



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-fifth session
20–31 January 2020

Summary of Stakeholders' submissions on Kiribati*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 16 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Joint Submission 4 (JS4) recommended that Kiribati ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁴

3. Center for Global Nonkilling (CGNK) recommended that Kiribati ratify the International Covenant on Civil and Political Rights (ICCPR) and its second optional protocol aiming at the abolition of the death penalty (ICCPR-OP2),⁵ as well as the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).⁶

4. CGNK also recommended that Kiribati ratify the Convention on the Prevention of the Crime of Genocide.⁷

5. International Campaign to Abolish Nuclear Weapons recommended that Kiribati ratify the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.⁸

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



B. National human rights framework⁹

6. Joint Submission 2 (JS2) noted that the amendment of the Kiribati Constitution in 2013 enabled the establishment of the Ministry of Women Youth Sports and Social Affairs within which the Women's Development Division is located. JS2 also noted that the mandate of the Women's Development Division was to coordinate and mainstream gender into all government development sectors.¹⁰ In this regard, JS2 recommended that the Government establish gender focal officers within all line ministries and ensure that they have the gendered capacity to provide technical inputs and advice to sector plans, strategies, policies and budgets.¹¹

7. JS2 also recommended that the Government consider increasing more permanent and technical positions within the Women's Development Division and prioritize technical capacity building to individual current permanent staff of the Women's Development Division as part of the Government's in-service training to public servants locally, regionally or electronically.¹²

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination¹³

8. Boutokaan Inaomataia ao Mauriia Binabinaine Association (BIMBA) noted that despite recommendations from the 2nd cycle UPR, the Government had not put in place any legal reform plan or initiative pertaining to the protection of the rights of people with diverse sexual orientation and gender identity from stigma, discrimination and prejudice in the country.¹⁴ BIMBA also noted that the Government had not undertaken any legal reform pertaining to the decriminalization of homosexuality.¹⁵

9. BIMBA recommended, among others, that the Government: create, develop and implement legal provisions that protect the rights of lesbian, gay, bisexual, transsexual and inter-sex persons from discrimination, stigma and violence; and decriminalize consensual sex and/or homosexuality.¹⁶

Development, the environment, and business and human rights

10. JS4 welcomed the continuous implementation of the Kiribati Joint Implementation Plan specifically on Climate Change and Disaster Risk Management (KJIP 2014 - 2023), which is complimentary legislation to the National Disaster Risk Management Plan and the National Framework for Climate Change and Climate Change Adaptation. JS4 also noted that the goal of the KJIP was to reduce the vulnerabilities to the impacts of climate change and disaster risks.¹⁷

11. JS4 also noted that as a climate vulnerable state, the Kiribati 20-year Vision (2016 - 2036) recognized Kiribati's vulnerability to climate change as a key constraint in their development. JS4 highlighted that for this reason, it was necessary to mainstream climate change adaptation and mitigation into various programmes to ensure that the working environment was sensitive to environment conservation, climate change and sustainable development.¹⁸

12. Joint Submission 1 (JS1) stated that one of the main negative impacts of climate change in Kiribati was the extensive coastal or land erosion surrounding the islands. In this regard, JS1 recommended that Kiribati: ensure that coastlines of all the islands are protected from all negative climate change impacts; fill flooded areas caused by heavy rain in order to halt diseases and to recover the underground clean water and healthier plantations; provide appropriate tools or equipment immediately or on the spot to those concerned to reduce major impacts of climate change; and pay more attention in terms of medication to those living on the affected sites.¹⁹

13. In this regard, JS4 recommended that Kiribati: ensure the provision of clean drinking water and access to water services and sanitation for all; ensure the availability of adequate food and freedom from hunger, even in times of natural disaster; ensure the adequate health services for all population, especially during the extreme climate events; ensure that implementation of climate policy and climate actions should provide specific provision for children and women rights; continue dialogue and pro-active multilateral and bilateral negotiations with other States on the protection of the human rights of the I-Kiribati by ensuring safe havens for I-Kiribati as their islands become uninhabitable; and continue to negotiate with the member states of the United Nations Framework Convention on Climate Change (UNFCCC) to include human rights approach in their 2020 submission of the reviewed Nationally Determined Contributions (NDC).²⁰

