



Stocktake of the gender
mainstreaming capacity of
Pacific Island governments
- Republic of the Marshall Islands -



**Stocktake of the Gender Mainstreaming Capacity
of
Pacific Island Governments**

REPUBLIC of the MARSHALL ISLANDS

Edited by

**Treva Braun, Gender Equality Adviser at the Secretariat of the Pacific
Community**

Secretariat of the Pacific Community

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Table of Contents

Acknowledgements.....	1
List of abbreviations and acronyms	2
INTRODUCTION.....	3
1. Objectives and methodology	4
2. Country overview	6
a. Facts and figures	6
b. Key gender issues.....	7
SUMMARY OF FINDINGS.....	10
1. National women’s machinery	10
a. Structure	10
b. Assessment	12
2. Enabling environment overview	14
a. Legal and policy framework	14
b. Political will	16
c. Organizational culture.....	17
d. Accountability mechanisms	19
e. Technical capacity	19
f. Adequacy of financing for gender equality.....	20
g. Additional factors.....	21
POTENTIAL STRATEGIC APPROACHES.....	21
1. Capacity development and strengthening networks.....	21
2. Development of a national gender policy.....	21
3. Gender statistics	22
4. Tools development	22
5. Organizing a donors’ meeting.....	22
6. Establishment of gender focal points in all ministries.....	22
APPENDIX.....	23
BIBLIOGRAPHY	24

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Secretariat of the Pacific Community

List of abbreviations and acronyms

AG	Attorney General
ADB	Asia Development Bank-
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CD	Community development
CRC	Convention on the Rights of the Child
CSO	Civil society organisation
EPA	Environmental Protection Agency
EPPSO	Economic, Policy, Planning and Statistics Office
GoMI	Government of Marshall Islands
HIES	Household income and expenditure survey
LFPR	Labor force participation rate
NWM	National women's machinery
MIA	Ministry of Internal Affairs
MOH	Ministry of Health
MDG	Millennium Development Goal
NRDC	National Resource Development Committee
PSRP	Public Sector Reform Program
PPA	Pacific Platform for Action
PSC	Public Service Commission
R&D	Resource and Development
RMI	Republic of the Marshall Islands
SPC	Secretariat of the Pacific Community
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
USA	United States of America
WDO	Women in Development Office
WUTMI	Women United Together in Marshall Islands

INTRODUCTION

It is now widely recognised that development and governance processes will not be effective or sustainable until women and men participate in and benefit from such processes on a basis of both formal and substantive equality. Despite this, women continue to be significantly under-represented in governance and development processes and experience discrimination and diminished opportunity in virtually all development sectors. Contrary to a wide range of commitments that Pacific Island governments have made to achieving equality between men and women, women's needs, issues, perspectives and contributions continue in many cases to be on the periphery of development and governance dialogue.

'Mainstreaming' a gender perspective across all multi-sectoral development and governance work was universally recognised in 1995 at the Fourth World Conference on Women in Beijing, China as a critical strategy for achieving government commitments to gender equality and sustainable development. The Beijing Platform for Action (BPA) states that:

Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively' (UN Women 1995: para 202).

Gender mainstreaming was also recognised in the BPA as key to addressing the enjoyment of human rights (UN Women 1995: para 229), and the overarching objective of gender mainstreaming should thus be to ensure that all multi-sectoral development processes — which might otherwise be acting, advertently or inadvertently, to perpetuate gender stereotypes and inequalities — are instead actively contributing to the realisation of gender equality in all spheres of life.

Definition of gender mainstreaming

...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

ECOSOC 1997

The Committee tasked with monitoring implementation of the United Nations Convention on the Elimination of all forms of Discrimination Against Women (UNCEDAW) — the principle international human rights treaty, which defines and firmly embeds equality of women and men as a core element of the international legal order and which has been ratified by 97 per cent of UN member countries — has explicitly called on States Parties to adopt a policy of gender mainstreaming as a strategy for achieving gender equality. For all Pacific Island countries and territories that have undergone an examination before the CEDAW Committee, the Committee has either commended existing efforts at gender mainstreaming (where such efforts were actively in place) or, more commonly, urged the State Party to develop or strengthen its gender mainstreaming policies and capacity where they were absent or insufficient (UNCEDAW 2007). Linked with this are the Committee's recommendations to strengthen government machinery for gender equality (national women's machinery, NWM) with adequate human, financial and technical resources and the authority and decision-making powers that are necessary for them to coordinate and work effectively for the promotion of gender equality and gender mainstreaming.

1. Objectives and methodology

While gender mainstreaming gained significant momentum in the Pacific region in the lead up to and in the early years following the Beijing Conference, perceptions are that the momentum was not maintained and that national governments do not have the necessary capacity to systematically integrate gender perspectives, including the provisions of CEDAW, into multi-sectoral development processes as part of their strategy to achieve national, regional and international commitments to gender equality.

This stocktake was designed to determine the extent to which capacity for effective gender mainstreaming exists in national governments, and to identify potential areas of strategic intervention to strengthen such capacity. It is an initiative of the Secretariat of the Pacific Community (SPC), in collaboration with national governments and with support from the Asian Development Bank (ADB) and the UN Development Fund for Women (UNIFEM).¹ It is being carried out in phases throughout the Pacific region in response to a call from Pacific island ministries responsible for gender equality and the advancement of women for support to strengthen the institutional capacity of governments to meet their stated commitments to gender equality.

The underlying premise of the stocktake is that national women's machineries (NWMs) are key catalysts for the mainstreaming of gender and women's human rights but they are not the sole agency responsible for achieving it. To be effective, NWMs need both strong internal capacity and a wider government structure that is supportive of gender equality and mainstreaming. That wider structure must include a strong legal and policy framework supportive of gender equality and mainstreaming, genuine government commitment, a supportive organizational culture, clear accountability mechanisms, strong technical capacity and adequate resources — in short, an enabling environment. SPC's initiative is thus designed firstly to take stock of that enabling environment and, secondly, to collaborate with national governments and other development partners in the design and implementation of concrete, evidence-based strategies for enhancing it.

