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Universal Periodic Review of Kiribati (third cycle)



Joint Submission of the UN Country Team Fiji

Abbreviations

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPPED	Convention for the Protection of all Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRMW	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CMW	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
CYPFW	Children Young People and Family Welfare
EVAW	End Violence Against Women
GBV	Gender-based violence
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MPDSR	Maternal and Perinatal Death Surveillance and Response
NGO	Non-governmental organisations
NHRTF	National Human Rights Task Force
NMRF	National Mechanism for Reporting and Follow-up
OHCHR	Office of the High Commissioner for Human Rights
OP-CRC-AC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
SOP	Standard Operational Procedures
SP	Special Procedures
SR	Special Rapporteur
UN	United Nations
UPR	Universal Periodic Review

Introduction

This is a joint submission of the UN Country Team covering Kiribati. The information contained in this submission is based on the input of the UN agencies working on Kiribati. While efforts have been made to assess the implementation of the past UPR recommendations for Kiribati, this submission does not cover a comprehensive review of the human rights situation in Kiribati.

IMPLEMENTATION OF THE ACCEPTED RECOMMENDATIONS FROM THE PREVIOUS CYCLE

A. Treaty ratification/accession, reporting and cooperation with UN human rights mechanisms

- *Acceptance of international norms*

1. As of June 2019, Kiribati is only party to three of the nine core international human rights treaties, namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD). It has also acceded to the Optional Protocols to CRC dealing with children in armed conflict and sale of children, child prostitution and pornography.
2. In 2015, Kiribati was reviewed under the 2nd UPR cycle and accepted a number of recommendations by Members States related to the ratification of the remaining treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These and a number of other recommendations have yet to be implemented by the Government of Kiribati.
3. Kiribati is also party to the ILO Conventions relating to forced labor, freedom of association, right to organize and collective bargaining, equal remuneration, abolition of forced labor, minimum age and worst form of child labor, among others.
4. Kiribati has neither ratified the Rome Statute of the International Criminal Court nor acceded to the Convention on the Prevention and Punishment of the Crime of Genocide.

Recommendations

- *Ratify ICCPR, ICSECR, CAT, CERD, CMW and CED and Optional Protocols to the ICCPR, ICESCR, CAT, CRC, CEDAW and CRPD;*
- *Ratify the Rome Statute of the International Criminal Court; and*
- *Accede to the Convention on the Prevention and Punishment of the Crime of Genocide.*

- *Cooperation with the UN human rights mechanisms*

5. Kiribati has not undergone review by any treaty body since 2006. In February 2019, the Government submitted overdue combined initial, second and third periodic reports to the CEDAW Committee, combined second, third and fourth periodic reports to the CRC Committee, and initial reports to the CRPD Committee, respectively.
6. Kiribati has yet to submit the Common Core Document to treaty bodies. The Ministry of Justice, on behalf of the National Human Rights Task Force, has undertaken drafting of the Common Core Document.
7. Kiribati has not issued, yet, a standing invitation to Special Procedures of the Human Rights Council. The last visit of a Special Procedures mandate holder, the Special Rapporteur on

Human Rights, Water and Sanitation, dates to July 2012. There is a lack of implementation of respective recommendations issued at the end of this visit.

8. When it comes to reporting and follow-up, Kiribati continues to engage with United Nations (UN) human rights mechanisms in an *ad hoc* manner. No standing national mechanism for reporting and follow-up (NMRF) has been established, yet.
9. In July 2014, Kiribati established the National Human Rights Task Force (NHRTF) by cabinet decision with a view to coordinate and facilitate its engagement with the UN human rights mechanisms (HRMs) and fulfil its human rights obligations. While establishment of the NHRTF as a permanent structure within the Government to coordinate for the reporting to and follow-up on the HRMs recommendations is positive, it is short of resources and dedicated staff as well as focal points to fulfill its major tasks which is to ensure effective engagement of Kiribati with HRMs, among others.
10. In connection to this, establishment of a Human Rights Unit within the Ministry of Justice and transfer of the secretariat role of the NHRTF to the Ministry of Justice from the Ministry of Women, Youth, Sport and Social Affairs are some of the initiatives undertaken by Kiribati to address some of these issues and continuously building human rights infrastructures in the country. The capacity enhancement support being provided by OHCHR under the Treaty Body Capacity Building Programme to develop the NHRTF into a functioning national mechanism for reporting and follow-up (NMRF) remains crucial.