14. Just Atonement Inc. (JAI) also recommended that Kiribati: address immediate infrastructure needs by allocation of funds for an organized initiative to create sea walls and otherwise protect remaining available land; and provide greater water sanitation and rainwater harvesting systems that would help to improve access to potable water and reduce the spread of illness, population density rises, and storms that continue to contaminate groundwater.²¹

15. JAI also recommended that Kiribati citizens have recourse to seek asylum in other countries as the atolls become submerged. Creating a basis in international law for individuals to seek asylum based on climate change rendering uninhabitable land will be necessary to protect the lives of Kiribati citizens and ensuring that those nations that have contributed most to the climate crisis affecting Kiribati will be mutually responsible for addressing the damage. If the creation of expensive artificial islands becomes necessary to allow the nation of Kiribati to survive, then the necessary funding for such a project should be provided by those nations or by international bodies; and introducing mechanisms by which Kiribati could seek a remedy at law for the losses they have endured as a result of climate change will be necessary to provide justice to those harmed and to incentivize change. Industrialized nations must be held accountable for their knowing contributions to climate change and the damage it causes.²²

2. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

16. Joint Submission 6 (JS6) recommended, among others, that the Government, through the Ministry of Employment and Human Resources (MEHR), enforce the Maritime Labour Convention on all shipping owners and recruiting agencies that employ women seafarers from Kiribati; revise the guidelines governing the employment of Kiribati seafarers on board ocean going vessels and engage women seafarers and other stakeholders in the revision; include provisions on Equal Employment Opportunities (EEO) and require all employers to provide for EEO under the 2015 Employment & Industrial Relations Act's subsections i), ii) and national conditions of service; and reinstate the employment program of women seafarers on overseas vessels.²³

17. Kiribati Women in Maritime Association (K-WIMA) similarly recommended that the Government and private shipping owners attract female candidates to work on local vessels as part of a career path to become officers; and that the Government, through MEHR, adopt the system that the Ministry of Fisheries applies to female observers.²⁴

18. K-WIMA also urged the Government to support and offer appropriate assistance to females who are interested in getting their practical work experiences on local vessels in order to build up their career at sea so they can easily become marine engineers and officers.²⁵

Right to health²⁶

19. World Council of Churches (WCC) noted the impact of the nuclear tests that were carried out between 1957 and 1962 on the right to health of the people affected by them.²⁷ In this regard, WCC recommended, among others, that Kiribati: comprehensively assess, monitor and respond to the continuing violations of the human rights, particularly the right

to health of survivors, especially at Kiritimati; conduct a study into the potential inter-generational health effects of the children and grandchildren of the survivors; and provide victim-assistance in the form of health care provision, psycho-social support, socio-economic inclusion, support for victim's advocacy associations and risk education.²⁸

20. Joint Submission 3 (JS3) expressed concerns about high adolescent fertility, high total fertility, high intended pregnancy, high unmet need for contraception, high maternal and infant morbidity/mortality, and high STI/HIV rates.²⁹ JS3 also expressed concerns about insufficient access to sexual and reproductive health services, as well as the ineffective provision on comprehensive sexuality education programmes for young people.³⁰ In this connection, JS3 recommended that the Government ensure appropriate sexual and reproductive health programmes, including family planning programmes that are accessible to all and are integrated into the next National Development Plan for 2021–2025, and allocate a sufficient annual budget to ensure effective delivery; and that the Government develop a comprehensive sexuality education curriculum and integrate it into all school curricula both in junior and senior high schools.³¹

