

UN CRC	Ratification Date	Care-Related Concluding Observations
	4 Oct 1993	<p>CRC/C/MHL/CO/3-4</p> <p>27 February 2018</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMHL%2fCO%2f3-4&Lang=en</p> <p>III. Main areas of concern and recommendations</p> <p>A. General measures of implementation (arts. 4, 42 and 44 (6))</p> <p>Comprehensive policy and strategy</p> <p>6. The Committee encourages the State party to:</p> <p>...</p> <p>(b) Ensure the full participation of all relevant stakeholders, including children, in the development of the child protection policy and undertake regular assessments of the effectiveness of its implementation.</p> <p>Dissemination, awareness-raising and training</p> <p>11. While noting the efforts in disseminating information on and creating awareness of the Convention at the national and community levels, the Committee recommends that the State party:</p> <p>...</p> <p>(b) Strengthen community awareness-raising programmes, in close cooperation with non-governmental organizations and other stakeholders, in order to ensure that the provisions and</p>

		<p>principles of the Convention are widely recognized and understood by all children, in particular children in the outer islands, children with disabilities, children in alternative care and children “informally” adopted, as well as by parents, communities and church leaders;</p> <p>D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</p> <p>Corporal punishment</p> <p>18. The Committee notes the prohibition of corporal punishment in penal institutions and the provisions of the Child Rights Protection Act and the Public School System Act prohibiting corporal punishment in schools. However, it remains concerned that:</p> <ul style="list-style-type: none">(a) Despite recent law reforms, corporal punishment continues to be widely practised and accepted in society as a means of disciplining children and is not explicitly prohibited in the home and in alternative care and day-care settings;(b) Article 3.08 of the Criminal Code (amended in 2011) may be construed as a justification for the use of corporal punishment in child-rearing, as it provides for the right to use force for “prevention or punishment of the minor’s misconduct” and for the maintenance of “reasonable discipline”. <p>19. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:</p> <ul style="list-style-type: none">(a) Amend the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act 2011 to explicitly prohibit corporal punishment in all settings;(b) Repeal article 3.08 of the Criminal Code;(c) Immediately and effectively implement provisions of the Child Rights Protection Act and the Public School System Act prohibiting corporal punishment in schools;(d) Establish reporting mechanisms for the use of corporal punishment in all settings and ensure that investigations and administrative and legal proceedings are initiated promptly and systematically in relation to any case of corporal punishment, and that data on cases and their resolution are collected and disaggregated;
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		<p>(e) Conduct awareness-raising and training programmes for parents, teachers, the police and professionals who work with and for children to encourage the use of alternative non-violent and participatory forms of discipline.</p> <p>Violence, abuse and neglect</p> <p>20. While noting the adoption of the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act and the creation of a Domestic Violence Unit within the Marshall Islands Police Department, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Effectively implement the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act and ensure sufficient specialized police personnel for dealing with cases of violence, abuse and neglect; (b) Strengthen mechanisms for monitoring the number of cases and the extent of violence, including sexual and psychological violence, abuse, neglect or maltreatment of children, in all settings; (c) Ensure that professionals working with and for children, including teachers, social workers, medical professionals, and members of the police and the judiciary, receive training on their obligation to report, and to take appropriate action in reported cases of, violence affecting children; (d) Increase penalties provided under the Domestic Violence Prevention and Protection Act and ensure that reported cases of violence, abuse and neglect of children are adequately investigated and that the perpetrators are brought to justice; (e) Strengthen support for child victims of violence, abuse, neglect and maltreatment, and ensure their access to adequate services for recovery, counselling and other forms of reintegration; (f) Formulate a comprehensive strategy for preventing and combating violence, including sexual and psychological violence against children and abuse and neglect of children, paying particular attention to the gender dimension of violence and focusing on community-based programmes; (g) Carry out awareness-raising and education programmes, including campaigns, with the involvement of children, in order to combat the stigmatization of child victims of sexual violence
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		<p>and abuse, and ensure accessible, confidential, childfriendly and effective reporting channels for such violations.</p> <p>E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))</p> <p>Family environment</p> <p>23. While noting that the Child Rights Protection Act includes a specific provision on the child’s right to parental care, the Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Identify and elaborate strategies for providing parenting education, strengthening parenting capacities and improving the overall climate of child-rearing, in particular at the community level, and enhance social protection systems to support poor families in their child-rearing and nurturing efforts;(b) Strengthen its efforts to ensure that mothers and fathers share equally the responsibility for raising their children, including by addressing the prevalent gender stereotypes concerning the tasks and roles of women and girls in the family and in the workforce. <p>Children deprived of a family environment</p> <p>24. The Committee notes that a number of laws, including the Child Rights Protection Act, the Domestic Relations Act (amended in 2002) and the Domestic Violence Prevention and Protection Act, include provisions for safe accommodation and alternative care facilities for children separated from their parents. While appreciating that kinship care is an integral part of Marshallese culture, the Committee is concerned that most children in alternative care are placed under kinship care or with extended family due to the absence, in practice, of social welfare services. It is also concerned that there are no monitoring mechanisms for family-based care for children.</p> <p>25. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:</p>
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- (a) Strengthen its legal framework and establish policy and minimum standards for monitoring family-based care for children;
- (b) Provide all necessary social welfare services and support to families and alternative care providers;
- (c) Ensure that children are separated from their parents as a measure of last resort only, when it is in their best interests and when it is necessary for their protection or well-being, and establish a system of foster care for children who cannot stay with their families;
- (d) Establish quality standards for all available forms of alternative care and take children's views into consideration in any decision made about alternative care;
- (e) Ensure the periodic review of all placements of children in alternative care with extended family and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.

Adoption

26. While noting that formal and international adoptions are governed by the Adoptions Act (amended in 2016) and are regulated by the Central Adoption Authority, the Committee urges the State party to:
- (a) Review the amended Adoptions Act to ensure that any child under 18 years of age is eligible for adoption;
 - (b) Develop regulations and guidelines for all stakeholders in matters of adoption;
 - (c) Enhance the capacity of the Central Adoptions Authority to oversee formal adoption processes, including liaising with child adoption agencies in other countries in cases of intercountry adoption;
 - (d) Increase awareness of formal adoption at the community level and promote and encourage formal domestic adoption;
 - (e) Further strengthen its awareness-raising and monitoring efforts to address any protection needs of children in customary adoptions;
 - (f) Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 1993.

		CRC/C/MHL/3-4 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMHL%2f3-4&Lang=en
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	N/A	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	N/A	
ICCPR	Accession Date	Care-Related Concluding Observations
	12 Mar 2018	
ICESCR	Accession Date	Care-Related Concluding Observations
	12 Mar 2018	
CEDAW	Ratification Date	Care-Related Concluding Observations
CRPD	Accession Date	Care-Related Concluding Observations
	2 Mar 2006	
UPR	Date of Consideration	Link to Page
	11 May 2015	http://www.ohchr.org/EN/HRBodies/UPR/Pages/MHIndex.aspx

Hague Intercountry Adoption	Accession Date	Link to Country Profile
	N/A	

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review