

TITLE 26 - FAMILY
CHAPTER 10 - CHILD RIGHTS PROTECTION



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CHILD RIGHTS PROTECTION ACT 2015

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CHILD RIGHTS PROTECTION ACT 2015

AN ACT to declare the rights of children and provide for their protection, promotion, enforcement, and implementation in the Republic of the Marshall Islands as required under the United Nations Convention on the Rights of the Child.

Commencement:

October 19, 2015

Source:

P.L. 2015-50

PART I – PRELIMINARY

§1001. Short Title.

This Chapter may be cited as the Child Rights Protection Act 2015.

§1002. Interpretation.

In this Chapter, unless the context requires:

- (a) **“Child”** shall mean any person who is below 18 years;
- (b) **“Child abuse or neglect”** shall mean the acts or omissions of any person which have resulted in the physical or psychological health or welfare of a child to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed. The acts or omissions are indicated for the purposes of reports by circumstances which include but are not limited to the following:
 - (i) When the child exhibits evidence of:

- (A) Substantial or multiple skin bruising or any other internal bleeding;
 - (B) Any injury to the skin causing substantial bleeding;
 - (C) Malnutrition;
 - (D) Failure to thrive;
 - (E) Poisoning;
 - (F) Fracture of any bone;
 - (G) Sub-dural hematoma;
 - (H) Soft tissue swelling;
 - (I) Extreme pain;
 - (J) Extreme mental distress;
 - (K) Gross degradation;
 - (L) Death; and Such injury is not justifiably explained, or when the history given concerning such conditions or death is at variance with the degree or type of such condition or death, or circumstances indicate that such condition or death may not be the product of accidental occurrence; or
- (ii) When the child has been the victim of sexual contact or conduct, including but not limited to sex crimes or other forms of sexual exploitation as provided under the this Act or the Criminal Code; or
 - (iii) Where there exists injury to the psychological capacity of the child as is evidenced by an observable and substantial impairment of the child's ability to function; or
 - (iv) When the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision; or
 - (v) When the child is provided with narcotic drugs, alcohol or tobacco products.
- (c) **“Committee”** shall mean the Human Rights Committee established under the *Human Rights Committee Act 2015*;

- (d) **“Convention”** shall mean the United Nations Convention on the Rights of the Child;
- (e) **“Maltreatment”** shall mean any intentional or willful act resulting in physical, mental, or emotional harm to the child or any omission by a parent, guardian, or care-giver to protect children from such harm, and in general all forms of violence, aggression, cruel, degrading, or humiliating treatment of a child;
- (f) **“Minister”** shall mean the Minister of Internal Affairs;
- (g) **“Ministry”** shall mean the Ministry of Internal Affairs;
- (h) **“Narcotic drugs”** shall have the corresponding definition in the *Narcotics Drugs(Prohibition and Control) Act 1987*;
- (i) **“other laws of the Republic”** shall include Acts, regulations, policies;
- (j) **“Exploitation”** shall mean:
- (i) Sexual exploitation, including commercial sexual exploitation of children in the form of child prostitution, child sex tourism, child pornography, and child trafficking for these purposes;
- Economic exploitation, including the worst forms of child labor, child begging, children’s work and child domestic work not in accordance with the regulations of this Act; and Other forms of exploitation, including all forms of slavery or practices similar to slavery, debt bondage or servitude;
- (k) **“Secretary”** shall mean the Secretary of Internal Affairs;
- (l) **“Sexual abuse”** of children shall mean any:
- (i) Engagement or incitement of a child under the age of consent to participate in sexual activities in violation of Article 42 of this Law;
- Engagement in sexual activities with a child in abuse of a position of trust or authority such as that of parent, guardian or care-giver;
- (m) **“Sexual activities”** shall mean sexual intercourse and any other act performed on, by, with, or in front of a child where the presence or participation of the child is for the purpose of the sexual gratification of another person;