CONSTITUTIONAL CONVENTION
(AMENDMENT) (3) (A) ACT 2016

Sponsored by:

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

Republic of the Marshall Islands  
Jepilpin Ke Ejukaan

CONSTITUTIONAL CONVENTION (AMENDMENT) (3) (A) ACT 2016

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

Republic of the Marshall Islands
Jepilpin Ke Ejukaan

CONSTITUTIONAL CONVENTION (AMENDMENT) (3)
(A) ACT 2016

A BILL FOR AN ACT to amend the Constitutional Convention Act 2015, in order to include additional proposals for the amendment of the Constitution of the Republic of the Marshall Islands.

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

§1. Short Title

This Act may be cited as the Constitutional Convention ( Amendment ) (3) (A) Act 2016.

§2. Amendments

(1) Schedule 1 of the Constitutional Convention Act, 2015 is further amended by adding new Proposal 21 and to be inserted after Proposal No. 20 to read as follows:

“Proposal No. 21. – Article I, Section 4 (7): To amend Article I, Section 4 (7) which gives legal protection of witnesses giving evidence against himself, spouse, parent, child, or sibling, etc to read as follows:

(7) No person shall be compelled in any criminal case to be a witness against himself, or against his spouse, parent, child, or sibling, or to give testimonial evidence against any such person whenever that evidence might directly or indirectly be
used to obtain such person’s criminal conviction.
Provided however, where:

(a) an allegation of violence is against the spouse or partner;

(b) an allegation of violence against a person who was at the material time under the age of eighteen years;

(c) an alleged sexual offence against a victim who was at the material time under the age below 18 years; or

(d) the person is attempting, conspiring or aiding and abetting, counselling and procuring to commit the offences in the categories above.

§ 3. Effective Date

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.
This Bill proposes to amend the Constitutional Convention Act 2015, in order to include as proposal for the following amendment to the Constitution to amend Article I, Section 4 (7) to give exception for which a witness can testify against their spouse, parent, child, sibling or others against their will particularly on matters relating to violence against women and children.

Violence against women (VAW) is a global problem that crosses cultural, geographic, religious, social, and economic boundaries and is a violation of human rights (WHO).

A National Study on Family and Safety (2014) in the RMI reported on the prevalence, frequency and types of violence against women and children which includes (i) physical and sexual violence, emotional abuse and controlling behaviors by intimate partners, (ii) physical and sexual violence against women since they were 15 years old by non-partners and, (iii) sexual abuse in childhood before the age of 15 years.

According to the report majority of women in the RMI experienced physical and/or sexual violence by a partner or non-partner, with more than half of women reporting that violence committed by a partner. The majority of the women suffering from physical violence experience sever violence in their lifetime (38%) verses moderate violence (11%). Twenty one percent of women reported injuries as a result of abuse. Most common injuries were scratches, abrasions, and bruises (72%); cuts, punctures, bites (47%); broken eardrum, eye
injuries (34%); burns (19%), broken teeth (18%). Nearly half (46%) of those reporting injuries suffered injuries more than 5 times.

It is also reported that women who had children aged between 5 and 12 years old and who have experienced partner violence were only slightly more likely to report that these children had behavioral problems such as nightmares (28% with no violence reported versus 32% reporting), bedwetting (21% with no violence reported versus 22% reporting), but more statistically significant is that the child is quiet or withdrawn (19% with no violence reported versus 27% reporting).

It is recognized that most of the violent incidents occurring are unreported.
DATE: _AUG. 12, 2016_  INTRODUCED BY _MIN. AMENTA MATTHEW_ /S/

DATE: _AUG. 12, 2016_  INTRODUCED BY _SEN. DAISY A.MOMOTARO_ /S/

DATE: _AUG. 12, 2016_  INTRODUCED BY _MIN.WILBUR HEINE_ /S/

DATE: _AUG. 12, 2016_  INTRODUCED BY _SEN.DENNIS MOMOTARO_ /S/

DATE: _AUG. 12, 2016_  INTRODUCED BY _SEN.BRUCE BILIMON_ /S/