Recommendations

- *Submit the Common Core Document to treaty bodies;*
- *Respond positively the requests for country visits from Special Rapporteurs;*
- *Effectively implement the recommendations made by special procedures, particularly recommendations by the Special Rapporteurs on Human Rights, Water and Sanitation;*
- *Establish an NMRF for timely reporting to treaty bodies and for systematic follow-up on the recommendations of the UN human rights mechanisms; and*
- *Cooperate with United Nations agencies, regional bodies and development partners in building capacities, training and exchanging human rights expertise and experiences with other Pacific Island countries.*

B. Legal and policy reform

Cross-cutting issues

- *Discrimination against women, domestic violence, sexual and gender-based violence*

11. During the second UPR cycle, Kiribati accepted 25 recommendations relating to discrimination against women, domestic violence and gender-based violence. Most of these recommendations have been partially implemented.¹
12. The definition of discrimination included in the country's Constitution is limited in its scope by which people are afforded a different treatment due to their "race, place of origin, political

¹ A/HRC/29/5/Add.1.

opinions, colour, creed or sex” (art. 3). This is a much narrower definition than the one contained in the Universal Declaration of Human Rights or core international human rights treaties, including CEDAW where discrimination is defined as any distinction based on “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

13. In addition, the Constitution of the State Party is silent about special measures or temporary special measures to pave a way for the substantive equality for women, girls and other vulnerable groups in social, political, economic and cultural fields.
14. Abortion is illegal in Kiribati with a limited exemption where the life of the mother is in danger.
15. The most significant human rights problems in the country includes rape, child abuse, criminalization of sexual activities between same sex (Sections 154 and 155 of the Penal Code 1977), and child labour.
16. In April 2014, the Family Peace Act was passed by the Parliament of Kiribati criminalizing domestic violence in Kiribati for the first time. Whilst the passing of the Act is well acknowledged, implementation remains a concern. So far, no cases have been prosecuted under the Family Peace Act. Kiribati managed to finalize the Family Peace Act Implementation Plan in 2017, in collaboration with international partners, to ensure the Act is effective in providing protection and redress for victims of domestic violence to date.
17. The Employment and Industrial Relations Code 2015 prohibits sexual harassment and under Section 112 prescribes an AUD 1,000 fine for anyone found guilty of the offense. There were no official reports of sexual harassment received by OHCHR. The Ministry of Labour is implementing its Gender Access and Equality Plan to promote a zero-tolerance policy for sexual harassment in workplaces and training institutes.
18. The Ministry of Health has approved the development of Standard Operating Procedures for Health Sector Response to Gender based Violence and capacity building efforts for service providers for GBV response are underway.
19. There is also increased availability of quality, coordinated and survivor-focused services to survivors of violence as a result of technical and financial support by the UN, including the launch of the first Kiribati Women and Children’s Crisis Centre; development of the Safenet Interagency Protocol for Responding to Cases of GBV; development of the first National Counselling Framework for domestic violence as part of the government Family Peace Act implementation plan; revised Standard Operating Procedures for the Kiribati Police Force in responding to cases of physical and sexual violence; and development of an ERAW and Disability toolkit.
20. The National Youth Policy also includes GBV and family planning as priorities.
21. The 2013 Children Young People and Family Welfare (CYPFW) System Policy, Human Resources Strategy and Costed Implementation Plan were revised and updated leading to allocation of additional human resources. A national Child Protection Working Group led by the Ministry of Women, Youth, Sport and Social Affairs is being established to act as the national coordination body for ensuring the welfare and protection of children in Kiribati. A

multi-sectoral, inter-agency Child Protection Referral Protocol has also been developed to guide service providers in their response to children who are at risk of or victims of abuse, neglect and exploitation, with the Social Welfare Division as the central case manager. Social welfare officers at all levels are undergoing training on case management of children in need of care and protection, with support from UN.

