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Kiribati

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
CEDAW	17 March 2004	None	–
CRC	11 December 1995	Yes (reservation: arts. 24 (b), (c), (d), (e), (f), 26, and 28 (b), (c), (d) and declaration: arts. 12, 13, 14, 15 and 16)	–

Core treaties to which Kiribati is not a party: ICERD, ICESCR, OP-ICESCR,³ ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, CRC, OP-CRC-AC, OP-CRC-SC, ICRMW, CRPD, CRPD-OP, and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes, except 1951 Convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocols I, II and III
ILO fundamental conventions ⁷	Yes, except No. 138
UNESCO Convention against Discrimination in Education	No

1. In 2006, the Committee on the Rights of the Child (CRC) was concerned that Kiribati had only ratified two of the seven core international human rights treaties.⁸ CRC also regretted that, despite the State party's previous intention to withdraw its reservations to articles 24 (b), (c), (d), (e) and (f), 26 and 28 (b), (c) and (d) of the Convention on the Rights of the Child, Kiribati had not yet made a decision regarding this withdrawal.⁹

2. In 2009, UNHCR recommended that Kiribati accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.¹⁰ CRC recommended the ratification of OP-CRC-AC, OP-CRC-SC and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993.¹¹ It also recommended considering the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment.¹²

B. Constitutional and legislative framework

3. A 2007 United Nations Development Programme (UNDP)/United Nations Development Fund for Women (UNIFEM) report highlighted that the Constitution contains an anti-discrimination clause but does not include sex as a protected ground.¹³ The report added that sexual assault laws provide inadequate protection for the range of sexual violations perpetrated against girls and women.¹⁴ In 2009, UNICEF indicated that sexual harassment was not clearly and comprehensively prohibited and that the definition of rape was narrow. It also indicated that child pornography was currently not a criminal offence in Kiribati.¹⁵

4. In 2006, CRC expressed concern that there was no specific legislation to protect the rights of the child and that domestic law, including customary law, was not in full compliance with the principles and provisions of the Convention and was frequently not implemented, particularly in remote areas. It recommended that Kiribati take effective measures to harmonize its domestic legislation, which includes customary law, with the provisions and principles of the Convention on the Rights of the Child.¹⁶

5. UNICEF recommended in 2009 that Kiribati create a Child Protection Act that empowers Government agencies to undertake crisis intervention, with provision for judicial review of actions. It also recommended amending the 1977 Death and Fire Inquiries Act to provide for the mandatory investigation of all child deaths.¹⁷

C. Institutional and human rights infrastructure

6. As of November 2009, Kiribati does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹⁸ CRC recommended in 2006 that Kiribati consider the establishment of a national human rights institution, including the nomination of an ombudsperson for children.¹⁹

7. In 2009, UNICEF highlighted the establishment of a Kiribati National Advisory Committee on Children (KNACC).²⁰ CRC welcomed the establishment of the KNACC, but regretted the scarcity of human and financial resources allocated to it, which did not allow it to effectively carry out its work.²¹

D. Policy measures

8. UNICEF indicated that the Government endorsed the Kiribati Development Plan 2008–2011, which identified six key policy areas: human resource development, economic growth and poverty reduction, health, environment, governance and infrastructure.²²

9. In 2006, CRC recommended that Kiribati strengthen its efforts to adopt and implement a National Plan of Action which covers all areas under the Convention on the Rights of the Child.²³ It also recommended expanding its programmes to sensitize children and parents about the Convention, and ensuring that the Convention and related domestic legislation form an integral part of education and training of professional groups working with and for children.²⁴

10. In 2009, UNHCR encouraged Kiribati to develop a rights-based disaster management and mitigation plan, within the regional and United Nations mechanisms, which emphasizes the process and adaptation of mitigation strategies, as well addressing potential internal and/or international displacement.²⁵

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²⁶</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CEDAW	–	–	–	Initial and second reports overdue since 2005 and 2009 respectively
CRC	2005	September 2006	–	Consolidated second, third and fourth report due by July 2011

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	–
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	–
<i>Facilitation/cooperation during missions</i>	–
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, no communications were sent.
<i>Responses to questionnaires on thematic issues</i>	Kiribati did not respond to any of the 21 questionnaires sent by special procedure mandate holders. ²⁷

3. Cooperation with the Office of the High Commissioner for Human Rights

11. In 2008, OHCHR indicated that among priorities of the Regional Office for the Pacific were to engage countries, including Kiribati, in the universal periodic review mechanism, analyse gaps in legislation to protect detainees, and raise public awareness about human rights.²⁸ In 2009, the Regional Office carried out workshops on the universal periodic review for the Government and civil society in Kiribati.²⁹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

