

UPR Kiribati

Canadian HIV/AIDS Legal Network & ILGA Europe

Thank you, Mr. President.

DAU FISHER

We warmly commend Kiribati for its willingness to consider recommendations 66.23 and 41, each of which would strengthen Kiribati's commitment to the core principles of equality and non-discrimination.

Recommendation 66.23 encourages Kiribati to repeal legislative provisions criminalising consensual same-sex conduct, and consider endorsing the General Assembly Joint Statement on human rights, sexual orientation and gender identity.

As the delegation will be aware, criminal provisions against consensual same-sex conduct were held to be inconsistent with the international rights to privacy and non-discrimination by the UN Human Rights Committee in the 1994 case of *Toonen vs. Australia*, a position that has been reaffirmed many times subsequently.

In its response, Kiribati affirms that it is a tolerant society, that it is prepared to consider decriminalisation of consensual same-sex conduct and that there have been no prosecutions under that provision. We note that the Human Rights Committee has underlined that such provisions are inconsistent with international human rights even if they are not enforced, and that they undermine efforts to combat HIV by driving marginalised communities underground.

The United Nations Secretary General Ban Ki-moon, High Commissioner for Human Rights and Nobel Peace Prize Winner Archbishop Tutu recently jointed together with civil society to call for an end to criminal sanctions based on sexual orientation and gender identity.

We also commend Kiribati for its willingness to consider recommendation 66.41, which would expand the prohibited grounds of discrimination to include grounds such as sexual orientation, disability, health status and economic status.

We urge Kiribati to act promptly to implement each of these recommendations, in furtherance of its commitment to international human rights principles of equality, and to values of respect, fairness and equal dignity for all.

Thank you.