22. Large scale community based social mobilisation programme to prevent violence against women being implemented in South Tarawa, in partnership between the UN and government.

Recommendations

- *Implement the Family Peace Act (2014) as per the Implementation Plan as a matter of priority to address domestic violence;*
- *Implement the CYPFW Act (2013) and the revised CYPFW System Policy and Implementation Plan (2019); Activate the national Child Protection Working Group; adopt and train service providers on the inter-agency Child Protection Referral Protocol; and ensure upskill training on case management of all social welfare officers.*
- *Enact legislation to cover all forms of violence against women (including physical, sexual, trafficking, sexual harassment, stalking, psychological and economic), protection orders, ancillary civil orders, criminal process and procedure, evidence laws and police powers; and*
- *Take steps to incorporate a comprehensive definition of discrimination into the national legal framework and measures to pave a way for the substantive equality for women, girls and other vulnerable groups in social, political, economic and cultural fields.*

- ***Climate change and environment***

23. Climate change is the most notable challenge the Government of Kiribati is confronted with in upholding and ensuring human rights for its people.
24. Kiribati is vulnerable to the impacts of climate change, extreme weather and associate natural disasters. Stronger cyclones, rising sea-levels, higher king tides and storm surges, saltwater intrusion, deteriorating marine ecosystems caused loss of lives, livestock, culture and livelihoods across the country. The adverse effects of climate change are also negatively impacting sustainable development in Kiribati and forcing a growing number of islanders to migrate from their traditional homes and lands, leaving many to live in informal settlements.
25. As a nation of low-lying islands, with an average elevation of only two meters above sea level, climate change and the resultant sea-level rise continue to add new and major challenges for Kiribati, including loss of territory and culture, severe coastal erosion and involuntary displacement of communities, affecting food and water security. More importantly, the direct and indirect negative impacts of climate change have adversely affected peoples' health and have become an issue of survival for the people of Kiribati.
26. The Government of Kiribati bought land offshore, focusing on education and upskilling people to prepare them to be able to 'migrate with dignity' when the islands of Kiribati are no

longer habitable. Kiribati also initiated a collation of nations most vulnerable to climate change: the Coalition of Low-lying Atoll Nations on Climate Change.

27. The Government is coordinating its effort in relation to the Disaster Act (1993) and is in the drafting phase of developing a new Disaster Risk Management and Climate Change Act which will be proposed to the House of Assembly of Kiribati. The draft Act has been expanded to include needs and priorities of vulnerable populations like women and young people.
28. Subsequently, the National Disaster Risk Management Office (NDRMO) under the Office of the President has also received technical support to fully integrate GBV in Emergencies and Sexual Reproductive Health and Rights as key aspects in their developed Strategic Roadmap for Emergency Management (SREM) 2018-2021.
29. Initiatives are underway to build capacity of first line respondents to disasters on SRH and GBV through a global UN inter-agency standard package referred to as Minimum Initial Services Package (MISP) and some of the organisations involved include Kiribati Red Cross Society, Kiribati Family Health Association, Women and children Crisis Centre and Government Ministries.
30. In 2018, a training was facilitated with the International Tsunami Information Centre to build the capacity of the National Tsunami Warning Centre and the National Disaster Management Office personnel, which enabled them to develop the Tsunami Warning Criteria Table and to update the current Tsunami early warning accordingly.
31. The development of the National Youth Policy was supported, inclusive of youth development and well-being in the context of climate change, and for youth as active agents of disaster risk reduction and preparedness actions. An ICT capacity assessment was conducted, which aims to provide insights into how communication technologies could be leveraged in emergency response to any potential disaster.
32. Kiribati was supported to access the Global Environment Facility for the Kiribati 'Whole of Island' project. Female technical officers from the Kiribati Meteorology Services gained skills and knowledge to monitor and use meteorology and hydrology data, for quality analysis early warning and climate information dissemination after completing a four-week training at India's National Institute of Hydrology.
33. Two Fish Aggregation devices were deployed to alleviate fishing pressures on the reefs by providing fishermen with alternative fishing grounds. The National Environmental Management Information System were supported to track environmental indicators.
34. During the second UPR cycle, Kiribati committed to take into consideration the adverse impacts of climate change to people's access to food and clean water, particularly the most vulnerable sectors of society²; consider strengthening the positive impact expected from the

² A/HRC/29/5, para 84.107.