3. Rights of specific persons or groups

*Women*³²

21. Kiribati Women and Children Support Centre (KWCS) noted that the interpretation of the provision (*Chapter II section 15 (3), section 22*) in the Constitution allowed discrimination against women and the obvious consequences of this provision were entrenched in a number of laws in Kiribati.³³ In this connection, KWCS urged the Government as a matter of priority to revise the entire section in the Constitution, and called upon the Government to consider subsequent amendments of all legislation that is discriminatory in effect to women.³⁴

22. Joint Submission 5 (JS5) noted that by denying women the equal right to confer nationality on children born outside country, the equal ability to naturalize themselves and their children, and the equal right to confer nationality on a spouse, the Constitution and Citizenship Act violated women's nationality rights and international human rights standards.³⁵ In this connection, JS5 recommended that Kiribati reform gender-discriminatory provisions in the Constitution and Citizenship Act 1979 to enshrine citizen's equal ability to confer nationality on children and spouses without discrimination on the basis of sex.³⁶

23. JS3 expressed concern about high rates of gender-based violence, including sexual violence.³⁷ KWCS highlighted that according to the 2010 Study on Violence against women and girls in Kiribati, the prevalence of domestic violence in Kiribati was the highest in the Pacific region. According to KWCS, key implementing partners in particular the Kiribati Police Service (KPS) were required to understand the seriousness of domestic violence and to be able to enforce the law however but it had become evident in some incidences that several Police officers had not been able to execute their duties fully, due to some misinterpretation and understanding of their roles and obligations specified in *Te Rau n te Mwenga (Family Peace)* Act. KWCS further emphasized that a slight omission on the part of law enforcement officers would have drastic implications on women and children in this case.³⁸ In this connection, KWCS urged the Government as a matter of priority to continue to conduct Law Enforcement Officers ongoing trainings on Gender, attitudes change towards domestic violence, Gender Based Violence and *te Rau n te Mwenga* Act.³⁹

*Children*⁴⁰

24. Reitan Aine Ni Kamatu Iacon Kiribati (RAK) noted the need for the Government to develop child care centres for infants and toddlers.⁴¹ In this regard, RAK recommended, among others, that the Government conduct further studies on such need so as to facilitate this idea of developing well facilitated child care places; assign the competence for the regulation of child care as educational institution to the State; introduce nationwide quality standards and a right to child care also outside of the children's school days; and include child care funding in government budget.⁴²

25. While noting survey results on the scale and extent of sexual exploitation of children in the Pacific region, including in Kiribati, ECPAT International recommended that the Government needs to urgently fund support services, and to scale up police training and resources in order to respond consistently to sexual exploitation of children.⁴³

26. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that Article 226 of the Penal Code 1977 confirmed “the right of any parent, teacher, or other person, having the lawful control of a child or young person to administer reasonable punishment to him”. GIEACPC emphasized that this provision should be repealed so that there is clarity in the law that no kind or degree of corporal punishment can be considered “reasonable”. Prohibition should be enacted of all corporal punishment by parents, teachers and other persons with authority over children.⁴⁴

27. GIEACPC noted that corporal punishment was lawful in the home. It also noted that a number of reviews had been carried out to assess the compliance of national legislation with the Convention on the Rights of the Child. It took note of the Children, Young People and Family Welfare Act 2013 that provides for parental responsibility, among others, to ensure that children grow up in an environment that is free of violence, abuse, neglect and exploitation. However, GIEACPC emphasized that the Act did not prohibit all corporal punishment in child-rearing and did not repeal the right “to administer reasonable punishment” in Article 226 of the Penal Code.⁴⁵

28. GIEACPC further noted that corporal punishment was lawful in alternative care settings and day care under the right “to administer reasonable punishment” in Article 226 of the Penal Code 1977 whereas it was prohibited in schools.⁴⁶ GIEACPC stated that there was no prohibition of corporal punishment as a disciplinary measure in penal institutions and that there were no regulations on appropriate treatment of detainees within prisons.⁴⁷

29. GIEACPC expressed concern that the Magistrates’ Courts Ordinance authorised judicial corporal punishment for boys aged between 10 and 17 and under Article 226 of the Penal Code and that corporal punishment was permitted in traditional sentencing by order of Island Councils.⁴⁸

