



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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

Sponsored by:

HON. MINISTER AMENTA MATTHEW
HON. SENATOR DAISY MOMOTARO

Approved:

HON. SPEAKER KENNETH A. KEDI

1
2

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



3
4

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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

5

Index

6

Section

Page

7

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

1

8

§1. Short Title5

9

§2. Amendments.....5

10

§3. Effective Date6

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45

1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 37TH CONSTITUTIONAL REGULAR SESSION, 2016



3 Republic of the Marshall Islands
4 *Jepilpilin Ke Ejukaan*

5 **CONSTITUTIONAL CONVENTION (AMENDMENT) (3)**
6 **(A) ACT 2016**

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

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

11 **§1. Short Title**

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

14 **§2. Amendments**

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

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

22 (7) No person shall be compelled in any criminal case to be a
23 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

1
2
3
4
5
6
7
8
9
10
11

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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.

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

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

BILL SUMMARY

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

1 injuries (34%); burns (19%), broken teeth (18%). Nearly half (46%) of those reporting injuries
2 suffered injuries more than 5 times.

3
4 It is also reported that women who had children aged between 5 and 12 years old and who
5 have experienced partner violence were only slightly more likely to report that these
6 children had behavioral problems such as nightmares (28% with no violence reported
7 versus 32% reporting), bedwetting (21% with no violence reported versus 22% reporting),
8 but more statistically significant is that the child is quiet or withdrawn (19% with no
9 violence reported versus 27% reporting).

10
11 It is recognized that most of the violent incidents occurring are unreported.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

1

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

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

SIGNATURES

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/_*