abuse prevention. The Committee is further concerned at the absence of a legal system adapted to the needs of the young victims of abuse and neglect.

45. Furthermore, the Committee is concerned at the increase of incidents of child abuse and neglect, especially in urban areas. In addition, the Committee remains concerned about the lack of data, appropriate measures, mechanisms and resources for the prevention of and fight against domestic violence, including

child sexual abuse, and the absence of public debate and awareness-raising on this issue.

46. The Committee recommends that the State Party take the necessary measures to prevent child abuse and neglect, including by:

- (a) Establishing effective mechanisms to receive, monitor and investigate complaints on cases of child abuse, and ensure that perpetrators are brought to justice;**
- (b) Ensuring that complaints are collected in a manner that is child sensitive and respectful of the privacy of the victims;**
- (c) Developing and implementing a comprehensive policy, in coordination with NGOs, for the prevention and recovery of child victims;**
- (d) Clarifying ministerial responsibilities with regard to child abuse/neglect investigative and follow up functions, reviewing inter-agency protocols and strengthening inter-ministerial collaboration;**
- (e) Allocating adequate resources to the prevention of child abuse and neglect at the national and local level, including in outer islands;**
- (f) Carrying out preventive public education campaigns at national level and local level, including in outer islands, on the criminal character and detrimental consequences of abuse and ill-treatment of children, in particular rape;**
- (g) Adopting a Plan of Action to combat any form of violence against children;**
- (h) Taking measures to bring perpetrators to justice; ensuring that confidentiality and privacy of victims are fully respected in those legal proceedings, and that interviews are conducted in a manner that is child sensitive;**
- (i) Providing support for the operation of a 24-hour three digit toll free helpline for children; and**
- (j) Seeking the technical assistance of UNICEF.**

47. With reference to the UN Study on Violence against Children, the Committee recommends the State party to:

- (a) Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the**

Report of the independent expert of the Un study on Violence against children (A/61/299) while taking into account the outcome and recommendations of the sub-regional Consultations for the Pacific, held in Fiji from 26 until 28 September 2005;

- (b) Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse, and
- (c) Seek technical assistance from UNICEF, OHCHR, and WHO for the above mentioned purposes.

**6. Basic health and welfare
(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)**

Children with disabilities

48. The Committee is concerned that since the relocation of Majuro hospital, there is no physical therapy program for children with disabilities or follow-up care available after constructive surgery, in particular in outer islands. The Committee is further concerned at the lack of early detection and preventive measures, as well as at the considerable under-reporting of disability cases. The Committee is also concerned at the limited access of children with disabilities to specialized educational programmes, in particular in outer islands, as well as at the absence of specialized programmes outside the school environment.

49. The Committee recommends that the State party, in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities(General Assembly resolution 48/96) and General Comment No.9 on the rights of children with disabilities:

- (a) Further encourage the inclusion of children with disabilities into the regular educational system and into society;
- (b) Facilitate access of children with disabilities to specialized educational programmes when required, in particular in outer islands, including programmes outside the school environment;
- (c) Pay more attention to special training for teachers and make the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;
- (d) Create partnerships between home, school and the community to address the long-term needs of children with disabilities;

- (e) Improve and strengthen prevention and early detection as well as treatment services through health and education sectors;
- (f) Seek technical assistance from UNICEF; and
- (g) Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol once open for ratification;

Health and health services

50. While taking note of the Strategic Development Plan Framework (2003-2018) Vision 2018, and welcoming the reduction of child mortality, the Committee is concerned at the fact that infant and child mortality remain high due to weak service delivery and poor nutritional habits, and that immunization levels have declined for all vaccines except the birth dose of Hepatitis B. The Committee is concerned at the lack of basic health services as well as the insufficient resources allocated to health, in particular in outer islands. The Committee remains concerned at the lack of trained local health workers due to the tendency for these workers to emigrate. It also remains concerned at the fact that illnesses due to inadequate sanitation, hygiene and diet continue to threaten the development of children and that vitamin A and D and iodine deficiencies are still widespread. Furthermore, the Committee is concerned at the fact that accessibility and quality of outer island services is constrained by a lack of qualified professional staff, poor infrastructure, inadequate supplies, as well as transportation and communication problems.

51. Furthermore, the Committee is concerned at information that children are still born today with diseases as a consequence of nuclear tests carried out in the 1960's and the 1970's.

52. The Committee recommends that the State party strengthen its efforts in improving the health situation of children, including through:

- (a) Reviewing existing policies and practices, and ensuring that health care is provided free of charge and without discrimination to all children of families unable to afford the payment fees;
- (b) Allocating adequate financial and human resources to health services;
- (c) Urgently addressing the issue of infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination uptakes, improved nutrition and the prevention of communicable diseases;
- (d) Providing adequate training to health professionals;
- (e) Adopting and implementing a national law on marketing of breast-milk substitutes and promote exclusive breastfeeding for at least six months;

- (f) Ensuring that all segments of the society are informed, have access to health education and are supported in the use of basic knowledge of child health and nutrition, including the advantages of breastfeeding;
- (g) Providing hospitals with sufficient obstetric supplies and emergency medicines; and
- (h) Providing adequate water sanitation and access to clean drinking water throughout the country.

