



## Convention on the Rights of the Child

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### Committee on the Rights of the Child Forty-fourth session

#### Summary Record of the first part (public)\* of the 1210<sup>th</sup> meeting

Held at the Palais Wilson, Geneva, on Monday, 22 January 2007 at 10 a.m.

*Chairperson:* Mr. Doek

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Consideration of reports of States parties (*continued*)

*Second periodic report of the Marshall Islands on the implementation of the Convention on the Rights of the Child*

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\* No summary record was prepared for the second (closed) part of the meeting.

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties (item 4 of the agenda) (continued)**

*Second periodic report of the Marshall Islands on the implementation of the Convention on the Rights of the Child (CRC/C/93/Add.8; core document (HRI/CORE/1/Add.95); list of issues to be taken up (CRC/C/MHL/Q/2))*

1. **The Chairperson** read out a message sent the previous evening by the Mission of the Marshall Islands to the United Nations in New York informing the Committee that owing to unforeseen circumstances, the delegation would not be able to come to Geneva but that written replies would be sent to the Secretariat as soon as possible.

2. He observed that the State party was thereby failing for the second time to fulfil the obligation incumbent upon it to send a delegation to present the second periodic report, consideration of which had already been postponed at the forty-second session because of the delegation's absence, and had notified the Committee too late for it to be able to amend its programme of work as a result. It was therefore for the Committee to decide whether it wanted to allow the State party further time or instead to proceed without further delay to consideration of the report, adopt concluding observations and communicate them to the Marshallese Government.

3. **Ms. Smith** noted that the report dated from 2004 and that the State party had not yet sent its written replies to the list of issues to be taken up, meaning that the Committee did not have information that was sufficiently extensive and current for it to be able to consider the report in the delegation's absence and adopt concluding observations. Recent information, especially on the economic situation of the country, would be necessary in order to be able to assess the appropriateness of including recommendations with significant financial impact among the concluding observations.

4. **Ms. Khattab** was of the view that consideration of the report should be postponed to a subsequent session because the concluding observations were likely to go unheeded if they were not the result of a dialogue.

5. **Ms. Lee**, supported by Mr. Krappmann, said that the Committee might consider the report even in the absence of the delegation and, to offset the lack of up to-date information, the Committee might put questions to the UNICEF representatives in the room: the United Nations Children's Fund (UNICEF) had an office in the State party and in 2003 had drawn up a very full report on the situation of children in the Marshall Islands. The members of the Committee who had participated in the consideration of the initial report (CRC/C/28/Add.12) in 2000 might also outline to other members the impressions made upon them by the first dialogue with the State party.

6. If the Committee postponed consideration of the report to a later session and the State party failed for a third time to fulfil its obligation to send a delegation to Geneva, an unfortunate precedent would be set of which other States parties might well avail themselves.

7. **Ms. Vuckovic-Sahovic**, supporting that suggestion, said that if the Committee decided to consider the report in the delegation's absence it might ask one member, for example one of the rapporteurs, to follow up the concluding observations by making an official visit to the State party to open a dialogue with the Marshallese Government and ascertain, in cooperation with the local UNICEF office, whether the Committee's recommendations were being implemented.

8. **Mr. Zermatten**, supported by Mr. Liwski, were in agreement with that proposal and suggested that once the follow-up visit had been conducted the Committee might amend its concluding observations in the light of the information gleaned locally by the member appointed to that end.

9. **Ms. Ouedraogo**, supporting those proposals roundly condemned the delegation's absence in her capacity as rapporteur for the Marshall Islands, but pointed out that during consideration of the initial report in 2000 the delegation comprised just one person who, furthermore, had come from the Mission to New York. Postponement of consideration therefore appeared to be pointless because even if a delegation came to Geneva the dialogue would probably not be to the Committee's satisfaction.

10. **Mr. Filali** added that the Committee might indicate to the State party that it had the opportunity to challenge the content of the concluding observations as part of a debate with the Committee and that in order to avail itself of that opportunity a date had to be set with the Secretariat for a meeting and a delegation had to be sent to Geneva. A solution on those lines would set a good precedent.

11. **The Chairperson** stated that a consensus had emerged on the need to proceed to a technical review for consideration of the second report of the Marshall Islands in the delegation's absence. If there was no objection he would take the view that the Committee wanted to draw up concluding observations following a technical review based on the information available to it and to examine the possibility of sending one of its members on an official visit to the State party.

12. *It was so decided.*

*The first part (public) of the meeting rose at 10.30 a.m.*

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