Kiribati Joint Implementation Plan on Climate Change and Disaster Risk Management on human rights through training of relevant stakeholders on human rights approaches to Climate Change and Disaster Risk Management³; continue its leadership role and advocacy with the international community on the need for ambitious and binding targets for greenhouse gas emissions in order to mitigate the negative effects of climate change on human rights⁴; continue mainstreaming of climate change adaptation across development activities with assistance of the international community⁵; and pay attention to the effects of climate change on environment and social development⁶.

Recommendations

- *Continue its leadership role and advocacy with the international community, including through the Coalition of Low Lying Atoll Nations on Climate Change and the Alliance of Small Island States, on the need for ambitious and binding targets for greenhouse gas emissions in order to mitigate the negative effects of climate change on human rights;*
- *Intensify efforts to secure support and assistance from the international community in pursuing its climate change adaptation and mitigation plans;*
- *Urge the Government to expedite the drafting and adoption of the Disaster Risk Management and Climate Change Bill to strengthen the existing legal framework including the allocation of sufficient resources for effective implementation; and*
- *Build the capacity of government in managing disaster risks, including emergency response associated with coastal flooding and droughts. Harness the collective support of local and international humanitarian organizations in building local capacities for disaster risk management.*

C. Civil and political rights

• *Public and political life*

35. Participation of women in the public and political life remains low in Kiribati and it is largely due to traditional perceptions of women's role in society. Three women were elected to the legislature in the 2015/2016 general elections. In 2016, Parliament appointed the country's first female Attorney General, and several women served as Permanent Secretaries and Deputy Secretaries.

36. Kiribati has a subsistence economy with a small labour workforce. The government is the largest employer. Since 2007 women have comprised more than 50 per cent of the workforce but only slightly more than a third of those are in paid employment.⁷ Girls currently outnumber boys in secondary and tertiary education, however, they are still under-represented at all levels of decision-making.

37. The customs and traditions of the people of I-Kiribati have constitutional protection. Women have no legal recourse where these infringe on the enjoyment of their rights and freedom.

³ A/HRC/29/5, para 84.108.

⁴ A/HRC/29/5, para 84.109.

⁵ A/HRC/29/5 para 84.110.

⁶ A/HRC/29/5 para 84.111.

⁷ International Labour Organisation, 7th March 2019, "Work Related Gender Gaps Persist but Solutions are Clear – new ILO Report", https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_674816/lang--en/index.htm.

Kiribati has still not guaranteed gender equality, in particular with regard to the transfer of Kiribati nationality to the children of Kiribati women born abroad, in compliance with article 9, paragraph 2 CEDAW.

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Recommendations

- Ensure equal rights for I-Kiribati women as men to transfer Kiribati nationality to their children; and
- Design and implement effective programmes and policies aimed at enhancing the empowerment of women to assume leadership positions in local and national politics. Continue policies and programs aiming at the improvement of women's participation in the political life and decision-making processes

- ***Right to protection of children***

38. The Penal Code prohibits the procurement of any girl under 18 for the purpose of prostitution and prohibits using a child of either gender under 15 for prostitution (Section 141). In both cases the maximum penalty is two years in prison. The minimum age for consensual sex is 15 years. Sexual relations with a girl under 13 carries a maximum penalty of life imprisonment, and sexual relations with a girl age 13 to 14 carries a maximum penalty of five years in prison. The victim's consent is not a permissible defense under either provision; however, in the latter case, reasonable belief the victim was 15 or older is a permissible defense. While this provision applies only to female children, male-on-male sexual exploitation of children can be prosecuted under provisions against "unnatural" offenses (which cover both male and female persons) and acts of "gross indecency between males," with maximum penalties of 14 and five years in prison, respectively. The Penal Code has no specific provision concerning child pornography. Although the Communications Act 2013 makes it an offence to produce, distribute, transmit, or possess child pornography, it only applies in connection with the use of a computer.

