

Distr.: General 30 September 2010

Original: English

Human Rights Council

Fifteenth session Agenda item 6 Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Kiribati

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

^{*} The present document was not edited before being sent to the United Nations translation services.

Kiribati responses to conclusions and/or recommendations

1. Kiribati welcomes the recommendations made in the course of its Universal Periodic Review on 3 May 2010. After careful examination Kiribati is pleased to provide the following responses. It is the understanding of Kiribati that the responses to each of the recommendations will be included in the outcome report adopted by the Human Rights Council at its 15th session in September 2010.

A. Human Rights and other International Conventions

- 2. Kiribati ratified the Convention on the Rights of the Child December 1995 with reservations to Article 24 b, c, d, e and f clauses. Kiribati ratified the Convention on the Elimination of All Forms of Discrimination against Women in April 2004, and the first report is now being finalized and should be submitted before the end of 2010.
- 3. Capacity and resource constraints have required Kiribati to adopt a cautious approach in terms of ratifying or acceding to international conventions. Reporting obligations for many international conventions on a country with severe capacity and resource constraints are especially onerous.
- 4. Kiribati recognizes the importance of aligning national legislation with international conventions that it is a party to and work in this respect is on-going within the constraints encountered.
- 5. Support from the international community will be required to assist Kiribati meet its reporting obligations and progress work on the many fronts that are considered important.
- 6. Recommendation 66.1¹: Kiribati accepts the recommendation
- 7. Recommendation 66.2²: Kiribati accepts the recommendation
- 8. Recommendation 66.3³: Kiribati is prepared to consider this recommendation
- 9. Recommendation 66.4⁴: Kiribati does not accept this recommendation. This is not feasible in light of the existing national capacity and resource constraints.
- 10. Recommendation 66.5⁵: Kiribati does not accept the recommendation. This is not feasible in light of the existing national capacity and resource constraints.
- 11. Recommendation 66.6⁶: Kiribati does not accept the recommendation. This is not feasible in light of the existing national capacity and resource constraints.

Establish a committee to study human rights conventions in order to pave the way for acceding to such conventions (Libyan Arab Jamahiriya)

Make a long-term plan for the ratification or accession, step by step, to all core international human rights instruments (Slovenia):

³ Consider the possibility of ratifying other core human rights instruments (Algeria);

⁴ Ratify all core human rights treaties as soon as possible (Hungary); ratify the other pending universal human rights treaties (Chile)

Sign and ratify the ICCPR and the ICESCR (Norway); accede to the core international human rights instruments namely the ICCPR and the ICESCR (Maldives); ratify other principal international human rights instruments, particularly the ICCPR and the ICESR (Slovakia);

⁶ Sign-up to those international human rights instruments to which it is not yet a party, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; and also become a party to the Rome Statute of the ICC (France)

- 12. Recommendation 66.7⁷: Kiribati does not accept the recommendation. This is not feasible in light of the existing national capacity and resource constraints.
- 13. Recommendation 66.88: Kiribati does not accept the recommendation. This is not feasible in light of the existing national capacity and resource constraints.
- 14. Recommendation 66.99: Kiribati does not accept the recommendation. This is not feasible in light of the existing national capacity and resource constraints.

B. Legislative Reform

- 15. Kiribati acknowledges that legislative reforms are long overdue for the Penal Code and other laws directly or indirectly impacting on the rights and interests of children and human rights in general. Qualified human resources as well as infrastructural development (juvenile detention facilities, schools, medical services etc) are urgently required for full implantation of the CRC, for instance. As is the case in other relevant legal institutions, resource and capacity constraints pose significant hurdles to overcome. However, work commenced in January 2010 on Child Protection Legislative reform.
- 16. Recommendation 66.10¹⁰: Kiribati accepts the recommendation.
- 17. Recommendation 66.11¹¹: Kiribati accepts the recommendation.
- 18. Recommendation 66.12¹²: Kiribati is prepared to consider this recommendation.
- 19. Recommendation 66.13¹³: Kiribati does not accept the recommendation.
- 20. Recommendation 66.14¹⁴: Kiribati accepts the recommendation
- 21. Recommendation 66.15¹⁵: Kiribati accepts the recommendation

Sign and ratify the CERD, the ICESCR and its Optional Protocol, the ICCPR and its first Optional Protocol to the ICCPR, the Optional Protocol to the CEDAW, the CAT as well as its Optional Protocol, the two Optional Protocols to the CRC, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Spain); sign and ratify its second Optional Protocol to the ICCPR (Spain)

Ratify the CERD, the ICCPR and its Optional Protocols, the ICESCR, the CAT and its Optional Protocol, the Optional Protocols to the CRC, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina)

