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## Compilation 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 compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>

2. The United Nations country team in Fiji, which covers Kiribati, noted that, as of June 2019, Kiribati was party to only three core international human rights treaties: the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, as well as to the Optional Protocols to the Convention on the Rights of the Child on children in armed conflict and on the sale of children, child prostitution and child pornography.<sup>3</sup>

3. The United Nations country team added that Kiribati was also party to the following International Labour Organization (ILO) conventions: the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Collective Bargaining Convention, 1981 (No. 154), the Equal Remuneration Convention, 1951 (No. 100), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), among others.<sup>4</sup>

4. The United Nations country team recommended that Kiribati ratify the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International



Convention for the Protection of All Persons from Enforced Disappearance. It also recommended that Kiribati ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.<sup>5</sup>

5. The United Nations country team further recommended that Kiribati ratify the Rome Statute of the International Criminal Court and accede to the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>6</sup>

6. The United Nations country team reported that Kiribati had not been reviewed by any treaty body since 2006 and that in February 2019 it had submitted overdue combined initial, second and third periodic reports to the Committee on the Elimination of Discrimination against Women, its combined second, third and fourth periodic reports to the Committee on the Rights of the Child and its initial report to the Committee on the Rights of Persons with Disabilities.<sup>7</sup>

7. The United Nations country team noted that, although the Ministry of Justice had, on behalf of the National Human Rights Task Force, drafted the country's common core document, that document had still not been submitted to the treaty bodies.<sup>8</sup> The United Nations country team recommended that Kiribati submit the common core document to the treaty bodies.<sup>9</sup>

8. The United Nations country team noted that Kiribati had not yet issued a standing invitation to the special procedures of the Human Rights Council. The last visit of a special procedures mandate holder, the Special Rapporteur on the human rights to safe drinking water and sanitation, dated to July 2012. Moreover, the recommendations made after that visit had not been implemented.<sup>10</sup>

9. The United Nations country team recommended that Kiribati respond positively to the requests for visits from special rapporteurs and effectively implement their recommendations, particularly the recommendations already made by the Special Rapporteur on the human rights to safe drinking water and sanitation.<sup>11</sup>

10. With regard to reporting and follow-up, the United Nations country team stated that Kiribati continued to engage with United Nations human rights mechanisms in an ad hoc manner and that no standing national mechanism for reporting and follow-up had yet been established.<sup>12</sup>

11. The United Nations country team recommended that Kiribati establish a national mechanism enabling it to report and follow up on the recommendations of the United Nations human rights mechanisms in a timely and systematic manner.<sup>13</sup>

12. The United Nations country team noted that Kiribati had joined the Convention for the Safeguarding of the Intangible Cultural Heritage in 2018 and that 65 individuals had been trained, also in 2018, for its implementation.<sup>14</sup>

13. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Kiribati ratify the Convention against Discrimination in Education.<sup>15</sup>

### **III. National human rights framework<sup>16</sup>**

14. The United Nations country team reported that, in July 2014, Kiribati had established the National Human Rights Task Force by cabinet decision with a view to coordinating and facilitating its engagement with the United Nations human rights mechanisms and fulfilling its human rights obligations. While the establishment of the Task Force was positive, the body had insufficient resources, dedicated staff and focal points to fulfil its major tasks, which were to ensure the effective engagement of Kiribati with human rights mechanisms.<sup>17</sup>

15. The United Nations country team noted that, although Kiribati had accepted a recommendation made during the second cycle of the universal periodic review to consider strengthening the independence of the National Human Rights Task Force, Kiribati had yet

to establish a national human rights institution that complied with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>18</sup>

16. The United Nations country team reported that the Ministry of Justice had been leading and facilitating a national discussion on the establishment of such a national human rights institution but that those efforts were still far from coming to fruition, despite support provided by the Regional Rights Resource Team of the Pacific Community, the Asia-Pacific Forum for National Human Rights Institutions and the Office of the United Nations High Commissioner for Human Rights.<sup>19</sup>

17. The United Nations country team recommended that Kiribati consider strengthening the independence of the National Human Rights Task Force so that it complied with the Paris Principles and that it consider establishing a national human rights institution in compliance with the Paris Principles.<sup>20</sup>

18. The United Nations country team also recommended that Kiribati cooperate with United Nations agencies, regional bodies and development partners in capacity-building, training and exchanging human rights expertise and other experiences with other Pacific island countries.<sup>21</sup>

#### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

19. The United Nations country team noted that the most significant human rights problems in the country included rape, child abuse, criminalization of consensual sexual activities between persons of the same sex and child labour.<sup>22</sup>

##### **A. Cross-cutting issues**

###### **1. Equality and non-discrimination<sup>23</sup>**

20. The United Nations country team noted that the country's Constitution defined discrimination as the different treatment of persons on the grounds of race, place of origin, political opinion, colour, creed and sex, which is a much narrower definition than the one contained in the Universal Declaration of Human Rights or in the core international human rights treaties.<sup>24</sup>

21. The United Nations country team reported that the Constitution was silent about special measures, including temporary special measures, aimed at paving the way to achieving the substantive equality of women, girls and other vulnerable groups in social, political, economic and cultural fields. In that connection, the United Nations country team recommended that Kiribati take steps to incorporate a comprehensive definition of discrimination into the national legal framework to pave the way to achieving the substantive equality of women, girls and other vulnerable groups in social, political, economic and cultural fields.<sup>25</sup>

22. The United Nations country team noted that Kiribati continued to criminalize homosexuality and consensual same-sex relations between adults<sup>26</sup> and recommended that Kiribati consider including in the Constitution provisions guaranteeing freedom from discrimination based on sexual orientation.<sup>27</sup> It also recommended that Kiribati decriminalize homosexuality and consensual sexual relations between adults of the same sex and that it sign the statement on human rights, sexual orientation and gender identity submitted to the General Assembly at its sixty-third session (A/63/635).<sup>28</sup>

23. The United Nations country team recommended that Kiribati take specific measures, including strengthening the legal framework to criminalize discrimination, hate speech and violence against lesbian, gay, bisexual and transgender people and prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to address stigma within society.<sup>29</sup>

## 2. Development, the environment and business and human rights

24. The United Nations country team noted that climate change was the most notable challenge the Government of Kiribati was confronted with in upholding and ensuring human rights for its people. Kiribati was vulnerable to the impact of climate change, extreme weather events and natural disasters.<sup>30</sup>

25. The United Nations country team reported that stronger cyclones, rising sea levels, higher king tides and storm surges, salt water intrusion and deteriorating marine ecosystems caused losses in terms of lives, livestock, culture and livelihoods across the country. Moreover, climate change was having a negative impact on sustainable development in Kiribati, as a growing number of islanders were being forced to migrate from their traditional homes and lands and to live in informal settlements.<sup>31</sup>

26. The United Nations country team added that, as Kiribati was a nation of low-lying islands with an average elevation of only two metres above sea level, climate change and the resultant sea-level rise continued to add new and major challenges for the Government, including with regard to loss of territory and culture, coastal erosion and the involuntary displacement of communities. Food and water security were also affected.<sup>32</sup>

27. The United Nations country team noted that the Government of Kiribati had bought land offshore, focusing on education and upskilling people to prepare them to be able to “migrate with dignity” when the islands of Kiribati would no longer be habitable.<sup>33</sup>

28. The United Nations country team also noted that Kiribati had initiated a coalition of nations most vulnerable to climate change: the Coalition of Low-lying Atoll Nations on Climate Change.<sup>34</sup>

29. The United Nations country team commended Kiribati for its coordination efforts in relation to the Disaster Act (1993) and noted that the country was drafting a new act on disaster risk management and climate change that would be presented to the House of Assembly of Kiribati.<sup>35</sup>

30. The United Nations country team commended Kiribati for having expanded the scope of the draft act on disaster risk management and climate change to include the needs and priorities of vulnerable populations like women and young people.<sup>36</sup>

31. The United Nations country team noted that in 2018 a training session was facilitated with the International Tsunami Information Centre to build the capacity of personnel of the national tsunami warning centre and the National Disaster Risk Management Office. The aim of the training was to enable participants to develop a tsunami warning criteria table and to update the current tsunami early warning system accordingly.<sup>37</sup>

32. The United Nations country team stated that female technical officers from the Kiribati Meteorology Service had gained skills and knowledge on how to monitor and use meteorology and hydrology data for quality analysis, early warning and climate information dissemination after completing a four-week training course at the National Institute of Hydrology of India.<sup>38</sup>