39. Corporal punishment remains a long-standing issue in Kiribati, with 81 per cent of adults admitting to using physical punishment against children.⁸ Physical punishment continues to be legal at home, as well as in foster homes and children's homes. Kiribati's Penal Code 1977 criminalizes assault and causing bodily harm and cruelty to children but permits parents and others with control over children to 'administer reasonable punishment'. However, corporal punishment has been declared illegal in schools since 1997 and the penalty for the offence has been strengthened under the 2013 Education Act. The Child Safe Schools Policy developed in 2019 declares a zero-tolerance approach to child abuse, neglect and exploitation.

40. Children are exposed to commercial child sexual exploitation, often becoming involved as a result of economic pressure. Despite a relatively robust legal framework, children were found to be working in the informal sector and engaged in commercial sexual exploitation, especially in the fishing industry.⁹

⁸ UNICEF (December 2017). Situation Analysis of Children in Kiribati. Retrieved from https://www.unicef.org/pacificislands/04_Situation_Analysis_of_Children_Kiribati.pdf.

⁹ UNICEF. (December 2017). Situation Analysis of Children in Kiribati. Retrieved from https://www.unicef.org/pacificislands/04_Situation_Analysis_of_Children_Kiribati.pdf.

41. The 2015 Juvenile Justice Act was passed by Parliament introducing important procedural protections for children in conflict with the law. However, a number of gaps remain such as a low minimum age of criminal responsibility of 10 years; lack of provisions for pre-trial diversion and restorative justice processes as well as on supervision, rehabilitation and reintegration support for youth; and the lack of statement of principles to guide interpretation and approaches to dealing with children who commit crimes.
42. Birth registration has improved substantially since 2009, when Kiribati had one of the lowest birth registration rates in the Pacific. In 2018, 2,060 newborn babies were registered as of October 2018, which amounts to 64 per cent of the number of births expected in 2018, as a result of contributions to the decentralization of civil registration, with new civil registration posts established in maternity wards of 2 hospitals in 2017, provision of computers and printers, and training of personnel from outer islands. Mobile birth registration campaigns were also carried out in selected outer islands and areas to provide free registration for children from 0-18 years who have been left out, especially those from remote areas or whose parents cannot afford to pay late registration. Challenges remain in accessing services due to geographic dispersion.
43. Children born outside of Kiribati to I-Kiribati women married to a non-national are discriminated against in national law and unable to acquire Kiribati citizenship compared to those born to I-Kiribati men married to non-nationals. There are no safeguards in the national legal framework to ensure against statelessness of children born outside of Kiribati to I-Kiribati women and protection of their right to nationality under Article 7 of the Convention on the Rights of the Child.

Recommendations

- *Repeal the right “to administer reasonable punishment” and clearly prohibit corporal punishment in all settings, including in the home and foster homes;*
- *Revise the Penal laws to ensure that all forms of sexual abuse and exploitation of children are penalized with sufficient penalties and with equal protection to boys and girls;*
- *Step up the implementation of existing legislation against sexual exploitation of children and adolescents, as well as in its territorial waters, including through raising public awareness on how to prevent and fight this unacceptable practice;*
- *Adopt and implement the Child Safe Schools Policy to strengthen child protection in schools;*
- *Amend the Juvenile Justice Act to fully reflect international juvenile justice standards and best practice; in particular, increase the minimum age of criminal responsibility, make provisions for pre-trial diversion and informal restorative justice processes, and include support for prevention, supervision, rehabilitation and reintegration services;*
- *Ensure equal access of all children to free birth registration through law and policy reform; streamline the birth registration process and strengthen coordination across civil registration, health and education sectors;*
- *Continue to improve and strengthen the birth registration process, through regular timely monitoring of the process and streamlining of the process to allow greater access in all areas including remote and isolated communities; and*

- *Ensure safeguards are in place against statelessness for children born to I-Kiribati women outside of Kiribati.*