⁹ Become a party to the ICCPR, the ICESCR, the ICERD, and the CAT, as well as the Rome Statute of the ICC (Canada)

¹⁰ Incorporate the treaties Kiribati ratified into domestic legislation (Turkey);

Further review and harmonize all relevant laws in accordance with the ratified human rights instruments (Indonesia)

Guarantee that its laws and policies are in conformity with the Convention on Elimination of All Forms of Discrimination against Women and take measures to combat practices which perpetuate discrimination against women and their marginalization, particularly with regard to their inheritance and citizenship, and adopt specific legislation properly penalizing domestic violence, and promoting participation of women in political life (France)

Withdraw its reservations to the CRC and fully incorporate the instrument into its national legislation, as well as consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Slovakia)

Take necessary measures to bring its national legislations in conformity with its international obligations under CEDAW and CRC (Algeria)

¹⁵ Continue its efforts to promote and protect the rights of women and children in accordance with the

- 22. Recommendation 66.16¹⁶: Kiribati accepts the recommendation. The Constitution protects the rights of all citizens
- 23. Recommendation 66.17¹⁷: Kiribati accepts the recommendation
- 24. Recommendation 66.18¹⁸: Kiribati is prepared to consider this recommendation.
- 25. Recommendation 66.19¹⁹: Kiribati accepts the recommendation. Work on Child Protection Legislative reform has started and is progressing.
- 26. Recommendation 66.20²⁰: Kiribati is prepared to consider this recommendation.
- 27. Recommendation 66.21²¹: Kiribati is prepared to consider this recommendation. Schools are prohibited from practicing corporal punishment.
- 28. Recommendation 66.22²²: Kiribati is prepared to consider this recommendation.
- 29. Recommendation 66.23²³: Kiribati is prepared to consider this recommendation. Kiribati is a tolerant society and there have not been any prosecutions of same sex offences.

C. Human Rights Institutions

- 30. Kiribati does not have a body devoted to human rights. She does, however, have a very active network of civil society and religious-based organizations that focus also on human rights education and advocacy. The Attorney-General's Office and the Office of the People's Lawyer have readily available information on various aspects of human rights for public consumption. Primarily due to resource constraints, Kiribati supports the initiative of establishing a Regional Human Rights Office in the Pacific.
- 31. Recommendation 66.24²⁴: Kiribati does not accept the recommendation. A regional human rights institution is considered more appropriate at this time.
- 32. Recommendation 66.25²⁵: Kiribati does not accept recommendation. A regional human rights institution is considered more appropriate at this time. External financial or

¹⁶ Ensure that human rights are afforded full legal protection (Australia)

obligations of the CEDAW and the CRC (Philippines)

Enact appropriate legislation that addresses violence against women after consultation with relevant stakeholders (the Netherlands)

Expand its definition of the concept of rape that clearly prohibits sexual harassment and also defines domestic violence in its criminal law (Argentina);

Proceed with Child Protection Legislative Reform (Australia)

Review and transform the 1977 Penal Code with regard to violence against children, sexual abuse and exploitation, abduction, sales and trafficking (Germany)

Adopt effective measures to bring its national legislation, including customary law, into line with the provisions and principles of the CRC, particularly in the area of child protection and the prevention of corporal punishment, child abuse and child pornography (Argentina)

Review its legislation to ensure that restrictions on the freedom of expression do not go beyond those permitted by the ICCPR, even though Kiribati has not yet ratified it (the Netherlands)

Decriminalize homosexuality by abrogating the legal provision which currently penalizes sexual relations with persons of the same sex and sign up to the joint statement made in the General Assembly in December 2008 on human rights, sexual orientation and gender identity (France)

Establish a national human rights institution, accredited by the International Coordinating Committee of National Human Rights Institutions (Germany); establish a national human rights institution in accordance with the Paris Principles (Canada)

Make greater efforts to establish a national institution for human rights and cooperate with the Office of the High Commissioner for Human Rights and other relevant UN organs, and call on the international community to extend necessary financial support in order to achieve this objective

technical assistance support may be directed towards human rights awareness programmes as appropriate.

- 33. Recommendation 66.26²⁶: Kiribati does not accept the recommendation. A regional human rights institution is considered more appropriate at this time.
- 34. Recommendation 66.27²⁷: Kiribati is prepared to consider this recommendation.
- 35. Recommendation 66.28²⁸: Kiribati is prepared to consider this recommendation
- 36. Recommendation 66.29²⁹: Kiribati does not accept the recommendation. A regional human rights institution is considered more appropriate at this time.

