

**UNICEF Submission
Universal Periodic Review - Kiribati 2014**

A. Equality and non-discrimination

Progress:

- Article 15 of the Constitution makes provision for non-discrimination on various grounds: race, place of origin, political opinions, colour or creed.
- The government has approved the withdrawal of all reservations¹ to the Convention on the Rights of the Child. The Ministry of Women, Youth and Social Affairs (MWYSA) is finalizing the formal withdrawal process.
- The Disability Policy has been finalized and will be presented to Cabinet shortly for endorsement.
- The Civil Registration Office and the Ministry of Health and Medical Services (MHMS) have established a Registration Unit within the main Tarawa hospital to facilitate birth registration. Birth Registration rate is approximately 82 percent (as reported in December 2013), however these rates need verification and disparities between island groups exist.

Concerns:

- Article 15 of the Constitution does not include sex, gender and disability as grounds for non-discrimination.
- A significant number (25-30 percent) of women are still missing out on the registration process which means a good number of babies being born in Kiribati are still not registered.

Recommendations to the Government:

- Constitutional amendment to include sex, gender and disability² as grounds for non-discrimination under article 15. The government should also be encouraged to include provisions for the protection of the rights of children, which should include birth registration and the best interests of a child as the primary consideration in every matter concerning the child.
- 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.

B. Right to life, liberty and security of the person

Progress:

- The Constitution under articles 3 - 7 guarantees the right to life and protection of all persons from situations that cause harm or danger to a person's life.

¹ "In respect of article 24 paragraphs (b,c,d,e and f), article 26 and article 28 paragraphs (b,c and d), in accordance with article 51 paragraph 1 of the Convention."

² Definition to be consistent with the Convention on the Rights of Persons with Disabilities

- The government continues to work towards the strengthening of the legal framework. The Family Peace Bill to address domestic violence issues has been approved by the National Parliament at the first reading. In 2013, the government enacted the Child Young People Family Welfare Act (CYFW) and the Policy. The CYFSW Act repealed the sexual consent age from fifteen to 18 years. The age of marriage has been established for girls at 18, same as boys creating gender equality in age of marriage. This will prevent the cases of sexual abuse and the legality to prosecute the perpetrators. The Penal Code has also been amended to address the issue of consensual sex with minors.
- Cases of Commercial Sexual Exploitation of Children (CSEC) are gaining prominence. In 2013, two members of a ship's crew were deported from Tarawa following suspicions of engaging in sexual acts with children. The newly adopted rules by the Ministry of Fishery imposes restrictions on Kiribati nationals in boarding foreign vessels anchored at the Tarawa port.
- The implementation of the CYFW has been initiated with training of magistrates and court clerks (5 islands). Awareness activities to promote greater awareness and understanding of the CYFW Act and Policy was conducted by social welfare services in South Tarawa and three outer islands - in order to assist families, elderly persons (*Unimane/Unaine*), police, and children/youth to understand the roles of the communities to protect children from physical, emotional and sexual abuse and exploitation.

Concerns:

- The delay in the submission of the combined periodic CRC and CEDAW reports hinders the reporting process (Government has not participated in the review process since submission of the initial reports) and affects the overall situation of children and women in the country. With these delays there is no accountability in place for the government in terms of its international human rights obligations.
- Difficulty in accessing information from outer islands. The vast oceanic distances separating the islands of this Pacific country makes travel, communication and monitoring extremely expensive; many island populations have no internet connectivity and very limited telephone connectivity.
- There is only one Crisis Centre in the country with limited capacity to assist victims (mainly girls) of violence and sexual abuse committed by their own family members.
- Psychosocial counselling services for children who are victims of violence and sexual abuse are limited.
- Resource allocation to fully implement the provisions of the CYPFW act is limited.

Recommendations to the Government:

- Encourage the government to complete the overdue CRC and CEDAW reports for submission to the relevant committees in Geneva. This will allow for the continuation of the reporting process and accountability of the government. MWYSA must give priority in assisting government meet its international obligations on time and one option is through the establishment of a team to take the lead on this process.
- Resources should be provided to nuns who run the Crisis Centre – including the strengthening of capacity of the service providers employed. Government should consider establishing more centres in the outer islands (beginning with the more populated ones). The

process of bringing victims from outer islands to the main island is very expensive and time consuming. It can also leave room for such incidents to be repeated.