The stocktake does not review or assess the work of government or specific efforts at mainstreaming; rather it simply analyses the degree to which there is an enabling environment for such mainstreaming to take place.

The stocktake process involved desk research combined with in-country structured interviews and focus groups. The in-country research was undertaken from 17 to 28 August 2009. Structured interviews were conducted with nine ministries/departments, including a representative range of both central and line ministries. Informants were senior government officials ranging from Permanent Secretaries and Assistant Secretaries to Heads of Office with direct responsibility for policy development and programme implementation in their respective departments. The main interviewees at the senior government level in the nine ministries included six men and three women. In addition, one focus group discussion was held with civil society representatives. The Appendix to this report is a list of organizations interviewed or consulted.


¹ Now UN Women.

Enabling environment requirements for gender mainstreaming

- 1. Legal and policy framework:** The extent to which gender equality and mainstreaming commitments are in place by virtue of ratification of relevant international human rights treaties, existence of constitutional and legislative provisions, and existence of government policy mandates
- 2. Political will:** Demonstrated political will means that action is taken on stated gender equality commitments and action is formalized within systems and mechanisms to ensure mainstreaming is sustainable
- 3. Organizational culture:** The extent to which the attitudes of staff and institutional systems, policies and structures support or marginalize gender equality as an issue
- 4. Accountability and responsibility:** The ways in which action on commitments to gender mainstreaming can be traced and monitored within organizations, and the mechanisms through which individuals at different levels demonstrate gender equality related results
- 5. Technical capacity:** The extent of skills and experience that organisations can draw on to support gender- and human rights-mainstreaming initiatives across and within their operations and programmes
- 6. Adequate resources:** The allocation and application of human and financial resources in relation to the scope of the task of mainstreaming

2. Country overview

a. Facts and figures

REPUBLIC OF MARSHALL ISLANDS 	
Population	50,840
Urban/Rural %²	65%/35%
Land area	181 km ²
EEZ	2.1 million km ²
Geography	The country consists of 29 atolls and 5 isolated islands. The atolls and islands form two groups: the Ratak Chain and the Ralik Chain. 24 atolls are inhabited.
Political System	Constitutional government under a Compact of Free association with the United States of America
Economy	Agriculture Tourism Fishing
Ethnic composition³	90% Marshallese, 10% others
Main languages	Marshallese English
Life expectancy M/F⁴	65.7/69.4
Labour Force Participation Rate M/F⁵	66.3%/35.4%
Human Development Index	♦ Value: 0.716 (no rank) in 2008 ⁶ ♦ Value: 0.563 (rank 121) in 1998 ⁷
Gender Development Index	♦ Value: 0.665 (no rank) in 2002 ⁸
Gender Empowerment Measure	♦ Value: 0.176 (no rank) in 2002 ⁹



² EPPSO 1999

³ US Department of State

⁴ EPPSO 2007

⁵ EPPSO 1999

⁶ PIFS 2010

⁷ Pacific HDR 1999 It is important to note that figures from the 1999 Pacific Human Development Report are not directly comparable to those in the 1994 Pacific Human Development Report because the formula has changed slightly. Educational attainment was previously measured by a combination of mean years of schooling and adult literacy, factors which, because they both relate to adults, measure education access in the past. The HDI has been refined to better reflect the educational access of children today by replacing mean years of schooling with gross primary, secondary and tertiary enrolments. There was also a slight change to the minimum income threshold. This changed formula was used here in order to maintain international comparability and rankings (Pacific HDR 1999:13).

⁸ SPC/Women 10/ Working Paper 3.3.1 Annex1 page 2

⁹ Ibid, page 3

b. Key gender issues

The following is a brief overview of some of the key manifestations of gender inequality in Marshall Islands. This overview is not exhaustive; it is meant to provide the contextual basis for a proper understanding and appreciation of the need for gender and women's human rights to be thoroughly and systematically integrated across all government law and policy making, programming, planning, budgeting and monitoring. More detailed information on the status of gender equality in Marshall Islands can be obtained from a range of resources, including those listed in the bibliography.

Health

Under the Compact of Free Association II, the health sector has been designated by the government as one of the nation's top two priorities (along with education) for receiving of Compact Funds. Provision for sexual and reproductive health is well established, but the difficulty of access remains a problem, especially for women in rural areas and outer islands. According to the 2002 household income and expenditure survey, about 80 per cent of Marshallese women reported some problems with health care access, mainly associated with the lack of access to drugs and service providers, especially the lack of female providers, with 56 per cent of women interviewed perceiving this as a problem (EPPSO 2002).

Teenage pregnancy is very high: in 2005, teenagers accounted for nearly one fifth of all pregnancies (Tauki 2007: 14). The teenage pregnancy rate (20.6 per cent of total number of live births) is higher than in most other Pacific Island countries (GoMI and UNICEF 2003). Teenage pregnancies not only inhibit most young women from pursuing further education, it is also an added burden for the extended families who, in many cases, do not have the financial resources to properly care for mothers and babies in these situations.

There are at least 13 confirmed cases of HIV/AIDS in RMI and the young population (under 34) is increasingly vulnerable to HIV/AIDS infections due to the high prevalence of other sexually transmitted diseases such as syphilis and gonorrhoea (GoMI-UNDP 2005). The vast majority of men (73 per cent) and women (60 per cent) have had sex before they turned 18, yet only 10 per cent and 16 per cent of 15–24 year old men and women respectively reported use of condoms at first sexual encounter (EPPSO 2007). Some young women have also become involved in the sex trade through the tuna industry, exposing themselves not only to abuse but also to the risks of catching sexually transmitted diseases and HIV AIDS. Lack of opportunities and employment were cited as reasons for involvement in the sex trade (Demmke 2006).