12. According to a 2007 UNDP/UNIFEM report, legislation has been introduced permitting the observance of customary law in a range of situations including criminal, family and land law, all of which have gendered impacts on women. The report highlighted that the constitutional status given to customary law, coupled with the absence of anti-discrimination provisions and other protective provisions in the Constitution, left women with no legal recourse against custom that discriminates against them on the basis of sex/gender.³⁰

13. The UNDP/UNIFEM report indicated that inheritance laws favour paternal lines and, therefore, women are not equal in the ownership or the disposition of property.³¹ It

added that, although there is no legislative barrier, discrimination continues to hinder women from obtaining credit and loans to purchase property.³² A 2009 UNDP/Joint United Nations Programme on HIV/AIDS (UNAIDS) report noted that there is no legislative provision for the division of property after separation and divorce and that, consequently, any determination is left to custom, which may discriminate against women. The report also highlighted that eldest sons are given an advantage over daughters in relation to land and important resource rights.³³

14. According to the UNDP/UNIFEM report, discriminatory provisions exist in domestic nationality and citizenship laws. For instance, a male applicant for citizenship by naturalization may request that his wife and child also be granted citizenship. However, there is no corresponding provision that allows female applicants to do the same. The report added that Kiribati men who marry non-Kiribati women can include their wives and children in their passports, though this provision does not apply to women who marry a non-Kiribati citizen.³⁴

15. In a 2009 report, UNESCO noted that gender parity for primary education has been achieved, but disparities exist in terms of both access and participation of young girls and women in higher levels of schooling.³⁵ In 2009, UNICEF noted that most schools will not accept girls as students once they are engaged, married or pregnant.³⁶

16. UNICEF indicated that girls were more vulnerable to sexual abuse and exploitation because they were raised to be “subservient to male discipline and control”. In addition, girls risked victimization and discrimination as a result of reporting a case of sexual abuse.³⁷ In 2006, CRC was concerned at reports that victims of rape were often shunned by their community.³⁸

17. CRC was further concerned at reports of persistent discrimination experienced by children from economically disadvantaged families and recommended that Kiribati intensify its efforts to prevent and eliminate all forms of de facto discrimination against them.³⁹

18. The 2002 Common Country Assessment (CCA) indicated that there was no special education or vocational assistance for persons with disabilities, so employment opportunities were meagre.⁴⁰ In 2009, UNICEF submitted that many children with disabilities did not attend school and that the only school in the country that caters for children with disabilities or special-learning needs was on South Tarawa.⁴¹ CRC recommended that Kiribati take all necessary measures to address all forms of discrimination, including social discrimination and discrimination against children with disabilities in remote areas. It also recommended that Kiribati pursue its efforts to provide equal educational opportunities for these children, including by providing the necessary support and ensuring that teachers are trained to educate them within regular schools.⁴²

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

19. A 2009 WHO report indicated that domestic violence, linked to alcohol abuse, was an increasing problem in Kiribati.⁴³ A 2009 UNDP report highlighted a study indicating that 23 per cent per cent of women who had ever been pregnant reported being beaten by a partner during their pregnancy.⁴⁴ According to a 2007 UNDP/UNIFEM report, Kiribati had not yet incorporated domestic violence offences into its criminal laws.⁴⁵ UNICEF recommended in 2009 the establishment of a specific Domestic Violence Act.⁴⁶

20. In 2006, CRC was concerned at the high number of cases of violence and child abuse.⁴⁷ UNICEF highlighted that child sexual abuse was common and of serious concern, adding that most reported cases of child rape involved close relatives.⁴⁸ While welcoming the establishment of a Family Assistance and Sexual Offences Unit in the Kiribati Police Service, CRC was concerned at the lack of comprehensive measures to address this serious

phenomenon. It recommended that Kiribati take all necessary measures to prevent and address violence against children and child abuse, including by establishing an effective mechanism to receive, monitor and investigate reports of child abuse and neglect; developing and implementing preventive measures, including awareness-raising campaigns to combat all forms of violence against children; providing victims with adequate protection, as well as psychological support, recovery and social reintegration assistance; and ensuring that all perpetrators of sexual and other forms of child abuse are brought to justice.⁴⁹