*Persons with disabilities*⁴⁹

30. Joint Submission 7 (JS7) commended the Government for coming up with a National Disability Policy, which ensured that all available resource needed to be provided to the community, by improving accessibility in terms of public infrastructure to be accessible to persons with disabilities, and providing accessible information and technologies for vision impairments.⁵⁰

31. JS7 also noted challenges faced by persons with disabilities having no accessible information provided or available for vision impairments. In terms of the infrastructure, public buildings still were not accessible for persons with disabilities, for instance, offices, Bank, Wharf, and Airport terminals.⁵¹ JS7 also highlighted that persons with disabilities still did not have full access to public transport where it was very hard for them to travel, for example, on public buses. Most of the bus drivers passed them when they saw persons with disabilities at the bus stop. Persons with disabilities who are using wheelchairs had no available accessible buses that could accommodate them. JS7 also noted that transport was more expensive for wheelchair users because the public buses were not accessible.⁵²

32. In this connection, JS7 recommended that the Government provide communication technology such as assistive technologies, including braille, screen reader software, hearing loops, tactile paving in public areas and mobility devices to enable persons with disabilities to attend school, employment, training and other services to enhance their wellbeing. JS7 also recommended that the Government review the Kiribati Building Code to ensure reasonable accommodation for persons with disabilities to access public buildings.⁵³

33. Kiribati School and Centre for Children with Special Needs (KSCCSN) appreciated the Government’s effort to develop the National Disability Policy and Action Plan (2018–2021), which prioritized quality education for children with disability.⁵⁴

34. KSCCSN highlighted that the growing number of students with disabilities would require more classrooms that can cater for the different impairments, which means that

additional land space is required for new buildings. KSCCSN expressed concern that the Government had not responded to the request to acquire government land to expand such schools.⁵⁵

35. KSCCSN stated that although the Government had introduced an Inclusive Education Policy aimed at getting students with disabilities into the mainstream schools, the school buildings were not accessible for most children with disabilities.⁵⁶

36. In this connection, KSCCSN recommended that the Government: increase its financial support to include more teachers from NGO-run schools in its payroll; immediately make school infrastructure accessible for students with disabilities, including, extending its school infrastructure project to cover schools for children with disabilities; address the pressing issues for children with disabilities, including expanding the KSCCSN to cater for increasing intake; have a dedicated annual budget for the implementation of the Inclusive Education Policy; and offer scholarships for pre-service and in-service teachers to continue to build their capacity to provide quality teaching and education to children with disabilities.⁵⁷

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

BIMBA	Boutokaan Inaomataia ao Mauriia Binabinaine Association, (Kiribati);
ECPAT International	ECPAT International, Bangkok (Thailand);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
JAI	Just Atonement Inc. New York (United States of America);
KSCCSN	Kiribati School and Centre for Children with Special Needs, (Kiribati);
KWSCC	Kiribati Women and Children Support Centre, (Kiribati);
K-WIMA	Kiribati Women in Maritime Association, (Kiribati);
RAK	Reitan Aine Ni Kamatu Iaon Kiribati (RAK), (Kiribati);
WCC	World Council of Churches, Geneva (Switzerland).

Joint submissions:

JS1	Joint submission 1 submitted by: Kiribati Scouts Association (KSA), (Kiribati); Kiribati Women in Maritime Association (K-WIMA), (Kiribati); Reitan Aine ni Kamatu (RAK), (Kiribati); Aia Mwaea Ainen Kiribati (AMAK), (Kiribati); Healthy Eita Maeao Organisation (HEMO), (Kiribati); Te Toa Matoa (TTM), (Kiribati); Irekenrao, (Kiribati);
JS2	Joint submission 2 submitted by: AIA MAEA AINEN KIRIBATI (AMAK), (Kiribati); Reitan Ainen KUC (RAK), (Kiribati); Relief Society, (Kiribati); Reitan Ainen Boretetanti (RAB), (Kiribati); Irekenrao, (Kiribati); Kometen Reitakiia Botaki n Aine (KRBA), (Kiribati); Ueen te Makeke, (Kiribati); Ainen Kiribati Iaon Betio (AKEBE); Te Toa Matoa (TTM), (Kiribati); Kiribati Girl Guides Association (KGGGA), (Kiribati); Kiribati Women Teachers Network Association (KWTNA), (Kiribati); Ministry of Women in Action (MOWIA), (Kiribati); Kiribati Women And Violence Elimination (KWAVE), (Kiribati); Dorcas, (Kiribati); Nei Mom, (Kiribati); Ueen Tebike, (Kiribati); Aia Botaki Ainen Butaritari (ABAB), (Kiribati); Nikabubutin Makin, (Kiribati); Tetokanimarakei, (Kiribati); Terunganaine, (Kiribati); Ueen Kirabun Eutan Tarawa Ieta (UKETI), (Kiribati); Ueen Benita, (Kiribati); Ueen te Toaki, (Kiribati); Ueen Abemama, (Kiribati); Ueen Aranuka, (Kiribati); Marewen Nonouti, (Kiribati); Marewen Tabiteuea Meang, (Kiribati); Ueen te

- Ueanikai, (Kiribati); Reitan Nanoia Ainen Onotoa, (Kiribati); Tanimwarutamu, (Kiribati); Ainen Beru, (Kiribati); Matangareia Ainen Tamana, (Kiribati); Ngareia, (Kiribati); Ainen Arorae, (Kiribati); Nei Baneawa, (Kiribati); Nei Tiwiita, (Kiribati); Ainen Teeraina, (Kiribati); Ueen te Bitati, (Kiribati);
- JS3 **Joint submission 3 submitted by:** Kiribati Family Health Association (KFHA), (Kiribati); Kiribati School & Centre for Children with Special Needs (KSCCSN), (Kiribati); Kiribati Scouts Association (KSA), (Kiribati); Kiribati Red Cross Society (KRCS), (Kiribati); Kiribati Association of Non-Government Organizations (KANGO), (Kiribati); Kiribati Women in Maritime Association (K-WIMA), (Kiribati); Reitan Aine ni Kamatu (RAK), (Kiribati); Aia Mwaea Ainen Kiribati (AMAK), (Kiribati); IREKENRAO Women Association, (Kiribati); Assemblies of God (AOG), (Kiribati); Kiribati Girl Guides Association (KGGA), (Kiribati); Te Toa Matoa (Disability Group) (TTM), (Kiribati); Alcohol Awareness Family Recovery (AAFR), (Kiribati); Healthy Eita Maeao Organisation (HEMO), (Kiribati); Seventh Day Adventist Dorcas (Church Women Fellowship) (SDA DORCAS), (Kiribati);
- JS4 **Joint submission 4 submitted by:** Franciscans International (FI), Geneva (Switzerland); Edmund Rice International (ERI), Geneva (Switzerland); Kiribati Climate Action Network (KiriCAN), (Kiribati); Life & Learn Kiribati, (Kiribati); Kiribati Women and Children Support Centre, (Kiribati);
- JS5 **Joint submission 5 submitted by:** Global Campaign for Equal Nationality Rights, New York (United States of America); Institute on Statelessness and Inclusion, Eindhoven (The Netherlands);
- JS6 **Joint submission 6 submitted by:** Kiribati Women in Maritime Association (K-WIMA), (Kiribati); Kiribati Family Health Association (KFHA), (Kiribati); AIA MAEA AINEN KIRIBATI (AMAK), (Kiribati); Reitan Aine ni Kamatu (RAK), (Kiribati); Assemblies of God (AOG), (Kiribati); Healthy Eita Maeao Organisation (HEMO), (Kiribati);
- JS7 **Joint submission 7 submitted by:** Te Toa Matoa (TTM), (Kiribati); Kiribati School and Centre for Children with Special Needs (KSCCSN), (Kiribati); Kiribati Scouts Association (KSA), (Kiribati); Kiribati Red Cross Society (KRCS), (Kiribati);); Kiribati Women in Maritime Association (K-WIMA), (Kiribati); Reitan Aine ni Kamatu (RAK), (Kiribati); Aia Mwaea Ainen Kiribati (AMAK), (Kiribati); Kiribati Family Health Association (KFHA), (Kiribati); Healthy Eita Maeao Organisation (HEMO), (Kiribati).