- ***Death penalty***

44. Following plans to considering holding a referendum to decide if the death penalty should be introduced for some murders, in 2015, the Government accepted to halt any plans to reinstate the death penalty¹⁰, and considered establishing a formal moratorium on the death penalty, with a view to ratifying the Second Optional Protocol to the ICCPR.¹¹

E. Economic, social and cultural rights

- ***Sustainable and inclusive economic empowerment***

45. National policy instruments were supported for the promotion of sustainable economic growth and inclusiveness of vulnerable groups in economic development, including: the trade policy framework, investment policy, competition policy, metrology policy and coconut sector development strategy.
46. Kiribati also joined the Convention for the Safeguarding of the Intangible Cultural Heritage in 2018, and 65 individuals were trained in 2018 in its implementation.
47. Technical assistance was also provided on the implementation of the new Occupational Safety & Health Act. Kiribati Chamber of Commerce & Industry established the Start & Improve Your Business Center, supporting young people with innovative business ideas, including mentorship with established businesses and entrepreneurs.
48. Through the Outer Island Food and Water Project, 1146 households were engaged in home gardening activities with the goal of increasing cash income from home grown food. Government is supported on a research relating to labour mobility and labour markets, and the development of a labour market information system.

- ***Water and sanitation and the right to health***

49. The Government is currently doing a water assessment, which aims to look at what access communities have to water. Furthermore, the Government is embarking on designing education and empowerment policies to help provide communities with guidance on water and sanitation. The Government is aiming to provide residents with water pumps that reduce sediment levels, in order to bring down the thresholds for clean drinking water and continue to make underground water safer to drink. The Government recently provided new water systems to the outer Islands, which produce five liters of water per day and aims to bring this programme to sixteen more outer islands, with populations varying from 100 – 500 individuals.

¹⁰ A/HRC/29/5, para 84.56.

¹¹ A/HRC/29/5, para 84.57.

50. During the second UPR cycle, five recommendations were made on human rights and drinking water and sanitation including the need to implement the recommendations of the Special Rapporteur on the human right to safe drinking water and sanitation regarding improvements to the water and sanitation infrastructure and to ensure affordable access to water and sanitation, and ensuring that the price paid for access to these rights is not incompatible with access to other rights such as food, housing or education.¹² Kiribati accepted four of the five recommendations.¹³
51. There remain significant inequities in provision of existing services in urban and rural locations in Kiribati. Ensuring all children have access to safe and affordable drinking water, as well as adequate sanitation and hygiene, is crucial to achieving a whole range of development goals related to health and nutrition as well as education.¹⁴

Recommendations

- *Continue taking appropriate measures for a comprehensive, coordinated and strategic regional and urban development process; and*
- *Take specific measures, including upgrading sanitation facilities and protecting water sources to minimize health risks and fulfill the obligations related to the human rights to clean water and adequate sanitation.*

• *The right to food*

52. The Government is tracking and monitoring fish stocks due to reports of communities getting sick from eating poisonous fish. These symptoms have included, diarrheal, vomiting and fever. The Government is also gathering samples of fish to analysis on what type of toxins are being found in poisonous fish.

• *The right to health*

53. Maternal mortality dropped significantly from 215 before 2010 to 81 per 100,000 live births in 2016 and attribution can be made to increased skilled birth attendance which moved from 80% before 2010 to 87% in 2016. However, Adolescent Birth Rate remains amongst the highest in the region with 45 per 1,000 live births for mothers aged 15 – 19 years.
54. A Maternal and Perinatal Death Surveillance and Response (MPDSR) mechanism was established at national level and plans to cascade it to all hospitals in the country are underway. MPDSR tools and Terms of Reference for the MPDSR Committee were updated all in an effort to facilitate the monitoring of maternal deaths and perinatal deaths.
55. Draft SOPs were developed for health care providers on SGBV, with a strong focus on promoting reproductive rights for women and girls that are victims of violence. The Kiribati MHMS endorsed a three-year Digital Health Roadmap laying foundations spanning the entire health system using an open standard based architecture and a reusable building block approach.