53. Furthermore, the Committee recommends that the State party submit information in its next periodic report on the situation of children born with diseases as a consequence of nuclear testing and on the measures taken to address this issue.

Adolescent Health

54. The Committee is concerned at reports of an increasing number of children who use drugs and consume alcohol and tobacco, especially young boys. The Committee is also concerned about the increasing rates of attempted suicides among young people, sexually transmitted infections (STIs), teenage pregnancies and the absence of programmes related to mental health and to sexual and reproductive health.

55. The Committee recommends that the State party pay close attention to adolescent health, taking into account the Committee's General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, the Committee recommends that the State party:

- (a) Formulate a rights-based plan of action for the protection of all children and particularly adolescents from the dangers of drugs and harmful substances, and involve children in its formulation and implementation;
- (b) Provide children with accurate and objective information about the harmful consequences of substance abuse;
- (c) Ensure that children using drugs and harmful substances are treated as victims and not as criminals and develop recovery and social reintegration services for child victims of substance abuse;
- (d) Ensure access for vulnerable children to mental health services;
- (e) Strengthen sexual and reproductive health education for adolescents, especially in schools, with a view to reducing STIs and the incidence of teenage pregnancies, and to provide teenage pregnant girls with the necessary assistance and access to health care and education; and
- (f) Strengthen technical cooperation from WHO and UNICEF.

HIV/AIDS

56. The Committee is concerned at the absence of quality information as well as access to contraceptives and the limited testing for sexually transmitted diseases

(STDs), in particular in outer islands, in order to prevent the spread of STDs and HIV/AIDS. The Committee is also concerned at the inadequate HIV/AIDS policy in place, as well as at the lack of funds allocated to the prevention of STDs.

57. The Committee recommends that the State party, taking into account the Committee's General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights take action, including:

- (a) Strengthening efforts to combat the spread of HIV/AIDS, including through awareness-raising campaigns targeting vulnerable groups in particular, and the availability of confidential, voluntary testing;**
- (b) Allocating adequate financial and human resources to the prevention of HIV/AIDS and other STDs;**
- (c) Preventing discrimination against children infected with and affected by HIV/AIDS;**
- (d) Ensuring access to child-sensitive and confidential counseling, without the need for parental consent, when such counseling is required by a child;**
- (e) Adopting measures to prevent mother-to-child transmission of HIV and other STDs; and**
- (f) Seeking international assistance from, among others, UNAIDS, UNFPA, UNICEF and WHO.**

Standard of living

58. While noting the considerable level of foreign aid available in the State party, the Committee is concerned at the low standard of living of children and adolescents, in particular in outer islands. The Committee is concerned at the poor basic service provision, especially safe drinking water and electricity, as well as at overcrowding and low quality housing, particularly in Majuro and Ebeye. In addition, the Committee is concerned at the absence of policies and programmes to address the increasing level of poverty in the State party, and its impact on children and adolescents. The Committee also takes account of the numbers of job-seeking adolescents and is concerned at the difficulties of the transition from school to the labour market, experienced in particular by children who dropped out before graduation.

59. The Committee recommends that the State party ensure that:

- a) A financial support system is provided to families living under restricted economic conditions and includes the provision of school lunches and educational allowances;**

- b) Families, particularly disadvantaged families, receive adequate assistance with regard to child care and education;**
- c) Families are provided with adequate and affordable housing; and have access to drinking water and sanitation; and**
- d) Youth unemployment is prevented by assisting adolescents who seek an occupation which is in compliance with the rights enshrined in the Convention.**

Lack of qualified human resources

60. The Committee is concerned at the lack of quality of services provided to children due to the tendency of qualified health and social workers, both trained abroad and inside the State party, to emigrate to other countries and not return to the Republic of the Marshall Islands.

61. The Committee recommends that the State party take appropriate measures to encourage sufficient qualified human resources for the provision of services to children. This may include encouraging qualified health and social workers trained abroad to return after their training and practise in the Marshall Islands, in particular in the outer islands, and encouraging those trained in the State party to remain in the country.

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

62. While acknowledging the efforts undertaken by the State party in the field of education, in particular the development of an Education Strategy Development Plan with UNESCO since 2000, the Committee is concerned at the lack of resources allocated to education at the national and local level, in particular in outer islands. The Committee is also concerned at the decline of female enrolment both at the elementary and secondary levels, as well as the increase in the drop-out rate of students in high schools; the lack of hygiene; the lack of access to drinking water and sanitation in schools; the lack of transportation to and from school, particularly on the outer islands; the insufficient numbers and low standard of trained/qualified teachers and schools available, in particular in outer islands; the poor quality of education and the lack of vocational training in schools. The Committee is also concerned that leisure and cultural activities are severely lacking both in Majuro and Ebeye.