21. In 2009, UNICEF noted that there was no regulation of traditional practices identified as being harmful to children. UNICEF added that corporal punishment was not explicitly prohibited and was available in law as a criminal penalty for boys.⁵⁰ It recommended the removal of corporal punishment provisions in the 1977 Magistrates Court Act.⁵¹ In 2006, CRC expressed concern that corporal punishment was widely practised in the home and schools, and used as a disciplinary measure in alternative care settings. It added that under article 226 of the Penal Code, “reasonable punishment” was permitted in penal institutions and by order of island councils. CRC recommended that Kiribati amend all relevant legislation, in particular article 226 of the Penal Code, to ensure that corporal punishment is explicitly prohibited in the family, schools, penal institutions, alternative care settings and as a traditional form of sentencing. It also recommended taking effective measures – including public awareness campaigns – to promote positive, participatory and non-violent forms of discipline.⁵²

22. CRC was also concerned at the reported increase in commercial sexual exploitation of children.⁵³ In 2009, UNICEF highlighted the existence of a small group of regular sex workers, known as “te korekorea”, most of whom were young girls, some as young as 14 years of age.⁵⁴ CRC recommended that Kiribati inter alia conduct a comprehensive study to assess the causes, nature and extent of commercial sexual exploitation of children and young people in Kiribati. It also recommended ensuring that children who have been subjected to sexual and economic exploitation are treated as victims and that perpetrators are brought to justice.⁵⁵ UNICEF recommended the review and reform of the 1977 Penal Code with regard to violence against children, sexual abuse and exploitation, abduction, sale and trafficking.⁵⁶

23. UNICEF also highlighted that there was no strategy in place to eliminate the worst forms of child labour⁵⁷ and recommended the establishment of a comprehensive child labour policy.⁵⁸ In 2006, CRC also made a recommendation in this regard.⁵⁹

24. CRC was further concerned at reports that a number of children were selling goods in the street and were homeless. It recommended, inter alia, that Kiribati ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development. It also recommended that these children are provided with rehabilitative and reintegration services, as well as, where possible and when in the best interests of the child, services for reconciliation with their families.⁶⁰

3. Administration of justice and the rule of law

25. A 2009 OHCHR report highlighted that, while an offence was created for excessive use of force by officials, the legislation is inadequate, as it does not make explicit the essential principles that force may be used only when strictly necessary and only in accordance with a principle of proportionality.

26. A 2009 United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) report indicated that, although some protection is provided for girls and women who are victims of trafficking, the penalty of two years’ imprisonment provides an insufficient deterrent.⁶¹

27. In 2009, UNICEF highlighted that the traditional response to crimes of sexual abuse was the cultural practice of *te kabara bure* (formal apology).⁶² According to a 2007 UNDP/UNIFEM report, Kiribati does not have mandatory prosecution or minimum sentences for sexual assault offences. In addition, legislation specifically provides for customary law to affect criminal sentencing, which may reduce a sentence further if there has been forgiveness.⁶³

28. CRC noted with concern that there was no specific legislation on juvenile justice and that persons between 16 and 18 years of age were detained with adults. The lack of adequate alternatives for pretrial and other forms of detention, the lack of guarantees for due process and the poor living conditions faced by children detained in police stations or prisons were also issues of concern. CRC urged Kiribati to ensure the full implementation of juvenile justice standards and recommended, inter alia, that it develop specific and appropriate legislation on juvenile justice; ensure that due process is guaranteed; develop and implement alternatives to pretrial and other forms of detention; and when detained, ensure that persons under 18 are not detained with adults.⁶⁴ UNICEF recommended the creation of a comprehensive Young Offenders Act.⁶⁵

4. Right to privacy, marriage and family life

29. In 2006, CRC expressed concern that registration at birth was not a systematic procedure and that a large number of children were not registered. It recommended that Kiribati strengthen its efforts to ensure that all children are registered at birth and take measures to promote the importance of birth registration, including through awareness-raising initiatives and access to free and effective registration technology in Government offices.⁶⁶ In 2009, UNICEF indicated that birth registration was free within 12 months of the child's birth and that later registrations would incur fees. It added that, according to the law, every child must be registered within 10 days of his or her birth.⁶⁷

30. A 2009 ESCAP report indicated that child marriage still continues in Kiribati, even though it is reported that such instances are decreasing. It further highlighted that a new form of early marriage is the sale of daughters to foreigners.⁶⁸

31. A 2007 UNDP/UNIFEM report indicated that in custody disputes after separation and divorce, an unmarried mother automatically loses custody of her child at the age of two years to the father (provided he admits paternity and wishes to have the custody of the child). The latter situation, although intended to protect the inheritance rights of the children of unmarried parents, may not represent the best interests of the child and discriminates against mothers.⁶⁹

32. CRC noted that collective living arrangements in Kiribati offered solutions for the care of children by the extended family. However, it was concerned that the best interests of the child were not a priority in decision-making processes. CRC recommended that Kiribati systematically apply criteria based on the best interests of the child and develop informal family-based alternative care solutions.⁷⁰