¹² A/HRC/29/5, para 84.85.

¹³ Report of the Working Group on the Universal Periodic Review - Kiribati, Addendum <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/140/87/PDF/G1514087.pdf?OpenElement>

¹⁴UNICEF; Situational Analysis of People in Kiribati; Accessed at: https://www.unicef.org/pacificislands/04_Situation_Analysis_of_Children_Kiribati.pdf.

56. A Social Development Indicators Survey was conducted, the first of its kind since the 2009 Demographic and Health Survey, which will provide reliable data on household-based SDG indicators, notably on health, education, nutrition, WASH, and protection of vulnerable groups.
57. To create increased transparency in decision-making and ensure greater community engagement and citizen participation, the first ever National Urbanization Policy was completed following comprehensive stakeholder consultations with urban and town councils and a national steering committee from various line ministries.

Recommendations

- *Continue strengthening measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and the elderly; and*
- *Accelerate the delivery of quality health services including in rural areas, by allocating the necessary human and financial resources, by monitoring that they reach the intended beneficiaries, and by clearly defining the responsibilities of the various levels of Government in line with the ICESCR.*

• The right to education

58. Kiribati achieves almost universal access to primary education. In Kiribati schooling is free up to Junior Secondary level and attendance is compulsory however enforcement is difficult. The Kiribati Government provides "free" primary and lower secondary education. The Government covers the cost of school fees but there are many other fees that the family must cover to educate their children such as the cost of uniforms and school supplies.
59. An Early Childhood Care and Education (ECCE) Act was also developed and passed by Parliament to guide registration and regulation of ECCE centers. A six-week accelerated school readiness programme as launched and delivered by 290 trained teachers of 5 of 21 inhabited islands to an estimated 1,200 children.
60. The Global Youth Tobacco Survey (13-17-year old) was undertaken, and the smoke-free maneaba (meeting house) programme was expanded to cover 263 (or 45 per cent of all) maneabas. As part of the WASH in school programme, improvements to handwashing stations and toilet facilities at 32 schools benefited 2,425 girls and 2,360 boys.
61. Kiribati has established a National Postsecondary Readiness Taskforce to address poor retention in secondary school and lack of pathways from the different exit points of education. A taskforce has already identified a number of systemic issues that need to be addressed and resolved prior to commencing curriculum work.

Recommendations

- *Continue taking specific and targeted measures to combat discrimination against children with disabilities in accessing an inclusive education, particularly taking into consideration the reasonable accommodation provision of the Convention on the Rights of Persons with Disabilities;*
- *Continue to improve its education system and ensure access to quality education for all, including children with disabilities;*

- *Following the enactment of the Education Act (2013), adopt policies and regulations to strengthen access to and quality of education, which is free and compulsory for all school-aged children;*
- *Finalize the development of the Inclusive Education Policy giving effect to the right to education of all school-aged children and young persons;*
- *Facilitate the development of social protection programmes in support of families (e.g. expenditures for school uniforms and supplies); and*
- *Enshrine the right to education in its Constitution and allow pregnant girls to pursue their education in schools of their choice.*

- ***Persons with disabilities***

62. In September 2013 the Government ratified the CRPD Convention. In its second UPR cycle, Kiribati was recommended to amend Article 15 of the Kiribati Constitution, which prohibits discrimination on the grounds of race, place of origin, political opinions, color, creed or sex, to include disability.¹⁵ The UPR also encouraged the government of Kiribati to harmonize existing domestic laws with the CRPD. People with disabilities have had very limited access to mainstream life in Kiribati, experiencing widespread misunderstanding and discrimination and many barriers to participating and accessing the opportunities their fellow I-Kiribati enjoy.¹⁶

63. Kiribati received three recommendations during the second UPR cycle in relation to the rights of persons with disabilities including to continue the elaboration of the National Disability Policy and ensure effective implementation in line with the CRPD Convention and accede to the Optional Protocol to the Convention. In September 2018, the government launched the National Disability Policy and Action Plan 2018-2021.¹⁷ The Kiribati National Disability Policy and Action Plan 2018 – 2021 provides the framework to guide the work of all stakeholders in implementing the CRPD.¹⁸

Recommendations

- *Effectively implement the Kiribati National Disability Policy and Action Plan 2018 – 2021 and in particular, design and implement specific psychosocial support programmes aimed at effectively addressing the accumulated experiences of discrimination and stigma faced by persons with disabilities, with a view to providing a space for expression, building self-confidence and empowerment.*

¹⁵ UNESCAP, ‘Universal Periodic Review Second Cycle – Kiribati – Reference Documents’, 13 June 2014, on <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRKIUNContributionsS21.aspx> [02.07.19].