33. The United Nations country team noted that two fish aggregation devices had been deployed to alleviate fishing pressures on the reefs by providing fishermen with alternative fishing grounds.<sup>39</sup>

34. The United Nations country team recommended that Kiribati continue its leadership role and advocacy within the international community, including through the Coalition of Low-lying Atoll Nations on Climate Change and the Alliance of Small Island States, on the need for ambitious and binding targets for greenhouse gas emissions, in order to mitigate the negative effects of climate change on human rights.<sup>40</sup>

35. The United Nations country team recommended that Kiribati intensify efforts to secure support and assistance from the international community in pursuing its climate change adaptation and mitigation plans.<sup>41</sup>

36. The United Nations country team recommended that the Government of Kiribati expedite the drafting and adoption of the draft act on disaster risk management and climate

change to strengthen the existing legal framework and to allocate sufficient resources for effective implementation.<sup>42</sup>

37. The United Nations country team recommended that Kiribati build its capacity to manage the risks posed by disasters, including its emergency response capacity associated with coastal flooding and droughts. It also recommended that Kiribati harness the collective support of local and international humanitarian organizations to build local capacities on disaster risk management.<sup>43</sup>

38. The United Nations country team noted that national policy instruments for the promotion of sustainable economic growth and the inclusiveness of vulnerable groups in economic development, including the trade policy framework, the investment, competition and metrology policies and the coconut sector development strategy, were supported.<sup>44</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>45</sup>**

39. The United Nations country team noted that, following plans to hold a referendum on the introduction of the death penalty for some murders in 2015, the Government of Kiribati had accepted to halt any plans to reinstate the death penalty and had considered establishing a formal moratorium on the death penalty with a view to ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>46</sup>

### **2. Fundamental freedoms<sup>47</sup>**

40. UNESCO noted that freedom of expression was guaranteed under section 12 of the Constitution of Kiribati, with exceptions made in relation to matters concerning public safety, public order, public morality and individuals' reputation.<sup>48</sup>

41. UNESCO reported that newspapers were required to register with the Government under the Newspaper Registration Act 1988 and that, under the 2004 amendment to that Act, the Government was granted the power to terminate the publication of newspapers that faced complaints.<sup>49</sup>

42. UNESCO noted that the Communications Commission of Kiribati was charged with implementing and enforcing the Communications Act, including the granting and management of licences. All members of the board of the Commission were appointed by the Government.<sup>50</sup>

43. UNESCO recommended that the Government of Kiribati assess the system for appointing members of the Communications Commission in order to ensure the body's independence.<sup>51</sup>

44. UNESCO noted that defamation was a criminal offence under article 184 of the Penal Code of Kiribati and that the publication of defamatory matter concerning a person was considered unlawful under article 187.<sup>52</sup>

45. UNESCO recommended that the Government of Kiribati decriminalize defamation and place defamation-related provisions within the Civil Code, in accordance with international standards.<sup>53</sup>

46. UNESCO reported that a freedom of information law did not currently exist in the country.<sup>54</sup>

47. UNESCO recommended that Kiribati introduce a freedom of information law that was in accordance with international standards.<sup>55</sup>

### **3. Prohibition of all forms of slavery<sup>56</sup>**

48. The United Nations country team reported that children were exposed to commercial sexual exploitation, often becoming involved as a result of economic pressure, and that despite a relatively robust legal framework children were found to be working in the

informal sector and to be engaged in commercial sexual exploitation, especially in the fishing industry.<sup>57</sup>

## **C. Economic, social and cultural rights**

### **1. Right to work and to just and favourable conditions of work**

49. The United Nations country team stated that, although the Employment and Industrial Relations Code 2015 prohibited sexual harassment, there were no official reports of sexual harassment. The Ministry of Labour was implementing its gender access and equality plan to promote a zero-tolerance policy to sexual harassment in the workplace and in training institutes.<sup>58</sup>

50. ILO noted that the 2017 amendment to the Employment and Industrial Relations Code 2015 did not clarify whether federations and confederations had the possibility of engaging in collective bargaining at levels higher than the enterprise level, nor was information provided on the number of collective agreements concluded.<sup>59</sup>

51. ILO also noted that Kiribati did not have a fixed minimum wage for workers in the private sector.<sup>60</sup>

### **2. Right to an adequate standard of living<sup>61</sup>**

52. The United Nations country team reported that, through the Outer Island Food and Water Project, 1,146 households were engaged in gardening activities with the goal of increasing cash income from home-grown food.<sup>62</sup>