Education

As of 2007, the ratio of girls to boys in primary education was 1: 0.97 and at secondary level education it was 1:1.02 (ADB 2009) The World Health Organization (WHO 2009) report states that RMI is essentially on target to meet the Millennium Development Goals in education. A concern remains with the high drop-out rate for girls at secondary and tertiary levels (GoMI-UNDP 2005). These are considered to be caused by a rise in teenage pregnancy rates, as well as socio-cultural expectations that girls need to be at home to help parents take care of younger children and to assist in other family duties (GoMI-UNDP 2005). Other factors, such as financial status, also influence educational attainment. For example, among women, only five per cent of those from

the poorest households have completed secondary education, compared with 22 per cent from the wealthiest households (EPPSO 2007). Data on male-female enrollment in different areas of study at both secondary and tertiary level is weak; this is an area that needs to be strengthened.

Employment

Of the RMI labour force, 41 per cent were employed in the private sector and 31 per cent in the public sector; self-employment amounted to 25 per cent. The remaining 3% of people comprised employers, unpaid workers, and paid workers in family-operated businesses or farms. With the exception of those living in Majuro, Kwajalein, Kili, Wotho and Enewetak, most labour force participants were classified as self-employed.

The average age of people in RMI is very young, with 43 per cent of the population under the age of 15. The national total dependency ratio was a high 82, indicating that a high proportion of the population is dependent on a much smaller proportion of working-age people (who may or may not be employed) (EPPSO 2007).

Two out of three men (66 per cent) were economically active, compared to just one in three women (35 per cent). While social and cultural factors contributed to this disparity, the contrast also has to be seen in the broader context of education, considering, for example, the significantly lower secondary school attainment levels by women in general. As previously noted, despite Majuro and Kwajalein having higher social and economic development levels than the rest of RMI, this did not equate to more job opportunities for the increasing population of job-seekers. Female unemployment rates were much higher than male unemployment rates, with national averages of 37 per cent and 28 per cent respectively.

The high unemployment rate in RMI, though largely a consequence of socio-economic development levels, was also a consequence of the lack of access to vocational skills training opportunities provided as part of either the formal or informal education system.

Preliminary data from the 2002 Household Income and Expenditure Survey showed differences in wages between men and women in jobs with similar education qualifications. Women average wages in certain work areas were USD 7595.00 annually compared with USD 10,772 for men in the same jobs (Graham and Paul 2002). In the outer islands, women's workload has increased as a result of their participation in income-generating activities and, and due to high unemployment among men, more and more women have become the sole economic providers for their family.

Decision making

Participation of women at the national decision-making level remains limited, with women being under-represented in the legislative and executive branches of government. Marshall Islands has one of the lowest rates of representation at the legislative level internationally, with only one woman elected into the thirty-three-seat Nitijela, the lower house of Marshall Islands' bicameral legislature, in the last five elections. The twelve-seat Council of Chiefs (Iroji), which serves a largely consultative function dealing with custom and traditional practices, currently, has three women members.

Traditionally, women of chiefly rank had significant influence in decision-making processes. The Council of Iroji used to be composed of almost equal numbers of men and women. The influential role that these traditional women leaders have through the Iroji could be an avenue for

progressing gender equality, especially in matters that relate to domestic violence and family issues. The Council of Iroji is also a forum where there is discussion on land use, natural resource management, conflict resolution and community cohesiveness, and thus it has a direct impact on people's lives.

There are a growing number of women in the public service, though men dominate the most senior positions. Currently, out of a total of ten permanent secretaries, three are women, who lead the Ministries of Health, Education and Foreign Affairs. Other important decision-making structures, including in the religious, private and judicial spheres are male dominated. Customary norms, stereotypes of women's roles, and the lack of public awareness about election processes limit women's opportunities to be appointed to leadership positions at the national level.

Violence against women

About three in every ten women in RMI reported experiencing physical violence since the age of 15. More than half of these women, or 22 per cent of all women, have experienced physical violence in the past 12 months. Among women who have experienced physical violence since the age of 15, 72 per cent reported that a current husband or partner committed physical violence against them, while 21 per cent reported that they had experienced violence by a former husband/partner. Other perpetrators commonly reported by women were parents or stepparents (20 per cent), and sisters and brothers (6 per cent). Many women who are victims of abuse prefer to keep this matter private rather than bring shame or retribution on themselves and their family (GoMI–UNICEF 2003).

Domestic violence is a challenge that is complicated by tradition, cultural practices, and a lack of institutional support and agencies to provide temporary relief or shelter. Traditionally, violence was dealt with within the family or clan setting. Through the process of westernization, this system has broken down and traditional forms of resolving conflict are playing a lesser role in protecting women. Victims now rely on modern systems to resolve conflict and apply justice, but lack of access and awareness prevent women from disclosing domestic abuse to the public (GoMI–UNICEF 2003).

There is also a persistent general attitude that abuse is a normal part of marriage and other such relationships. In a survey done by the RMI Statistics Department in 2007 (EPPSO, SPC and Macro International Inc. 2007), 58 per cent of men and 56 per cent of women interviewed generally accepted that violence against women was a normal part of male–female relationships. Most widely accepted reasons for violence against women were neglecting the children (51 per cent), arguing with husband/partner (44 per cent), and going out without informing the husband (42 per cent). Almost a quarter (23 per cent) of women believed that denying sex to the husband and burning food were justifications for violence against women. Abuse in these cases included spousal violence, physical violence during pregnancy and physical or sexual violence (EPPSO, SPC and Macro International Inc. 2007).

Land

The matrilineal succession of land rights gave women a position of great importance and influence in traditional society. According to custom, every Marshall Islander has land rights inherited from his or her mother. Today, women (especially young women) are less aware of their

land rights and clanship relationships; an increasing population and migration make tracing lineage and land ownership even more complex (GoMI–UNICEF 2003). However, while the traditional culture provides women with rights to customary land title, and inheritance passes through the female line, access to credit or to registration rights are not guaranteed. In addition, the migration of many Marshallese to the urban centres of Majuro and Ebeye, and the consequent increased exposure to non-Marshallese values and culture, have weakened the traditional cultural norms and organization that were central to the society.