¹⁶ Spratt, J. (2013). *A Deeper Silence: The Unheard Experiences of Women with Disabilities – Sexual and Reproductive Health and Violence against Women in Kiribati, Solomon Islands and Tonga*. Suva: UNFPA, <http://countryoffice.unfpa.org/pacific/drive/ADEEPERSILENCE.pdf>.

¹⁷ Kiribati National Disability Policy And Action Plan 2018 – 2021, <https://www.mwysa.gov.ki/downloads-section.raw?view=document&id=4>

¹⁸ Ibid.

- *Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)*

64. During the second UPR cycle, Kiribati supported one out of the three recommendations relating to right to liberty and security of the lesbian, gay, bisexual, transgender and intersex (LGBTI) and agreed to the one that affected women generally.¹⁹
65. Kiribati continues to criminalize homosexuality and consensual same sex relations between adults. The *Boutokaan Inaomataia ao Mauriia Binabinaine* Association, a Kiribati LGBTI Civil society organisation, advocates for decriminalization and equal rights for LGBTI communities. Though Kiribati is considered a low-HIV-prevalence country, it has one of the highest HIV infection rates per capita in the Pacific according to a WHO report in 2012.²⁰
66. Kiribati received 14 recommendations during the second UPR cycle, including decriminalizing homosexuality and sign the joint declaration of the UN General Assembly of 18 December 2008 regarding human rights, sexual orientation and gender identity, and adopting legislation prohibiting all forms of discrimination of individuals, based on race, color of the skin, religion, national or ethnic origin, disability, aesthetic aspect, gender, sexual identity or orientation.²¹

Recommendations

- *Take specific measures, including strengthening legal framework to eliminate criminalization, discrimination, hate speech and violence against lesbian, gay, bisexual and transgender people, including by prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to address stigma within society; and*
- *Consider including in the Constitution the freedom from discrimination based on sexual orientation.*
- *Decriminalize homosexuality and sign the joint declaration of the United Nations General Assembly of 18 December 2008 regarding human rights, sexual orientation and gender identity; and*
- *Decriminalize consensual sexual relations between adults of the same sex.*

F. National Human Rights Institution

67. In spite of a recommendation accepted during the 2nd cycle UPR to consider strengthening the independence of the Kiribati National Human Rights Task Force so that it complies with the Paris Principles²², Kiribati is yet to establish a National Human Rights Institution in compliance of the same.²³

¹⁹ Report of the Working Group on the Universal Periodic Review - Kiribati, Addendum <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/140/87/PDF/G1514087.pdf?OpenElement>

²⁰ The World Health Organization: http://www.wpro.who.int/health_services/service_delivery_profile_kiribati.pdf

²¹ A/HRC/29/5, paras 84.50 and 84.54.

²² A/HRC/29/5, para 84.

²³ A recommendation made related to the establishment of a national institution for human rights in accordance with the Paris Principles, seeking international technical cooperation, if necessary, was only considered during the 2nd cycle UPR.

68. Recently, the Ministry of Justice has been leading and facilitating a national discussion on the establishment of National Human Rights Institution, but still remains far from coming to fruition despite support provided by the Regional Rights Resource Team of the Secretariat of the Pacific Community, the Asia-Pacific Forum for National Human Rights Institutions and OHCHR.

Recommendations

- *Consider strengthening the independence of the Kiribati National Human Rights Task Force so that it complies with the Paris Principles; and*
- *Consider establishing a National Human Rights Institution in compliance with the Paris Principles.*