33. CRC was also concerned that the absence of monitoring and regulations may result in illegal domestic or intercountry adoptions. It recommended that Kiribati strengthen its efforts to prevent illegal adoptions and ensure that its legislation and practice on both national and intercountry adoptions is brought into line with the Convention on the Rights of the Child; establish effective mechanisms to review, monitor and follow up the adoption of children; and take appropriate measures to ensure that the best interests of the child are fully respected in the practice of so-called "informal adoptions".⁷¹ In 2009, UNICEF recommended the establishment of a Family Law Act and an Adoption Act.⁷²

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

34. The 2002 CCA indicated that freedom of speech was in effect restricted because there was very limited access to the Government-owned media by those with dissenting views.⁷³

35. The CCA also noted that the right of children to have their views respected was not well acknowledged in Kiribati society.⁷⁴ CRC made a similar observation in 2006 and recommended that Kiribati, inter alia, strengthen its efforts to promote within the family, communities, schools and other institutions respect for the views of children, especially girls, and to facilitate their participation in all matters affecting them.⁷⁵

36. A 2009 WHO report highlighted that women were still underrepresented at all levels of decision-making.⁷⁶ A 2009 UNESCO report indicated an increase in participation of women in parliament, though it remains low and more efforts could be taken to promote women parliamentarians and women's participation in local government structures.⁷⁷

6. Right to work and to just and favourable conditions of work

37. The 2003–2007 United Nations Development Assistance Framework (UNDAF) indicated that less than 20 per cent of the working-age population was formally employed and that nearly two thirds of all formal jobs were held in the capital, South Tarawa.⁷⁸ In 2006, CRC took note of the high number of job-seeking adolescents and expressed concern at the difficulties of transition from school to the labour market.⁷⁹ According to the 2002 CCA, Kiribati had yet to deal effectively with the pressing issue of creating viable and sustainable opportunities for the large numbers of people in the labour force, and new entrants who were unlikely to obtain formal sector employment.⁸⁰

38. A 2007 UNDP/UNICEF report highlighted the absence of anti-discrimination provisions in the employment legislation and the restriction of women's employment choices by banning them from night work and working in mines. It added that such protectionist provisions interfere with women's autonomy and place unreasonable restrictions on their right to choose professions and employment.⁸¹

39. The 2002 CCA noted that the Constitution guarantees the freedom of association and that workers can organize unions and choose their representatives.⁸² In 2008, the ILO Committee of Experts on the Application of Conventions and Recommendations ("ILO Committee of Experts") requested that the Government amend section 7 of the Trade Unions and Employer Organization Act so as to lower the minimum membership requirement for the registration of an employers' organization.⁸³

40. In 2009, the ILO Committee of Experts indicated that protection against acts of anti-union discrimination existed only at the time of hiring. It requested that the Government take measures to amend the legislation so as to ensure comprehensive protection against such acts during the employment relationship and at times of dismissal.⁸⁴

41. The ILO Committee of Experts recalled in 2009 that no penal sanction should be imposed against a worker for having carried out a peaceful strike. It requested that the Government review the Industrial Relations Bill so as to amend section 37 of the Industrial Relations Code, which imposes penalties of imprisonment and heavy fines for strikes in essential services.⁸⁵

42. In 2009, the ILO Committee of Experts also noted allegations concerning the existence of forced labour in Kiribati, in terms of village community work decided by the "Te Mwaneaba" (traditional community meeting house) and performed under the threat of a penalty. The Committee requested that the Government provide information in this regard.⁸⁶

43. In 2006, CRC expressed concern that, despite the legislation setting the minimum age for admission to work at 14 years, many children under that age worked, primarily in the informal sector of the economy, either full-time or outside school hours. It recommended, *inter alia*, that Kiribati strengthen the labour inspectorate to ensure the effective implementation of child labour laws, both in the formal and informal sectors.⁸⁷ In 2009, UNICEF noted that penalties for non-compliance with child labour laws were low⁸⁸ and recommended the review and reform of the 1977 Employment Ordinance to address child labour.⁸⁹ It added that the protection provided by laws regulating permissible child work could be strengthened by addressing more explicitly, and in greater detail, pay and conditions for children, as well as the types of work that are and are not permissible for different age groups.⁹⁰

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

44. In 2006, CRC was concerned that large numbers of families lived in economic hardship, near or below the level of subsistence, especially in South Tarawa, and suffered from the effects of overcrowding and limited economic opportunities. It recommended that Kiribati, *inter alia*, ensure that financial support is provided to families living under restricted economic conditions; schools assist families, particularly disadvantaged families, with regard to childcare and education, and families are provided with adequate and affordable housing.⁹¹ According to the 2002 CCA, the rapid growth of South Tarawa, and the population decline in most outer islands was placing tremendous pressures on the former and making delivery of services to the latter increasingly difficult, expensive and inefficient. In addition, the fragile environment of South Tarawa was deteriorating due to increasing overcrowding, limited legal access to land and poor waste management and pollution control.⁹²