53. The United Nations country team noted that the Government was currently assessing communities' access to water. Moreover, the Government was aiming to provide residents with water pumps capable of reducing sediment levels, in order to bring down the thresholds for clean drinking water and make underground water safer to drink.<sup>63</sup>

54. The United Nations country team stated that the Government had recently provided new water systems to the outer islands that produced five litres of water per day; the aim was to bring such systems to 16 more outer islands with 100–500 inhabitants.<sup>64</sup>

55. The United Nations country team noted that there remained significant inequities with regard to the provision of water and sanitation services in urban and rural areas of Kiribati.<sup>65</sup>

56. The United Nations country team recommended that Kiribati continue to take appropriate measures for the development of a comprehensive, coordinated and strategic regional and urban development process and that it adopt specific measures, including upgrading sanitation facilities and protecting water sources, to minimize health risks and fulfil its obligations related to the human rights to clean water and adequate sanitation.<sup>66</sup>

### **3. Right to health<sup>67</sup>**

57. The United Nations country team noted that the direct and indirect negative impacts of climate change had adversely affected peoples' health and had become an issue of survival for the people of Kiribati.<sup>68</sup>

58. The United Nations country team reported that the Government was tracking and monitoring fish stocks due to reports of communities getting sick from eating poisonous fish with symptoms including diarrhoea, vomiting and fever.<sup>69</sup>

59. The United Nations country team stated that maternal mortality had dropped significantly, from 215 per 100,000 live births before 2010 to 81 per 100,000 live births in 2016, mainly due to an increase in skilled birth attendants.<sup>70</sup>

60. The United Nations country team noted that the adolescent birth rate in Kiribati remained among the highest in the region, with 45 per 1,000 live births for mothers aged 15–19 years.<sup>71</sup>

61. The United Nations country team stated that a maternal and perinatal death surveillance and response mechanism had been established at the national level and that plans to extend it to all hospitals in the country were under way.<sup>72</sup>

62. The United Nations country team reported that abortion was illegal in Kiribati, with a limited exemption for cases where the life of the mother was in danger.<sup>73</sup>

63. The United Nations country team noted that although Kiribati was considered a low-HIV-prevalence country, it had one of the highest HIV infection rates per capita in the Pacific according to a World Health Organization report from 2012.<sup>74</sup>

64. The United Nations country team also stated that a social development indicators survey had been conducted that would provide reliable data on household-based indicators linked to the Sustainable Development Goals, notably on health, education, nutrition and the protection of vulnerable groups.<sup>75</sup>

65. The United Nations country team recommended that Kiribati continue to strengthen measures to ensure equal access to health services for all while giving special attention to the needs of children, women and the elderly.<sup>76</sup>

66. The United Nations country team further recommended that Kiribati accelerate the delivery of quality health services, including to rural areas, by allocating the necessary human and financial resources, by monitoring that they reach the intended beneficiaries and by clearly defining the responsibilities of the various levels of government.<sup>77</sup>

#### **4. Right to education<sup>78</sup>**

67. The United Nations country team noted that Kiribati had achieved almost universal access to primary education.<sup>79</sup>

68. The United Nations country team also noted that while the Government covered the cost of schooling up to the junior secondary level, many other fees, such as the cost of uniforms and school supplies, had to be covered by the family.<sup>80</sup>

69. The United Nations country team reported that an act on early childhood care and education had been developed and passed by Parliament to guide the registration and regulation of early childhood care and education centres. It added that a six-week accelerated school readiness programme had been launched and delivered by 290 trained teachers to an estimated 1,200 children.<sup>81</sup>

70. UNESCO noted that the progression rate from year five to year six had decreased from 89 per cent to 74 per cent between 2014 and 2016, suggesting that a large minority of children did not receive basic education to the end of primary school, despite it being free of charge and compulsory.<sup>82</sup>

71. UNESCO recommended that Kiribati investigate and tackle the rising dropout rates at the primary and junior secondary school levels to ensure that all boys and girls enjoyed their right to nine years of free and compulsory education.<sup>83</sup>

72. The United Nations country team noted that Kiribati had established a national postsecondary readiness task force to address the low retention rates in secondary schools.<sup>84</sup>