SUMMARY OF FINDINGS

1. National women’s machinery

This section describes the history and current organization of the national government department responsible for the promotion of gender equality, as well as other main government and non-government machinery that are or can be used to promote equality and mainstreaming.

a. Structure

In 1979 the government established the Women’s Desk within the Ministry of Social Affairs but failed to resource adequately it. The Women’s Desk was later upgraded and renamed the Women in Development Office (WDO). A public sector reform program (PSRP) initiated in the 1990s resulted in a one third reduction of all government staff and the elimination of the Ministry of Social Affairs. This resulted in WDO being transferred to the Ministry of Internal Affairs and Social Welfare (now the Ministry of Internal Affairs). Despite the fact that this move was intended to give WDO more prominence and broader responsibilities, the role actually became more limited and was required to function under the Community Development Section, where it has remained to date. WDO is the designated central policy-coordinating unit within the government for the advancement of women and government-wide mainstreaming of gender issues.

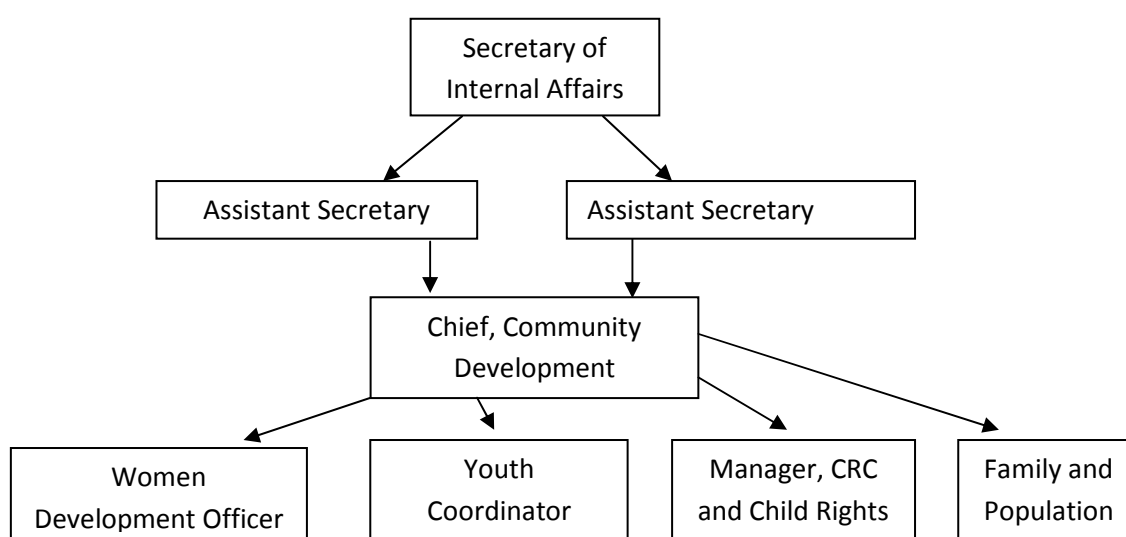


Figure 1: Location and structure of the government department responsible for gender issues

The Women’s Development Officer works closely with the Chief of the Community Development Unit and the Assistant Secretaries. She works by herself in mainstreaming gender, amongst other work

The budget for the WDO for the most recent three years is outlined in Table 1.

Table 1: Budget of the Women Development Office (USD)

	2008	2009	2010
Total of the Ministry of Internal Affairs			
Recurrent budget	\$2,398,278.00	\$2,385,447.00	\$2,185,464
Total WDO budget			
Recurrent	\$82,091.00		\$68,376.00
NWM % of total Ministry of Internal Affairs budget	3%	3%	3%
Allocation of WDO budget			
Salaries and overhead	\$53,785.00	\$59,596.00	\$59,596.00
Programme costs	\$28,306.00	\$22,494.00	
Gender mainstreaming	0	0	0

Budget allocations are applied for under the Community Development Section as part of the Ministry of Internal Affairs budget. At the moment, the only funding for WDO is from government, and it primarily covers salaries. Operational costs are handled by the administrative section of the Community Development Section. Vehicle and equipment costs for all the units within the Community Development Section are handled by the main administration office; there are no vehicles or equipment specifically dedicated to the Women Development Officer. There is a mobile unit where all the different sections of the Community Development Section combine efforts to work in outer islands. However, this service has not been functioning for the last few years because of limited funding.

Although budgetary constraints remain a persistent issue, the level of in-kind support from government towards gender-related work is reported to have increased. Currently there is no donor interaction with WDO. A gender-responsive budget project was piloted in Marshall Islands in 2002. The Economic Policy Planning and Statistics Office reports that, while gender-responsive budgeting has not progressed, the transition to performance budgeting has put an emphasis on producing gender disaggregated data.

The Ministry of Internal Affairs has developed a Strategic Plan of Action 2010–2012, but there is no specific mention of gender, only a general goal referring to ‘Health of People’. In the WDO

strategic plan, one of the goals is to increase the role of women in the development of the nation and to empower women in all aspects of life.

Reporting mechanisms

The WDO reports to the Chief of Community Development on a quarterly basis. Most of the work is with WUTMI (Women United Together in Marshall Islands), the umbrella organization for all women's civil society organizations in the Marshall Islands.

Other government machinery

A CEDAW/CRC Resource Development Committee is in place and comprises senior representatives of key government and non-government agencies. It has been given responsibility for implementing and reporting on the two conventions. The committee has been in existence for several years but had not been functioning well so, in 2009, UNIFEM and UNDP organized training and discussions with the committee members but even after that there has not been much progress in the work of the committee.