D. Rights Awareness

- 37. Kiribati actively promotes partnerships with civil society to enhance the respect and enjoyment of all the basic human rights and fundamental freedoms by all I–Kiribati.
- 38. Recommendation 66.30³⁰: Kiribati accepts the recommendation
- 39. Recommendation 66.31³¹: Kiribati accepts the recommendation

E. National Development Plan 2008-2011

- 40. Recommendation 66.32³²: Kiribati accepts the recommendation
- 41. Recommendation 66.33³³: Kiribati accepts the recommendation. Government does provide support, albeit limited, to the School for Disabled.

F. Child Labour Policy

42. Recommendation 66.34³⁴: Kiribati is prepared to consider this recommendation.

⁽Libyan Arab Jamahiriya)

Promptly establish a National Human Rights Institution that operates in accordance with the Paris Principles, seeking international assistance as necessary (United Kingdom)

Consider, with the support of the international community, the establishment of a national human rights institution (Philippines)

Seek from the international community and UN specialized agencies the requisite technical assistance to establish a national human rights institution as well as to overcome the challenges and constraints listed in the national report (Algeria)

²⁹ Establish a national institution for human rights in accordance with the Paris Principles, for which seek international technical cooperation if necessary (Mexico)

³⁰ Institute mechanisms to effectively secure the human rights of all its citizens, including awareness-raising activities (Japan)

Raise awareness of human rights value and their respect through the media and through educational means, as well as violence against women (Libyan Arab Jamahiriya)

Accelerate, as appropriate, the pursuit of the worthy objectives set out in the National Development Plan 2008 – 2011 (Algeria)

³³ Extend Government funding to schools for persons with disabilities (Canada)

³⁴ Establish a comprehensive child labour policy (Germany)

G. Human Rights Special Procedures

- 43. Recommendation 66.35³⁵: Kiribati is prepared to consider this recommendation.
- 44. Recommendation 66.36³⁶: Kiribati is prepared to consider this recommendation.
- 45. Recommendation 66.37³⁷: Kiribati is prepared to consider this recommendation

H. Gender and Inequality

- 46. Kiribati Constitution recognizes that every person in Kiribati is entitled to the fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights of others, the public interest and any limitation on the protection as are contained in the provision guaranteeing the right. Amongst the rights protected are the right to life and liberty, freedom of conscience, expression, association, movement and protection of the law. Of significance and which is acknowledged by the State is the prominent absence in the freedom from discrimination provision is any protection from discrimination on the grounds of sex and gender. Attempts have been made to amend these provisions in the Constitution but these have not succeeded.
- 47. Recommendation 66.38³⁸: Kiribati is prepared to consider this recommendation.
- 48. Recommendation 66.39³⁹: Kiribati is prepared to consider this recommendation.
- 49. Recommendation 66.40⁴⁰: Kiribati is prepared to consider this recommendation.
- 50. Recommendation 66.41⁴¹: Kiribati is prepared to consider this recommendation.
- 51. Recommendation 66.42⁴²: Kiribati is prepared to consider this recommendation.
- 52. Recommendation 66.43⁴³: Kiribati is prepared to consider this recommendation. There are sensitive customary practices to negotiate.
- 53. Recommendation 66.44⁴⁴: Kiribati is prepared to consider this recommendation. There are sensitive customary practices to negotiate.

Urgently strengthen its commitment to the international human rights system in order to receive specialized help through extending a standing invitation to all Special Procedures (Spain)

³⁶ Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia)

Issue a standing invitation to the Special Procedures (Canada); extend a standing invitation to the Special Procedures mandate holders (Chile)

³⁸ Intensify its efforts to include gender as a discrimination ground in the Constitution (Norway)

Amend the Constitution to include sex and gender as prohibited grounds of discrimination (Slovenia); amend its Constitution to include sex and gender as prohibited grounds of Discrimination (New Zeeland).

Amend its Constitution and domestic legislation to prohibit discrimination on the basis of gender to bring it into line with its CEDAW obligations (United Kingdom)

⁴¹ Amend its Constitution so as to expand the prohibited grounds of discrimination to include not only gender, but sexual orientation, disability, health status and economic status (the Netherlands)

Fully implement, once adopted, a draft amendment to the Constitution that would protect against discrimination on the basis of sex and gender, and which would seek to protect women's and children's rights regarding family law, sexual offences, domestic violence, property, right to work, and inheritance law (United States)

Abolish all provisions of laws and regulations that do not provide equality of rights to women (Hungary)