² The following abbreviations are used in UPR documents:

ICESCR	International Covenant on Economic, Social and Cultural Rights;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For the relevant recommendations, see A/HRC/29/5, paras. 84.1–84.30, 84.44–84.47, 84.67, and 84.109–84.115.

⁴ JS4, para. 24. See also KWCSC, para. 14.

⁵ CGNK, page 5. See also KWCSC, para. 14.

⁶ CGNK, page 7.

⁷ CGNK, page 5.

⁸ ICAN, page 1.

- ⁹ For the relevant recommendations, see A/HRC/29/5, paras. 84.31, 84.38–84.39, 84.41, 84.62, 84.76, 84.78 and 84.108.
- ¹⁰ JS2, para. 4.
- ¹¹ JS2, para. 10.
- ¹² JS2, para. 11.
- ¹³ For the relevant recommendations, see A/HRC/29/5, paras. 84.53–84.55, 84.97 and 84.107.
- ¹⁴ BIMBA, page 3.
- ¹⁵ BIMBA, pages 3–4.
- ¹⁶ BIMBA, page 5.
- ¹⁷ JS4, paras. 7–8.
- ¹⁸ JS4, para. 9.
- ¹⁹ JS1, para. 1 and paras. 10–13.
- ²⁰ JS4, para. 27.
- ²¹ JAI, paras. 18–19.
- ²² JAI, paras. 20–22.
- ²³ JS6, paras. 19–22.
- ²⁴ K-WIMA, paras. 11–12.
- ²⁵ K-WIMA, para. 18.
- ²⁶ For relevant recommendations, see A/HRC/29/5, paras. 84.89–84.90, and 84.92–84.94.
- ²⁷ WCC, p. 1.
- ²⁸ WCC, p. 3.
- ²⁹ JS3, para. 12.
- ³⁰ JS3, para. 9.
- ³¹ JS3, para. 13.
- ³² For relevant recommendations, see A/HRC/29/5, paras. 84.32–84.37, 84.40, 84.49, 84.58–84.61, 84.63–84.66, 84.68, 84.70–84.71, and 84.79–84.80.
- ³³ KWCSO, para. 9.
- ³⁴ KWCSO, paras. 11–12.
- ³⁵ JS5, para. 14.
- ³⁶ JS5, para. 21.
- ³⁷ JS3, para. 12.
- ³⁸ KWCSO, para. 15.
- ³⁹ KWCSO, para. 16.
- ⁴⁰ For relevant recommendations, see A/HRC/29/5, para. 84.77.
- ⁴¹ RAK, para. 5.
- ⁴² RAK, paras. 7–10.
- ⁴³ ECPAT International, page 2.
- ⁴⁴ GIEACPC, page 2.
- ⁴⁵ GIEACPC, pages 2–3.
- ⁴⁶ GIEACPC, page 3.
- ⁴⁷ GIEACPC, page 4.
- ⁴⁸ GIEACPC, page 4.
- ⁴⁹ For relevant recommendations, see A/HRC/29/5, paras. 84.42–84.43, and 84.104–84.106.
- ⁵⁰ JS7, para. 4.
- ⁵¹ JS7, para. 5.
- ⁵² JS7, para. 7.
- ⁵³ JS7, paras. 10–11.
- ⁵⁴ KSCCSN, para. 4.
- ⁵⁵ KSCCSN, para. 6.
- ⁵⁶ KSCCSN, para. 7.
- ⁵⁷ KSCCSN, paras. 1014.
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