- The reporting system of incidences of abuse should be more child friendly. Case processing of abuses should be more promptly undertaken. Peoples' lawyers' capacity to concentrate on such issues can be enlisted in a more formal manner.

C. Administration of justice, including impunity and the rule of law

Progress:

- The government and stakeholders are currently working on the Juvenile Justice Bill which will address CSEC and trafficking concerns. It will be presented in the upcoming session of the National Parliament in August this year.
- There are currently no children in the two prisons in South Tarawa. As per information from non-confirmed sources, there some cases of under-eighteen boys being jailed in Kiritimati Island.
- The Chief justice is a citizen of the Solomon Islands and more recently a Judge from Uganda has been appointed as a High Court Judge. These measures are taken to keep the judicial system impartial and fair and also due to limited human resource capacity in Kiribati to fulfill these positions.
- Police officers from South Tarawa and selected outer islands have been trained on the new Child Protection Standard Operational Procedures (SOP) for handling cases of children in contact with the law and provide prompt responses to child victims and offender cases. The new SOPs provide practical guidance to police officers in operational settings and supports further training courses, especially for policy directives and consistency. This training has been rolled out to new recruits. Diversion programmes involving the community police are continuing.
- The creation of the new Ministry (MWYSA) reaffirms the government's strong commitment to child protection and women's issues. This will have strong implications on the overall social protection operational system in the country. In addition, despite the multiple financial challenges and limited resources the new and permanent Child Protection post has been filled within social welfare unit to support the CRC related activities.

Recommendations to the Government:

- Finalize the Juvenile Justice Bill and ensure that international standards for children in contact with the law are reflected in the Bill.
- Strengthen understanding of stakeholders, including government, judiciary, law enforcement officers, community leaders, the private sector and children on the rights of children in contact with the law – including rights of victims, witnesses and process for offenders.
- Ensure adequate financial and staffing support to child protection with the MWYA through the creation of at least two additional posts on child protection at national level, and training of community social workers on child protection in outer islands.

H. Right to social security and an adequate standard of living

Progress:

- Water quality assessment has been conducted in 13 outer islands - 8 sponsored by the EU KIRIWATSAN I project. Under this project, Rain water harvesting work is continuing in 16 islands (139 villages) of the Gilbert group that will provide safe, affordable water to 19,000 people. To reduce environmental pollution and promote hygiene practices, the Community Led Total Sanitation (CLTS) initiative has been launched by the Ministry of Public Works and Utilities (MPWU) with support from MHMS and MoE. A number of government staff and community members have been trained and pit toilets are in use. Eleven islands have been declared ‘Open Defecation Free’ contributing to a healthy life and influencing the high number of diarrhoeal deaths among under 5 children. MPWU, MHMS, Ministry of Environment and Land Development (MELAD) and Ministry of Commerce have agreed to sponsor and support the implementation of CLTS in South Tarawa where 50 percent of the population resides. There is a strong coordination between the Ministries and WASH projects in the country. WASH activities are also a part of the school component.

Recommendations to the Government:

- The coordination and preparedness towards cost sharing approach is paving way for sustainability for CLTS in Kiribati. Encourage the continuation of this collaboration.

I. Right to health

Progress:

- Health care is free in Kiribati. The government’s focus is on strengthening capacities of medical professionals - 18 newly qualified local doctors are now undergoing internship at the Tugaru hospital while another 12 will join in August, 2014. The nursing school is also concentrating on human resource development.
- Immunization coverage is high for Measles and DTP. Hepatitis B coverage is 68%. Pneumococcal vaccine has been introduced successfully in 2013 and now is part of the routine. Plans are in place for the introduction of Injectable Polio Vaccine (IPV) which has been approved by GAVI with some recommendations. Vaccine cold chains are being maintained.
- The Adolescent Girls’ Initiative (AGI) project has been incorporated in MHMS activities resulting in involvement of young boys and girls who are promoting health issues through road shows/street theatre and POP dances. Youth health volunteers have been trained on community based maternal and neonatal care and now ready to make the link and lessen the gap between the communities’ utilization of health centres.
- HOPE (Health Outreach Program and Equity) is a new initiative that the MHMS has rolled out to improve awareness and acceptance of child spacing as well as Non-Communicable Diseases (NCDs). Faith Based Organizations and the private sector are also part of this community initiative.
- Food safety Act is in its final stage and now includes the Code of Marketing of breast milk substitute as one of its annexes.
- HIV/AIDS programme is supported by the government with focus on the prevention of other STIs through behaviour change approaches. It targets not only vulnerable groups but the general population with a special focus on adolescents and the youth. The Ministry of Health and Medical Services (MHMS) is collaborating with MWYSA and MoE and UN agencies in implementing the Adolescent Girls’ Initiative (AGI) for empowering girls and boys with a