63. While noting that the Head Start Programme was intended to cater for children between 3 and 6, the Committee is concerned that high demand has restricted enrolment to 5 year olds. The Committee is also concerned that the Ministry of Education has difficulties in maintaining contact with rural schools to monitor and evaluate teacher progress towards achievement of national education benchmarks.

- 64. The Committee recommends that the State party, while taking into account General Comment No.1 on the aims of education, undertake measures to adopt the deficiencies in the area of education, inter alia, by:**
- (a) Increasing budgetary allocation to ensure access to free primary and quality education in all regions and to improve the physical infrastructure of educational facilities;**
 - (b) Strengthening efforts to bridge the gaps in the availability of education throughout the country, including the availability of school materials, drinking water, sanitation and transportation;**
 - (c) Promoting female enrolment and ensuring the reduction of the drop out rate for both male and female students;**
 - (d) Providing assistance to children from disadvantaged families;**
 - (e) Strengthening vocational programmes for children, including those who do not attend regular school;**
 - (f) Facilitating access to early childhood education by promoting Head Start Programmes throughout the country;**
 - (g) Ensuring access for children to leisure and cultural activities;**
 - (h) Improving the training and recruitment of teachers, as well as the monitoring and evaluation of their progress towards achievement of national education benchmarks;**
 - (i) Implementing new technology, including e-learning; and**
 - (j) Introducing human rights education in the school curricula.**

**8. Special protection measures
(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

Economic exploitation

65. While acknowledging the efforts by the State party to combat economic exploitation of children, the Committee is concerned that the Minimum Conditions Inquiry Act (Child Labour Law) which has been amended prohibits employment of a person below the age of eighteen, which creates difficulties for children who have completed their compulsory education but drop out of secondary school, as they are not allowed to enter into employment contracts. This situation may lead these children to engage in illegal activities, particularly in light of the increasing level of poverty and unemployment in the country.

66. The Committee recommends that the State party take necessary measures to regulate the work of children who have completed compulsory education

and have not reached the age of eighteen. The State party should develop appropriate regulation, of the working hours, the nature of the work and the working conditions of these children in light of relevant international norms and standards, in particular ILO Conventions No. 138 and No. 182.

67. The Committee further encourages the State party to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In this regard, the Committee encourages the State party to seek technical cooperation for the development of the policy and legislation from ILO.

Sexual exploitation

68. The Committee regrets the absence of information in the State party's report on measures taken to prevent sexual exploitation of children, in light of the low standard of living and the high rate of tourism in the country which could be conducive to its occurrence.

69. The Committee recommends that the State party provide, in its next periodic report, information on sexual exploitation of children in the country and measures taken to prevent its occurrence.

Administration of juvenile justice

70. The Committee regrets that the State party did not implement its previous recommendations on the administration of juvenile justice and remains concerned that the treatment of children in conflict with the law is not in compliance with the Convention on the Rights of the Child, including with respect to extremely harsh conditions of detention in the main prison in Majuro, in particular the failure to separate persons below eighteen from adult prisoners. The Committee is also concerned at the absence of a minimum age of criminal responsibility.

71. The Committee urges the State party to ensure the full implementation of juvenile justice standards, in particular article 37(b), article 40 and 39 of the Convention as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and take fully into account General Comment No.10. In this regard, the Committee recommends that the State party, in particular:

- (a) Adopt legislation setting a minimum age for criminal responsibility at least at the age of 12 years, and consider increasing it in conformity with the principles enshrined in the Convention;**

- (b) Ensure that persons below eighteen that are detained as a measure of last resort, are placed in a setting in which the conditions of**

deprivation of liberty are in full compliance with international standards;

(c) Take measures to establish a Juvenile Court and ensure that judges, and other professionals working with children in conflict with the law are adequately trained; and

(d) Seek technical assistance and other cooperation, *inter alia*, from the Interagency Panel on Juvenile Justice which includes the UN Office on Drugs and Crime (UNODC), the Office of the UN High Commissioner for Human Rights (OHCHR), UNICEF and Non Governmental Organizations;

(e) In addition, the Committee wishes to obtain information on the manner in which the State party addresses the emergence of youth gangs through its judicial system.

9. Optional Protocols to the Convention on the Rights of the Child

72. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and on the Involvement of Children in Armed Conflict.

10. Follow-up and dissemination

Follow-up

73. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Cabinet, Parliament (Iroij and the Nitijela) and local governments of the atolls and islands for appropriate consideration and further action.

Dissemination

74. The Committee further recommends that the second periodic report, the and the related recommendations (concluding observations) adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

75. The Committee invites the State party to submit a consolidated 3rd and 4th periodic report by 2 November 2010 date of submission of the fourth periodic report. This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

76. The Committee invites the State party to update its core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the fifth Inter-Committee Meeting of the Human Rights Treaty Bodies in June 2006 (HRI/MC/2006/3).