45. In the CCA, reference was made to surveys suggesting that 40–50 per cent of rural and urban cash income was spent on food. It added that Kiribati was extremely dependent on artisanal and subsistence fishing for food security.⁹³ A 2009 United Nations Statistics Division source indicated that the proportion of undernourished population in 2004 was 10.1 per cent.⁹⁴ The 2008 annual report of the Resident Coordinator of the United Nations Country Team indicated that the impacts of food and fuel crises were felt acutely in the country during 2008.⁹⁵

46. In 2006, CRC was concerned at reports of high rates of infant and child mortality, acute respiratory infection and diarrhoea, and severe malnutrition among children.⁹⁶ UNICEF highlighted that the relatively high infant and child death rates reflect the fact that children in Kiribati still die from readily preventable causes, even though the rates have decreased in the past two decades. It added that Kiribati is unlikely to meet the Millennium Development Goals on reducing child mortality and improving maternal health by 2015.⁹⁷ A 2009 United Nations Statistics Division source indicated that the mortality rate for children under-five per 1,000 live births was 63 in 2007.⁹⁸

47. A 2009 WHO report highlighted that, in 2006, 65 per cent of the population had access to an improved water source.⁹⁹ According to the WHO report, the protection of the well-water and the water sources from pollution, mainly from nearby sanitation systems, is a constant public health concern. Inadequate water supplies, unsafe drinking water, variable standards of personal hygiene, poor food handling and storage, and poor sanitation are all contributing to the high number of cases of diarrhoeal, respiratory, eye and skin infections. Diarrhoeal diseases and respiratory infections are major causes of mortality among children.¹⁰⁰ CRC recommended that Kiribati continue to undertake efforts to install an effective system for sewage disposal and conduct a sensitization campaign to promote new practices in the use of water and sanitation.¹⁰¹ It also recommended that Kiribati continue to

strengthen its efforts to improve the health situation of all children with particular attention paid to the establishment of effective and accessible primary health-care services.¹⁰²

48. CRC expressed concern at reports of an increasing number of children who abuse drugs and consume alcohol and tobacco. It was also concerned, *inter alia*, about the increasing rates among young people of attempted suicides, sexually transmitted infections (STIs), and teenage pregnancies.¹⁰³ It recommended that Kiribati formulate a rights-based plan of action for the protection of all children, and particularly adolescents, from the dangers of drugs and harmful substances; develop recovery and social reintegration services for child victims of substance abuse; strengthen reproductive health education for adolescents; and provide teenage pregnant girls with the necessary assistance and access to health care and education.¹⁰⁴

49. In the 2003–2007 UNDAF, it was indicated that the incidence of HIV/AIDS had risen alarmingly.¹⁰⁵ In 2006, CRC noted with concern the increased prevalence of HIV/AIDS among adolescents and the lack of knowledge about the potential for an epidemic in the country. It recommended that Kiribati, *inter alia*, strengthen its efforts to combat the spread of HIV/AIDS and adopt measures to prevent mother-to-child transmission of HIV and other STIs.¹⁰⁶ In 2009, UNICEF highlighted that the Ministry of Health endorsed national guidelines and standard operational procedures for the integration of prevention of mother-to-child transmission of HIV.¹⁰⁷

8. Right to education

50. In the 2003–2007 UNDAF, it was indicated that Kiribati has compulsory education from ages 6 to 14.¹⁰⁸ It highlighted that, on the outer islands, provision of schooling was difficult and costly because of poor communications and transport and the expense of servicing small, remote schools. It also noted that the quality of education was low throughout the country due to a shortage of resources within schools and poor physical facilities.¹⁰⁹ In 2009, UNICEF stated that, while much progress had been made in increasing access to school, there were concerns regarding the quality of education.¹¹⁰ It recommended the review and reform of the 1977 Education Act.¹¹¹

51. In 2006, CRC noted, *inter alia*, that the cost of education was often prohibitive and that the absence of training required for teachers was leading to low-quality teaching and disparities in preschool education. The insufficient bilingual education in English and I-Kiribati was also a cause of concern for CRC, as it negatively impacts access to higher education, which is only available in English in neighbouring countries. CRC also regretted that, aside from informal vocational training provided by national NGOs, there were no vocational or educational opportunities within or outside the formal school system. It recommended that Kiribati increase budgetary allocation to ensure access to free primary and quality education in all regions and improve the physical infrastructure of educational facilities; strengthen its efforts to bridge the gaps in the availability of education throughout the country, including the availability of school materials; strengthen vocational programmes for children, including those who do not attend regular school; improve the training and recruitment of teachers; and facilitate the use of new technology, including e-learning and blended learning.¹¹²