There are no gender focal points across government departments to support any planned gender mainstreaming work. There is a Women's Training Centre in the Internal Affairs Ministry, which has a total of three staff and focuses on the training of young women in vocational skills.

There is no national human rights institution in Marshall Islands or other special mandate for the protection and promotion of women's human rights.

Civil society and the private sector

WUTMI, the umbrella organization for women's NGOs, works closely with the Ministry of Internal Affairs on gender-related work and the organization is very strong in its community outreach and community capacity building work. WUTMI has branches on all the atolls and outer islands and so has links that are crucial to the full involvement of women in development processes. Work that WUTMI has been involved in includes training for improving parenting skills, gender and leadership programs, resource management projects, programs involving parents as teachers, and considerable work on violence against women. They have also done a lot of work on the development of CEDAW-compliant legislation.

b. Assessment

This section reviews only the main government department responsible for addressing gender issues, namely WDO, including its basic capacity, working environment and relationships with other relevant stakeholders, and how those factors influence its ability to act as a catalyst for the mainstreaming of gender and women's human rights across the whole of government.

WDO faces a number of constraints that limit its effectiveness. Key among these is that it is not strategically located within the central government structure to influence mainstreaming across the policy, programming and resource allocation spectra.

Despite WDO's mandate to empower women and increase their role in national development processes, this is not translated into specific achievable strategies. The focus of WDO is to increase government responsibility to ensure non-discrimination, and to implement the government's commitment to gender equality, including under CEDAW and the Pacific and Beijing

Platforms for Action. The Strategic Plan of the Ministry of Internal Affairs does not, however, reflect this.

The strategy under WDO includes activities such as the organisation of an International Women's Day program, the implementation of a bi-annual forum for women throughout the country, and skills training in areas such as sewing, knitting, cooking, home gardening and basic income generation skills. Also addressed in the strategy are workshops on parenting skills, family planning and budgeting for mothers. These actions, while they may seek to address practical needs for some women, will only peripherally contribute to the elimination of discrimination against women. They contain no strategic direction for integrating women and their issues into national development processes. The only named activities directly related to gender equality are raising awareness with women on CEDAW and the development of a gender policy.

There is, therefore, a major need for WDO, with technical assistance, to review existing strategies with a view to providing better policy directions and strategies for mainstreaming gender and women's human rights across the government machinery and at the same time ensuring a wider appreciation of gender equality issues from the public.

Despite this need, there has been no progress on the development of a new policy, and assistance from development partners should be prioritised.

There is only one full time staff member dedicated to the promotion of gender equality, making it nearly impossible to expect measurable progress. Technical capacity to undertake gender and women's human rights analysis and mainstreaming is limited. The relevant skills for mainstreaming gender were rated as very low. Staff of the Ministry of Internal Affairs have attended various training sessions on gender awareness and gender in development, including recent training on the reporting mechanisms and processes under CEDAW and CRC. Despite this, there is very little evident impact, which could be due to the limitation in staff capacity to apply, further develop or sustain the training. Gender-related training needs to be much better resourced so that training can be conducted in series with opportunities for WDO to apply the training to actual law, policy and programme development processes under the guidance of technical experts. The staff complement in WDO also needs to be increased, through better government and donor resourcing, so that knowledge does not remain confined to a few individuals.

With the lack in technical expertise, the capacity of WDO to take the lead in implementing and reporting on CEDAW is very limited. Work on CEDAW can be advanced through collaborative work development partners and other government departments.

Strategic planning for gender mainstreaming should be broadly inclusive of a range of line and central ministries, with provision for the inclusion of civil society, especially WUTMI. Currently, WDO relies on NGOs to implement a large portion of its mandate. Although the involvement of NGOs in gender-related work indicates progress in collaboration with civil society groups, it can also be indicative of the low priority given by government to gender equality and women's human rights.

2. Enabling environment overview

a. Legal and policy framework

Marshall Islands has a moderate legal and policy framework to support the mainstreaming of gender and women’s human rights across the whole of government. Two key human rights treaties are in force, but there is no anti-discrimination legislation and there is no gender mainstreaming policy in place. To achieve a stronger framework, greater attention to reporting under human rights treaties is needed, and specific anti-discrimination legislation must be enacted. Much greater effort is also needed to ensure that the existing legal and policy framework is widely understood and systematically informs the work of government across the political, economic, social and cultural spheres.

Key international and regional commitments

Marshall Islands has ratified two core international human rights conventions of particular significance for the human rights of women and girls, as summarized in Table 2.

It has also endorsed a number of key international and regional policy frameworks containing commitments to gender equality, including the 1995 Beijing Platform for Action (BPA), the 2000 Millennium Development Goals (MDGs), the Revised Pacific Platform for Action on Advancement of Women and Gender Equality 2005-2015 (RPPA) and the Pacific Plan (2005, revised in 2007).

Reporting under these treaties has been irregular. There is no national human rights action plan in place.

Table 2: Status of ratification and reporting of key international human rights treaties

	CEDAW	CRC
Ratification date	2 March 2006	4 October 1993
Reporting date(s)		18 November 1998 24 August 2005
Examination date(s)		29 September 2000 22 January 2007*

*Examination conducted in the absence of a state delegation

Constitution

Article II of the Marshall Islands Constitution contains a Bill of Rights. Section 12(2) of that Article provides that: ‘[no] law and no executive or judicial action shall, either expressly, or in its practical application, discriminate against any person on the basis of [among others] gender’. Under Article X (‘Traditional Rights’), nothing in Article II can invalidate customary law or traditional practice concerning land tenure or related matters. Article X Section 2 provides that it is the responsibility of the Nitijela to declare by Act the customary law of Marshall Islands including laws necessary or desirable to supplement the established rules of customary law or to take account of any traditional practice. However, that Section: ‘shall not be construed to authorize the making of any

law that would defeat an otherwise valid claim under Article II'. This can be a positive stance for women, given the matrilineal land ownership system.