- 54. Recommendation 66.45⁴⁵: Kiribati is prepared to consider this recommendation.
- 55. Recommendation 66.46^{46} : Kiribati accepts the recommendation. This has been initiated through the domestication of CEDAW.
- 56. Recommendation 66.47⁴⁷: Kiribati accepts the recommendation.
- 57. Recommendation 66.48⁴⁸: Kiribati accepts the recommendation.
- 58. Recommendation 66.49⁴⁹: Kiribati accepts the recommendation.
- 59. Recommendation 66.50⁵⁰: Kiribati is prepared to consider this recommendation.
- 60. Recommendation 66.51⁵¹: Kiribati accepts the recommendation. Customs, traditions and the laws of Kiribati do not discriminate against children with disabilities or any child at all for that matter.
- 61. Recommendation 66.52^{52} : Kiribati is prepared to consider this recommendation. There will be particularly sensitive areas such as inheritance laws which are based on culture.
- 62. Recommendation 66.53⁵³: Kiribati is prepared to consider this recommendation. The challenges include influencing Churches that operate most of the secondary level schools in the country to adopt a practice that is alien to their beliefs and local culture.
- 63. Recommendation 66.54⁵⁴: Kiribati is prepared to consider this recommendation.
- 64. Recommendation 66.55⁵⁵: Kiribati accepts the recommendation.
- 65. Recommendation 66.56⁵⁶: Kiribati accepts the recommendation.

Amend laws and change policies and practices which either expressly discriminate against or perpetuate the discrimination and marginalisation of women (New Zealand)

⁴⁵ Amend its laws, including the Bill of Rights, to protect against discrimination on the basis of sex and to prohibit violence against women, including domestic violence (Canada)

Adopt policies and measures to guarantee the rights of women in the social, economic and cultural fields without any form of discrimination (Chile)

Approve laws and implement programmes that ensure the elimination of gender inequality, in particular access to dignified working conditions, credit, land ownership and basic social services (Mexico)

⁴⁸ Adopt additional legislative measures on gender equality to ensure equal participation for women in all decision making positions in all areas of public administration (Spain)

⁴⁹ Promote and support the participation of women in decision-making at all levels (New Zealand)

Adopt effective measures to overcome the inequality affecting women in accordance with the provisions of the CEDAW and recommendations of UNDP/UNIFEM (Argentina)

Take all necessary measures to address all forms of discrimination, including social discrimination and discrimination against children with disabilities in remote areas (Germany)

Review and amend all relevant legislation, including family law, inheritance law and domestic nationality and citizenship law, and the application thereof, in order to ensure equality between the sexes and compliance with the CEDAW (Norway)

Ensure that all girls and women are accepted as students independent of their status as engaged, married or pregnant (Norway)

Eliminate all forms of de facto discrimination against children coming from economically disadvantaged families (Turkey)

⁵⁵ Take urgent steps to prevent and punish violence against women in all its manifestations (Hungary)

Take further measures towards eliminating violence and discrimination against women, including by criminalizing sexual harassment (Sweden)

- 66. Recommendation 66.57⁵⁷: Kiribati accepts the recommendation. The Kiribati Police Services has established a new unit to handle domestic violence cases. Officers of the unit have received special training in this field.
- 67. Recommendation 66.58⁵⁸: Kiribati accepts the recommendation. A women's network ('safenet') now exists which is a facility to look after victims of domestic violence.
- 68. Recommendation 66.59⁵⁹: Kiribati accepts the recommendation.
- 69. Recommendation 66.60⁶⁰: Kiribati accepts the recommendation. Training of officers of the Kiribati Police Service in this areas has started and continues.

I. CRC

- 70. Recommendation 66.61⁶¹: Kiribati accepts the recommendation. CRC has been domesticated
- 71. Recommendation 66.62⁶²: Kiribati accepts the recommendation.
- 72. Recommendation 66.63⁶³: Kiribati is prepared to consider this recommendation.
- 73. Recommendation 66.64⁶⁴: Kiribati accepts the recommendation.
- 74. Recommendation 66.65⁶⁵: Kiribati is prepared to consider this recommendation.
- 75. Recommendation 66.66⁶⁶: Kiribati is prepared to consider this recommendation. The challenge will be to prohibit corporal punishment at homes.
- 76. Recommendation 66.67⁶⁷: Kiribati is prepared to consider this recommendation.