9. Migrants, refugees and asylum-seekers

52. In 2009, UNHCR considered that, in view of the small numbers of individual cases and more pressing domestic issues, asylum-seekers, refugees, stateless persons and internally displaced persons were not prominent concerns in Kiribati.¹¹³ Notwithstanding this situation, accession to the 1951 Convention and its 1967 Protocol and establishment of a national legal framework would provide a clearer basis for the Government to provide refugees with international protection.¹¹⁴

III. Achievements, best practices, challenges and constraints

53. UNICEF highlighted that the Broadcasting and Publications Authority broadcasts regular programmes on children's rights and child abuse. UNICEF also highlighted programmes providing reproductive health information, services, commodities and life skills training alongside youth activities and youth drop-in-centres.¹¹⁵

54. In the 2003–2007 UNDAF, it was stressed that Kiribati is highly vulnerable to external economic and environmental events, and is among the countries expected to suffer the greatest impact of climate change, including extensive land mass submersion in the worst-case scenario.¹¹⁶ Similar observations were made by UNHCR and UNICEF in 2009 and CRC in 2006.¹¹⁷

55. CRC also referred to difficulties resulting from deep-rooted traditions and the differences between provisions of domestic legislation and customary law, as a factor impeding the implementation of the Convention.¹¹⁸

56. A 2009 WHO report indicated that the Ministry of Health faces a number of challenges related to the quality of health services delivery, the availability of supplies and the maintenance of equipment.¹¹⁹ The 2003–2007 UNDAF highlighted as challenges, inter alia, increasing poverty, poor health including infant and child morbidity, increasing environmental degradation and limited progress in gender equality.¹²⁰ According to the 2002 CCA, the most intractable difficulties are to meet the aspirations of persons of Kiribati for paid work and sustainable livelihoods, and maintain a good living environment, particularly in congested South Tarawa.¹²¹

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

57. In the subregional 2008–2012 UNDAF, four priority or outcome areas were indicated: equitable economic growth and poverty reduction; good governance and human rights; equitable social and protection services; and sustainable environmental management, with gender equality as a cross-cutting theme.¹²²

58. In 2009, UNHCR expressed its readiness to provide technical support in drafting national refugee legislation and assist in the development of a national refugee status determination procedure, among others.¹²³ UNICEF submitted information on its capacity-building and technical assistance activities in the country.¹²⁴

59. In 2006, CRC encouraged Kiribati to seek technical assistance/cooperation to: establish a national human rights institution;¹²⁵ develop informal family-based alternative care solutions;¹²⁶ install an effective system for sewage disposal and conduct a sensitization campaign to promote new practices in the use of water and sanitation;¹²⁷ and combat HIV/AIDS,¹²⁸ child labour¹²⁹ and sexual exploitation of children.¹³⁰ CRC also recommended that Kiribati seek assistance in the area of juvenile justice.¹³¹

Notes

- ¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.
- ² The following abbreviations have been used for this document:
- | | |
|------------|--|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination; |
| ICESCR | International Covenant on Economic, Social and Cultural Rights; |
| OP-ICESCR | Optional Protocol to ICESCR; |
| ICCPR | International Covenant on Civil and Political Rights; |
| ICCPR-OP 1 | Optional Protocol to ICCPR; |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty; |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women; |
| OP-CEDAW | Optional Protocol to CEDAW; |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; |
| OP-CAT | Optional Protocol to CAT; |
| CRC | Convention on the Rights of the Child; |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict; |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography; |
| ICRMW | International 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; |
| OP-CRPD | Optional Protocol to the Convention on the Rights of Persons with Disabilities; |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance. |
- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182

- concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ Concluding observations of the Committee on the Rights of the Child (CRC/C/KIR/CO/1), paras. 7–8. See also Common Country Assessment (CCA) – Kiribati (Suva, 2002), p. 36. Available from www.undg.org/archive_docs/6167-Kiribati_CCA.pdf.
- ⁹ CRC/C/KIR/CO/1, paras. 5–6.
- ¹⁰ UNHCR submission to the UPR on Kiribati, p. 2.
- ¹¹ CRC/C/KIR/CO/1, paras. 43 and 66.
- ¹² *Ibid.*, para. 59 (c).
- ¹³ UNDP Pacific Centre and UNIFEM Pacific Centre, *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, 2007, Suva, pp. 197–198. Available from http://www.undppc.org.fj/_resources/article/files/CEDAW_web.pdf.
- ¹⁴ *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 197.
- ¹⁵ UNICEF submission to the UPR on Kiribati, p. 2. See also UNICEF, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A regional report* (Suva, UNICEF, ESCAP and ECPAT International, 2008), p. 25. Available from www.unicef.org/pacificislands/CSEC.pdf.
- ¹⁶ CRC/C/KIR/CO/1, paras. 7–8.
- ¹⁷ UNICEF submission to the UPR on Kiribati, p. 1.
- ¹⁸ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- ¹⁹ CRC/C/KIR/CO/1, paras. 11–12.
- ²⁰ UNICEF submission to the UPR on Kiribati, p. 4.
- ²¹ CRC/C/KIR/CO/1, paras. 3 and 9.
- ²² UNICEF submission to the UPR on Kiribati, p. 1.
- ²³ CRC/C/KIR/CO/1, paras. 13–14.
- ²⁴ *Ibid.*, para. 20 (c) and (d).
- ²⁵ UNHCR submission to the UPR on Kiribati, p. 2.
- ²⁶ The following abbreviations have been used for this document:
- | | |
|-------|---|
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CRC | Committee on the Rights of the Child. |
- ²⁷ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (k) report of the Special Rapporteur on the right to

education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council, 2009 (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education, 2009 (A/HRC/11/8), questionnaire on the right to education for persons in detention; (o) report of the Special Rapporteur on violence against women, 2009 (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.

²⁸ OHCHR, *2008 Report on Activities and Results*, p. 106.

²⁹ OHCHR, *2009 Report on Activities and Results* (forthcoming).

³⁰ *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 199.

³¹ *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 227.

³² *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 202.

³³ UNDP Pacific Centre and UNAIDS, *Enabling Effective Responses: HIV in Pacific Islands Countries - Options for Human Rights-Based Legislative Reform* (Suva, UNDP Pacific Centre and UNAIDS, 2009), pp. 65 and 68. Available from www.undppc.org.fj/_resources/article/files/LowRes_3011.pdf.

³⁴ *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, pp. 200 and 219.

³⁵ UNESCO, Country Programming Document – Kiribati 2008–2013, p. 11. Available from <http://unesdoc.unesco.org/images/0018/001832/183241e.pdf>.

³⁶ UNICEF submission to the UPR on Kiribati, p. 2.

³⁷ UNICEF submission to the UPR on Kiribati, pp. 1–2.

³⁸ CRC/C/KIR/CO/1, para. 36.

³⁹ *Ibid.*, paras. 25–26.

⁴⁰ CCA – Kiribati, p. 24.

⁴¹ UNICEF submission to the UPR on Kiribati, p. 2.

⁴² CRC/C/KIR/CO/1, paras. 44–45.

⁴³ WHO, “Country Health Information Profile”, p. 149. Available from www.wpro.who.int/NR/rdonlyres/A4D32787-4AD9-4C06-A16C-146F97AF0C45/0/16finalKIRpro09.pdf.

⁴⁴ UNDP Pacific Centre, “Gender and HIV in the Pacific Islands Region”, p. 32. Available from http://www.undppc.org.fj/_resources/article/files/HIVandGender.pdf.

⁴⁵ *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 199.

⁴⁶ UNICEF submission to the UPR on Kiribati, p. 1.

⁴⁷ CRC/C/KIR/CO/1, para. 36.

⁴⁸ UNICEF submission to the UPR on Kiribati, p. 3.

⁴⁹ CRC/C/KIR/CO/1, paras. 36–37.

⁵⁰ UNICEF submission to the UPR on Kiribati, p. 2.

⁵¹ *Ibid.*, p. 2.

⁵² CRC/C/KIR/CO/1, paras. 34–35.

⁵³ *Ibid.*, para. 60.