Legislation

In the RMI Constitution Bill of Rights; ARTICLE II; Section (1) states 'Every person has the right to freedom of thought, conscience, and belief; to freedom of speech and of the press to the free exercise of religion; to freedom of peaceful assembly and association; and to petition the government for a redress of grievances'.¹⁰ Positive examples of equality-friendly legislative action include relatively strong sexual assault provisions in the Criminal Code, including provisions that it is no defence that the accused reasonably believed the child to be 16 years of age or older and that mistake in age cannot be used as a defence. The corroboration and proof or resistance rules have been removed.

The Child Abuse and Neglect Act (Revised Code 2004, Title 26-Family) has provisions for a child who has been the victim of sexual contact or conduct, including sex crimes as provided in the Criminal Code, and provides for mandatory reports by medical officers of known or suspected child abuse or neglect to be provided to the Chief of Police or to the Secretary of Health. This enables health and police officials to report on sexual abuse cases without being victimised.

A 2002 amendment to the Births, Deaths and Marriages Act 1988 increased the minimum age of marriage from 16 to 18 for females, consistent with the age requirements for males.

The Real and Personal Property Act gives men and women equal rights to own property.

The Education Act makes education compulsory for all children between the ages of 4 and 18 and makes parents, guardians and custodians responsible for ensuring that children are enrolled in and attending school.

Legislative gaps

Legislative gaps include the lack of specific and comprehensive legislation covering violence against women; gaps in the marriage law that allow marriages of females at ages younger than 18 if married under customary law; and gaps in family law under the Domestic Relations Act 1988 (which governs separation, divorce, maintenance and custody), which does not apply to customary marriages, annulment, divorce or adoption effected in accordance with local custom, meaning customary laws cannot be challenged, even if they discriminate against women. The Prostitution Prohibition Act 2001 criminalises both sex workers and clients, which usually acts to punish and re-victimize women much more than men. The RMI Cabinet established the National Resource Development Committee (NRDC) in 2009 to move work along on CEDAW and CRC, and it is hoped that this will allow for CEDAW-compliant law reform.

No policy on gender equality in place

In 1991, the Cabinet appointed a Women's Policy Development Task Force to formulate a policy specifying how women could be better incorporated into the socio-economic development of the nation. This Committee's first output was the National Women's Policy 1996–2001. Adopted in

¹⁰ Republic of the Marshall Islands Constitution. <http://www.rmiembassyus.org/Constitution/Constitution.pdf>

1995, it was intended to accompany the government's second five-year development plan. Based on the principles of the National Women's Policy, the Women's Plan of Action 1996–2001 was developed.

The plan of action covered areas of improvement in culture, traditions and customs; the situation of children and family life; gender equality in education; the role of women in community activities; health care for mothers and children; family planning; women and the media; land and other legal rights of women, especially women on the outer islands; lobbying the *Nitijela* for gender equality; promoting women in leadership positions; provision of business development skills and opportunities; and access to credit for women. The National Women's Policy expired in 2001 and there has been no policy developed since then, leaving no clear direction on priority areas or WDO's mandate. There is a need for an assessment of the outcomes or achievements of the policy and plan of action, and the development of a gender policy.

Moderate awareness of legal and policy frameworks

Of the nine ministries/departments interviewed, seven — the Attorney General's (AG) Office, the Ministry of Internal Affairs (MIA), the Ministry of Resource and Development (R&D), the Office of Economic, Policy, Planning and Statistics (OEPPS), the Environmental Protection Agency (EPA), the Ministry of Education and the Ministry of Health — were able to cite at least one international, regional or national legal or policy framework that was supportive of gender mainstreaming. Of the nine who were aware of relevant frameworks, only four identified CEDAW (AG, MIA, OEPPS and R&D) although R&D had merely heard of it peripherally and was not directly familiar with it. When prompted, the information from the Ministry of Education confirmed having heard of CEDAW but admitted to not being familiar with its provisions, including those on education rights. Only two cited CRC (AG and OEPPS), four cited the MDGs (Education, Health, OEPPS and EPA), one cited ILO conventions in general (AG), the Ministry of Education mentioned Education for All, and only the AG's Office mentioned the Constitution. The EPA noted that its policy identified women as a key stakeholder group. The Ministry of Health knew that the WHO and UNFPA guidelines for reproductive health were linked to international commitments but was not directly familiar with these.

b. Political will

Limited support to adopt gender mainstreaming approach

Commitment to gender equality is perceived by many to have increased during the last two years of the present government. According to the respondents, however, there is insufficient political will and support for gender mainstreaming. The reservations voiced by some ministries could be due to a lack of understanding of gender mainstreaming, rather than resistance to gender equality. It was perceived by many that the greatest resistance to gender equality is likely to be found at the political level.

Gender equality is not prioritized in national and sectoral policies

Another measure of a government's political will for gender equality and mainstreaming is the extent to which national and sectoral policies recognize, prioritize and seek to address gender imbalances. In the current RMI national strategic plan, 'women in development' was among the

priorities. The priority is, however, mentioned under ‘a healthy people’, which briefly mentions human development priorities but leaves out any specific mention of gender equality or mainstreaming. Although budgetary constraints remain a persistent issue, the level of in-kind support from government towards gender-related work is perceived to have increased. The public service recruitment policy makes reference to recruitment based on merit and non-discrimination.

Lack of understanding of gender mainstreaming

All ministries interviewed identified what they perceived as indicators of commitment to gender equality, including women’s participation in community projects, provision of equal health care, equal school enrolments and increasing women’s participation in the workplace. Even in ministries and departments where political will was perceived by informants to be high, a clear understanding of gender equality and mainstreaming was lacking. The majority of ministries continue to focus on women as targets or beneficiaries and this is being discussed as gender equality. Women’s programmes currently in place continue to focus on the practical rather than strategic needs of women.