focus on STIs including HIV and life skills acquisition. Faith based organizations are also partners for youth development initiatives. HIV/STI prevention is now part of the curriculum for classes 3 and 4 under the Personal Development subject. Four Youth Friendly Health Service (YFHS) clinics have been established in four schools in South Tarawa.

- The Kiribati HIV Testing and Counselling Policy Guidelines document has been endorsed. In the last four years only one new case of HIV has been reported.

Concerns:

- The rapid population boom has become a real challenge, especially for South Tarawa where about 50 percent of the population reside in overcrowded settings. Delivering equitable and quality health service is difficult due the country's geographical dispersion, poor communication and infrastructure, and environmental challenges.
- Kiribati still has the highest under five mortality rates in the Pacific. Diarrhoea and under nutrition in U5 children remain causes of under-five deaths and illness but as Kiribati has graduated from GAVI, there are challenges in securing funding for the Rotavirus Vaccine. There is a need to scale up Infant and Young Child Feeding and Management of malnutrition.
- Shortages of medical stocks is another challenge. With an early retirement age of 50 years, rapid turnover of trained health workers is impacting negatively.
- Although HIV prevalence is low, other forms of STIs are on the rise.

Recommendations:

- Strong awareness raising initiatives along with quality adolescent reproductive health services are required which at the moment is not sufficient not conducted on a needs based. There is a need to invest more resources to reduce the current rate of STIs, especially among the younger generation (among 15-24 years one out of every three is suffering from at least one kind of STI) However, discrimination towards people living with HIV or any other STIs is not common. Life skills training, Peer education and ARH education must become a part of all youth development programmes.
- For quality service, health professionals based at the YFHS must be younger and well trained in counselling. More resources have to be allocated for young people as about 42 percent of the total population is below 18.

J. Right to education

Progress:

- Establishment of the Kiribati Open School (KOS) operated by the University of the South Pacific. The purpose of KOS is to provide another learning opportunity for students who dropped out at forms 1- 4 for various reasons including marriage and teenage pregnancy.
- The endorsement of the Education Act by the Maneaba ni Maungatabu (House of Parliament) 2013 enforces the following: free, compulsory and inclusive education; A school environment that is clean, well maintained, safe and secure; and the prohibition of corporal punishment.
- The implementation of the School Improvement Plan (SIP) is ensuring that education officials, head teachers, principals and teachers provide direction to strengthening access,

quality and management of education at all school levels. It also allows teachers to participate in trainings relating to gender sensitivity and positive disciplining.

- The development of the National Curriculum and Assessment Framework that caters for all students regardless of gender, ethnic group, religion, location, background, ability or disability from early primary to the completion of secondary school.
- The policy on Inclusive Education has been drafted and one primary school in South Tarawa has constructed a ramp to ensure toilets are easily accessed by students living with disabilities.
- Early Childhood Education (ECE) policy (uncosted) has been endorsed. A situation analysis has been conducted on ECEs and the report is being drafted.

Concerns:

- Pregnant girls are not allowed to attend school. The opening of just one KOS does not cater for the number of girls including those outer islands that need to return to school. Teenage pregnancy rate is considerably high - about 19 percent.

Recommendations to the Government:

- Pregnant girls should be allowed to pursue education in their schools of choice.
- Monitoring of incidences of corporal punishment should become a strong part of school visits by the school inspectors.
- Introduce positive discipline training curricula for all teachers.
- Develop child protection policy for educational institutions to ensure prevention of and appropriate response to violence and abuse in school settings.