Undertake further work to ensure that the law is adequate to prosecute for domestic violence and that these laws are properly enforced through, for example, increased police capacity building and the appointment of female officers (New Zealand)

⁵⁸ Make available better support networks to protect women victims (New Zealand)

⁵⁹ Proceed with National Plans of Action on disabilities and on eliminating violence against women (Australia)

Train the police in regard to domestic and sexual violence against women (Germany)

Implement outstanding legislative reform to prevent violence against children and child abuse in accordance with its obligations under the Convention on the Rights of the Child (United Kingdom)

Take further action to ensure that children who have been subjected to sexual exploitation are treated as victims and that the perpetrators are brought to justice (Sweden)

Adopt and implement Penal Code reforms and other measures in compliance with international human rights standards to combat violence against children in all its forms, and provide adequate reintegration and rehabilitation for the victims (Slovakia)

Take further action to ensure children their human rights under the Convention on the Rights of the Child, including by establishing an effective mechanism to receive, monitor and investigate reports of child abuse and neglect (Sweden)

Take all necessary measures to prevent and combat violence and maltreatment against children by setting up an effective mechanism to collect, process, and investigate complaints by promoting awareness, heightening campaign, and providing adequate protection of victims; and review and modify the articles of the 1977 Criminal Code concerning violence against children and sexual exploitation, and sale and trafficking of children (France)

Prohibit corporal punishment of children at home, school, penal institutions, alternative care settings, and as traditional forms of sentencing (Slovenia)

Explicitly prohibit, in all fields, corporal punishment for children and adolescents particularly in view of section 226 of the Penal Code, which permits "reasonable punishments" in penal institutions and by decree of Island Councils (Chile)

- 77. Recommendation 66.68⁶⁸: Kiribati accepts the recommendation.
- 78. Recommendation 66.69⁶⁹: Kiribati accepts the recommendation.
- 79. Recommendation 66.70⁷⁰: Kiribati is prepared to consider this recommendation. While women and men may share the same prison they are segregated in terms of accommodation and facilities within the prison.
- 80. Recommendation 66.71⁷¹: Kiribati accepts the recommendation.

J. Health

- 81. Recommendation 66.72⁷²: Kiribati accepts the recommendation.
- 82. Recommendation 66.73⁷³: Kiribati accepts the recommendation.
- 83. Recommendation 66.74⁷⁴: Kiribati accepts the recommendation.

K. Education

- 84. Recommendation 66.75⁷⁵: Kiribati accepts the recommendation.
- 85. Recommendation 66.76⁷⁶: Kiribati accepts the recommendation.
- 86. Recommendation 66.77⁷⁷: Kiribati accepts the recommendation.
- 87. Recommendation 66.78⁷⁸: Kiribati accepts the recommendation.
- 88. Recommendation 66.79⁷⁹: Kiribati accepts the recommendation

⁶⁸ Enhance the enjoyment of the right to education particularly for girls, as well as address the issue of sexual abuse and exploitation of children (Algeria)

⁶⁹ Ensure the full implementation of juvenile justice standards (Germany)

Cease immediately the practice of not segregating women, children and men in prison facilities (New Zealand)

Adopt policies and measures to combat child labour and commercial exploitation of children in accordance with the recommendations made by the Committee on the Rights of the Child (Chile)

⁷² Continue implementing programmes aimed at ensuring that all its people have free quality health and education services (Cuba)

⁷³ Strengthen efforts to combat the spread of HIV/AIDS (Germany)

Provide training to medical doctors and cooperate with international organizations, especially World Health Organisation and members of the international community, in obtaining vaccinations to combat HIV/AIDS and to prevent its spread (Libyan Arab Jamahiriya)

Further strengthen its educational system to guarantee unrestricted access to education to every member of the population (Slovakia)

Increase the budgetary allocations to ensure equal access to free and quality primary education in all regions and improve the physical infrastructure of the schools, including teaching materials (Slovenia)

Earmark a larger budget for the educational sector and revise existing educational legislation in order to ensure access to primary education for children of all regions (Mexico)

⁷⁸ Upgrade the efficiency and skills of teachers (Libyan Arab Jamahiriya)

⁷⁹ Consider developing human rights education and training programmes in the context of upgrading its national education system (Philippines)

L. Environment

- 89. Recommendation 66.80⁸⁰: Kiribati accepts the recommendation.
- 90. Recommendation 66.81⁸¹: Kiribati accepts the recommendation.
- 91. Recommendation 66.82⁸²: Kiribati accepts the recommendation.
- 92. Recommendation 66.83⁸³: Kiribati accepts the recommendation.

⁸⁰ Redouble efforts and pursue activities aimed at the respect for environmental legislation (Morocco)

Study the possibility of developing a national environmental charter or similar instrument to define the role and responsibilities as well as coordination of action by all relevant parties, including civil society (Morocco)

⁸² Actively pursue international cooperation to adapt to the adverse effects of climate change (Philippines)

⁸³ Involve civil society, including human rights NGOs, in follow-up to this review, especially in addressing gender discrimination and domestic violence (United Kingdom)