Lack of technical expertise

The lack of understanding and technical knowledge on mainstreaming gender was mentioned by two ministries as the main barrier to higher political will. Other factors mentioned included the political culture, culturally defined gender roles and resistance to change. MIA and EPPSO made reference to low skills in gender analysis as the main constraints. The Ministries of Health and Education and the Attorney General’s offices saw no barriers.

Of the nine ministries interviewed, two indicated the importance of gender training for politicians, while others mentioned that it would probably be more effective to strengthen advocacy on gender issues at the community level and create better alliances amongst NGOs and women’s organizations. Training and awareness raising were mentioned by four respondents. Gender training as part of school curriculum was also mentioned as an important long-term strategy by the Ministry of Education.

c. Organizational culture

Organizational culture refers to the extent to which the attitudes of staff and institutional systems and structures support or marginalize gender equality as an issue across sectors. A supportive organizational culture encourages a gender lens during all policy dialogues, establishes good lines of communication with the national women’s machinery, ensures sex disaggregated data collection and analysis, has organizational systems in place to guide and inform staff on integrating gender within their technical area, strives for gender balance at all levels of the organization’s staffing, and has gender-sensitive human resource management policies in place. Analyzed against these factors, the organizational culture in Marshall Islands needs to be improved.

Gender issues rarely mentioned in high level discussions

Except for the Attorney General’s office, no ministries had high level discussions where gender was discussed, with the exception of MDG-related discussions.

Low collaboration with WDO

Apart from the R&D and EPA ministries' collaboration with WDO on activities relating to World Food Day, International Women's Day and community workshops, there is very little sectoral interaction with WDO, largely because there are no clear strategies for collaboration, as well as because of the inadequate human resources and technical capacity within WDO. The marginalization of the Ministry of Internal Affairs by the previous administration was seen by many as the cause of most gender-related work being left to NGOs. NGOs, particularly WUTMI, have facilitated the involvement of women in community-based government initiatives and have been in the forefront of advocacy at the political level.

Sex disaggregated data

Sex-disaggregated data is available for education, health and to some extent general employment, and the Statistics Department has made progress with work on sex-disaggregated data.

Lack of guidelines on gender mainstreaming

No ministry/department interviewed had tools or systems in place to guide and inform staff on how to integrate gender and women's human rights into their technical area of work.

Gender perspective is not integrated in the public service

The Public Service Commission (PSC) is the body responsible for human resource management for the whole of the public service. Gender equality is limited to the equal opportunity clause included in recruitment processes. Although not specifically mentioned, sexual harassment is addressed under the domestic violence legislations. Maternity leave provisions are limited, with up to 20 days maternity leave allowed for mothers with 1–3 children (PSC regulation). The Labour Minimum Conditions Inquiry Act 1983 contains provisions on working hours, working age and minimum wage but makes no specific reference to gender issues. Institutional policies were seen as non-discriminatory by most of the respondents, and reference was made to the fact that women themselves needed to be educated or made aware of gender issues to be able to exert their rights in various areas.

Women in top government positions

The men/women breakdown at the top three levels within the ministries interviewed is summarized in Table 3:

Table 3: Men/women breakdown in top three positions of ministries interviewed

Post	Men	Women
Highest level ~ Permanent Secretary	7	3
2 nd Level ~ Asst. secretary	15	7
3 rd Level ~ Directors or Chiefs	25	15

Table 3 shows that there are more men in the top three positions in government.

Difficulty to identify gender champions

Except for the Ministry of Education and the Attorney General's Office, most informants found it difficult to identify specific gender champions within their department.

High interest to develop capacity in gender mainstreaming

Most interviewees expressed an interest in knowing more about gender mainstreaming and how it relates to improved development results. This is a positive sign of an organizational culture supportive of mainstreaming gender and women's human rights. The PSC runs two or three management training sessions a year and gender mainstreaming could be included as a component of this.

d. Accountability mechanisms

Accountability mechanisms ensure that action on commitment to gender mainstreaming can be traced and monitored within organizations, and that individuals are held to account for gender equality results in their area of work. At present there are no national gender accountability mechanisms in place.

Except for the Ministry of Internal Affairs, which is mandated to work on addressing gender issues, no ministry had positions where gender is included in the TORs. The PSC, which has the mandate of developing TORs across government, lacks the specialization needed to facilitate gender accountabilities.

e. Technical capacity

Gender and women's human rights cannot be properly mainstreamed without a pool of technically qualified experts, whose skills and experience in these areas can systematically be drawn on by ministries. As with any other technical area, gender mainstreaming carried out by non-experts can end up running counter to best practice and have unintended negative impacts on gender equality.

Insufficient technical capacity to mainstream gender

Although efforts are made to involve both women and men in programs and activities, notably in community targeted work, ministries interviewed have little technical capacity to mainstream gender into their work.

Despite the gender training that has been carried out for WDO and the rest of the Community Development section, there is no long term continuity and thus the acquisition of skills and their integration in the work of government are not sustained.

Most recently, a gender awareness training session for staff of the Community Development Section and other government departments and a training session on the CEDAW/CRC reporting process were carried out. Further training is, however, still needed to ensure long-term continuity.

WUTMI has been involved in gender-related training and conducts such training in rural communities. Their expertise can be drawn on to assist in community targeted work.

Some respondents thought that gender mainstreaming interventions should be made through the PSC, which is in charge of recruitment of government staff, as a starting point in ensuring gender equality in employment. Two ministries believed that the MIA should be targeted in capacity building since it has the mandate to work on women's issues. Two ministries also believed in targeting the political level of government before other capacity building work is pursued, since targeting the highest level of government can foster political support for gender mainstreaming.