- 54 UNICEF submission to the UPR on Kiribati, p. 3.
- 55 CRC/C/KIR/CO/1, para. 61.
- 56 UNICEF submission to the UPR on Kiribati, p. 1.
- 57 Ibid., pp. 2–3.
- 58 Ibid., p. 1.
- 59 CRC/C/KIR/CO/1, para. 59.
- 60 Ibid., paras. 62–63.
- 61 *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, 2009 (United Nations publication, Sales No. E.08.IF.19), p. 88. Available from www.unescap.org/ESID/GAD/Publication/Pacific_Perspectives_Report.pdf.
- 62 UNICEF submission to the UPR on Kiribati, p. 2. See also UNICEF, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A regional report 2008*, p. 23.
- 63 *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 199.
- 64 CRC/C/KIR/CO/1, paras. 64–65.
- 65 UNICEF submission to the UPR on Kiribati, p. 1.
- 66 CRC/C/KIR/CO/1, paras. 32–33.
- 67 UNICEF submission to the UPR on Kiribati, p. 1.
- 68 *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, pp. 28 and 30–31. Available from www.unescap.org/ESID/GAD/Publication/Pacific_Perspectives_Report.pdf.
- 69 *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 203. Available from http://www.undppc.org.fj/_resources/article/files/CEDAW_web.pdf.
- 70 CRC/C/KIR/CO/1, paras. 40–41.
- 71 Ibid., paras. 42–43.
- 72 UNICEF submission to the UPR on Kiribati, p. 1.
- 73 CCA – Kiribati, p. 17.
- 74 Ibid., p. 17.
- 75 CRC/C/KIR/CO/1, paras. 30–31.
- 76 WHO, “Country Health Information Profile”, p. 149.
- 77 UNESCO, Country Programming Document – Kiribati 2008–2013, p. 6.
- 78 United Nations Development Assistance Framework (UNDAF) – Kiribati (2003–2007), p. 7. Available from http://www.un.org.fj/_resources/un/files/UNDAF_Kiribati.doc.
- 79 CRC/C/KIR/CO/1, para. 54.
- 80 CCA – Kiribati, p. 32.
- 81 *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries*, p. 201.
- 82 CCA – Kiribati, p. 17.
- 83 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Freedom of Association and Protection of the Right to Organise Convention, 1984 (No. 87), 2008, Geneva, doc. No. (ILOLEX) 092008KIR087, third paragraph.
- 84 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2009, Geneva, doc. No. (ILOLEX) 062009KIR098, third paragraph.
- 85 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Rights to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009KIR087, tenth to twelfth paragraphs.
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- 89 UNICEF submission to the UPR on Kiribati, p. 1.
- 90 Ibid., pp. 2–3.
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- ⁹² CCA – Kiribati, p. 35.
- ⁹³ Ibid., p. 25.
- ⁹⁴ United Nations Statistics Division, coordinated data and analyses. Available from <http://mdgs.un.org/unsd/mdg>.
- ⁹⁵ 2008 Resident Coordinator Annual Report – Fiji, p. 1. Available from www.undg.org/RCAR/2008/finalized/pdfs/RCAR_2008_FIJ_NAR.pdf.
- ⁹⁶ CRC/C/KIR/CO/1, para. 46.
- ⁹⁷ UNICEF submission to the UPR on Kiribati, p. 2.
- ⁹⁸ United Nations Statistics Division, coordinated data and analyses. Available from <http://mdgs.un.org/unsd/mdg>.
- ⁹⁹ WHO, “Country Health Information Profile”, p. 149. See also United Nations Statistics Division, coordinated data and analyses. Available from <http://mdgs.un.org/unsd/mdg>.
- ¹⁰⁰ WHO, “Country Health Information Profile”, p. 149.
- ¹⁰¹ CRC/C/KIR/CO/1, para. 51.
- ¹⁰² Ibid., para. 47.
- ¹⁰³ Ibid., para. 48.
- ¹⁰⁴ Ibid., para. 49.
- ¹⁰⁵ United Nations Development Assistance Framework 2003–2007, p. 6.
- ¹⁰⁶ CRC/C/KIR/CO/1, paras. 52–53.
- ¹⁰⁷ UNICEF submission to the UPR on Kiribati, p. 3.
- ¹⁰⁸ UNDAF – Kiribati (2003–2007), p. 9.
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- ¹¹¹ Ibid., p. 1.
- ¹¹² CRC/C/KIR/CO/1, paras. 56–57.
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- ¹¹⁵ UNICEF submission to the UPR on Kiribati, p. 4. See also UNICEF, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A regional report 2008*, p. 34.
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- ¹¹⁷ UNHCR submission to the UPR on Kiribati, p. 2; UNICEF submission to the UPR on Kiribati, p. 5; CRC/C/KIR/CO/1, para. 4.
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- ¹¹⁹ WHO, “Country Health Information Profile”, p. 152.
- ¹²⁰ UNDAF – Kiribati (2003–2007), p. 6.
- ¹²¹ CCA – Kiribati, p. 36.
- ¹²² United Nations Development Assistance Framework for the Pacific Subregion (draft), pp. 11–22. Available from www.un.org.fj/_resources/un/files/Draft%20UNDAF%20070502.pdf.
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- ¹²⁵ CRC/C/KIR/CO/1, para. 12.
- ¹²⁶ Ibid., para. 41.
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