It was suggested that training on gender equality and mainstreaming should be made culturally appropriate, and that terminology should be translated into local languages to help people understand gender power relations, methods of gender analysis and, most importantly, how gender analysis and gender-responsive policies and programs can improve development results.

f. Adequacy of financing for gender equality

Insufficient allocation of resources

The Marshall Islands government does not provide adequate resources for mainstreaming gender. At present, only USD 72,356.00 is allocated to WDO. There is no functional mechanism within the government to ensure that relevant sectoral gender issues are incorporated into the national budgetary process or, if identified in planning, are appropriately funded. No ministries interviewed were able to identify any specific or general budgets that target or could positively influence gender equality. There was also no specific budget support from donors or development partners to undertake gender mainstreaming work or any gender related work in the RMI.

Gender-responsive budgeting pilot project

A gender-responsive budgeting pilot project was undertaken in Marshall Islands from September 2002 to September 2003 as part of the Asian Development Bank's regional technical assistance. The project sought to develop a budget process that linked into the policy and project work of ministries. The project was piloted within one budget cycle and mostly created awareness on gender responsive budgets. However, for this to be properly adopted and integrated by government, it requires much more sustained trial and support over multiple budget cycles.

Gender equality not prioritized

Through donor support, some ministries (e.g. Education, R&D and Health) have funded programs that are largely targeted at women. Overall, however, because of budget constraints, gender equality work is not prioritized. The new round of the Trust Territory Compact Agreement emphasizes health and education and also the improved use of data and statistics for policy and decision making. One result of this was the implementation of a demographic and health survey, which included specific gender-related questions. This was done to assist RMI to improve the availability of health indicators and to assist with policy making and MDG implementation.

Ensuring reliable financing requires that gender mainstreaming across the whole of government be built into the government's budgeting processes. The national budget should ideally allocate specific resources to both WDO and individual agencies to engage in systematic results-based gender analysis, planning, implementation and monitoring.

g. Additional factors

Traditional institutions could be a lever for gender equality

The strong matrilineal culture of Marshall Islands was frequently mentioned as a support mechanism to gender mainstreaming. Women's traditionally strong and respected roles could be maximized to mobilize support for integrating gender and women's human rights into the modern context of governance and development. Using accessible, culturally-contextualized terminology in discussions on gender mainstreaming may also be helpful. Because women are landowners, traditional decision-makers, and traditionally influential in resolving conflicts, there is continued reference to these traditional roles of women, even though many of them have changed.

More awareness raising work is necessary at the community level

In terms of facilitating advocacy initiatives to create a demand for government to become gender-responsive it was repeatedly noted that the most resistance to gender equality is likely to be found at the political level. However, a number of interviewees indicated that, while providing politicians with gender awareness training might be useful, it would likely be more effective to strengthen advocacy and awareness on gender issues at the community level and strengthen alliances among NGOs and women's organizations that have behind-the-scenes influence on politicians.

POTENTIAL STRATEGIC APPROACHES

The following are potential starting points for increasing the capacity of the RMI government to mainstream gender and women's human rights in an effective and sustainable way.

1. Capacity development and strengthening networks

WDO does not have the expertise to effectively mainstream gender into the work of other government departments. There is only one government staff person dedicated full time to women's issues, with very low technical capacity and no resources. The combined forces of WDO, the CEDAW/CRC Committee and WUTMI are needed. There is an existing strong relationship amongst these groups that can be strengthened into a gender mainstreaming alliance, building on the recent national CEDAW training. This can be the springboard for the country's development of its first CEDAW Report. Given that the CEDAW/CRC Committee is multi-sectoral, this will allow for increased cross-sectoral advocacy on gender issues and mainstreaming strategies.

2. Development of a national gender policy

Technical assistance could be provided to assist RMI to develop a national gender policy which, in addition to addressing key priority thematic areas for women, supports gender and women's human rights, mainstreaming across government as a strategy. This will support the work of WDO, the CEDAW Committee and WUTMI collaboration. This will also allow for strategic approaches to gender-related work in RMI.

3. Gender statistics

Collection of sex-disaggregated data should be improved and extended to other sectors. EPPSO has started work on specific gender indicators and trends with the Ministry of Health, and this could be extended to the R&D sectors. It could build on SPC's ongoing gender statistics initiative. The gender statistics work will involve a process of compiling key gender indicators in one comprehensive framework, developing user-friendly 'situation of women' statistical reports, conducting policy analyses based on the priority indicators with relevant government agencies, and collaboratively developing policy responses.

4. Tools development

Since there are no existing tools or systems in place to assist government in mainstreaming gender and women's human rights, such tools could be developed either broadly or for specific sectors. These could include user-friendly handbooks, guidelines and analytical tools. These tools, once developed, can be the basis for vigorous gender awareness work and capacity building work at all levels of government. There should be a clear process established at the outset for reviewing the impact of the tools, including results achieved and feedback from those using them.

5. Organizing a donors' meeting

Technical assistance could be provided for a donors' meeting at which all development partners and donors discuss the various areas of involvement, areas of overlap and how best to improve the provision of assistance to ensure measurable outcomes for gender work in RMI. A coordinated approach and planning mechanism will ensure maximization of external assistance to RMI on work on gender and women human rights.

6. Establishment of gender focal points in all ministries

Given the limitation in the funding allocation to WDO and MIA for gender work, an alternative — to have gender focal points in all key ministries — should be supported. This could be achieved through targeted training and capacity building to technical staff and gender champions in the various ministries. It could result in the development of a pool of resource persons to undertake continuous gender mainstreaming, gender awareness and gender capacity building work.

APPENDIX

List of organizations interviewed or consulted

Government

Ministry of Finance

Ministry of Education

Ministry of Health

Ministry of Resource and Development

Ministry of Internal Affairs

Environmental Protection Agency

Public Service Commission

Attorney General's Office

Office of Economic, Policy, Planning and Statistics

Marshall Islands Marine Resources Authority

Civil Society

WUTMI- Women United Together in Marshall Islands

University of the South Pacific

Catholic Church

Catholic School

Bahai Community of Marianas

Kio Club

Protestant Church Community

College of Micronesia

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