73. The United Nations country team recommended that Kiribati adopt policies and regulations to strengthen access to and quality of education, which is free and compulsory for all school-aged children.<sup>85</sup>

74. The United Nations country team recommended that Kiribati finalize its inclusive education policy, thereby giving effect to the right to education for all school-aged children and young persons.<sup>86</sup>

75. The United Nations country team recommended that Kiribati facilitate the development of social protection programmes in support of families, that it enshrine the right to education in its Constitution and that it allow pregnant girls to pursue their education in schools of their choice.<sup>87</sup>

## D. Rights of specific persons or groups

### 1. Women<sup>88</sup>

76. The United Nations country team reported that the customs and traditions of the indigenous people of Kiribati had constitutional protection and that women had no legal recourse where these infringed on the enjoyment of collective rights and freedoms, meaning that gender equality was not guaranteed, in particular with regard to the transfer of Kiribati nationality to the children of Kiribati women born abroad (see the Convention on the Elimination of All Forms of Discrimination against Women, art. 9 (2)).<sup>89</sup>

77. The United Nations country team recommended that Kiribati ensure equal rights for Kiribati women to transfer Kiribati nationality to their children.<sup>90</sup>

78. The United Nations country team noted that, although Parliament had passed the Family Peace Act in 2014, thereby criminalizing domestic violence in Kiribati for the first time, implementation of the Act remained a concern. No cases had been prosecuted under the Act. Nonetheless, in 2017 Kiribati had managed to finalize its plan for implementing it, in collaboration with international partners, and to ensure that it was effective in providing protection and redress for victims of domestic violence.<sup>91</sup>

79. The United Nations country team recommended that Kiribati implement the Family Peace Act, as accordance with the implementation plan, as a matter of priority to address domestic violence.<sup>92</sup>

80. The United Nations country team noted that the Ministry of Health had approved the development of standard operating procedures for the health sector's response to gender-based violence and that efforts to build the capacity of those responding to gender-based violence were under way.<sup>93</sup>

81. The United Nations country team reported that there was an increase in quality, coordinated and survivor-focused services available to survivors of violence due to technical and financial support by the United Nations, including the launch of the first Kiribati crisis centre for women and children; the development of the "safenet inter-agency protocol" for responding to cases of gender-based violence and of the first national counselling framework for domestic violence; and the revision of standard operating procedures for guiding the Kiribati police force in responding to cases of physical and sexual violence.<sup>94</sup>

82. The United Nations country team noted that a large-scale, community-based social mobilization programme to prevent violence against women was being implemented in South Tarawa in partnership between the United Nations and the Government.<sup>95</sup>

83. The United Nations country team recommended that Kiribati enact legislation covering all forms of violence against women (physical, sexual, trafficking, sexual harassment, stalking, psychological and economic).<sup>96</sup>

84. The United Nations country team commended the fact that the National Disaster Risk Management Office under the Office of the President had received technical support to fully integrate gender-based violence as key aspects of its strategic road map for emergency management.<sup>97</sup>

85. The United Nations country team noted that, although three women had been elected to the legislature in the 2015–2016 general elections and Parliament had appointed the country's first female Attorney General in 2016, the participation of women in public and political life remained low in Kiribati, largely due to traditional perceptions of women's role in society.<sup>98</sup>

86. The United Nations country team recommended that Kiribati design and implement effective programmes and policies aimed at enhancing the empowerment of women to assume leadership positions in local and national politics, and that it continue to implement policies and programmes aimed at improving women's participation in political life and in decision-making processes.<sup>99</sup>



87. The United Nations country team noted that, although they currently outnumbered boys in secondary and tertiary education, girls were still underrepresented at all levels of decision-making.<sup>100</sup>

88. The United Nations country team stated that although women had comprised more than 50 per cent of the workforce since 2007 only slightly more than a third of them were in paid employment.<sup>101</sup>

## 2. Children<sup>102</sup>

89. The United Nations country team stated that a national child protection working group led by the Ministry of Women, Youth, Sport and Social Affairs was being established to act as the national coordination body for ensuring the welfare and protection of children in Kiribati. Moreover, a multisectoral child protection referral protocol had been developed to guide service providers in their response to children who were at risk of or were victims of abuse, neglect and exploitation.<sup>103</sup>

90. The United Nations country team noted that the 2013 children, young people and family welfare system policy and the human resources strategy and costing implementation plan had been revised, leading to the allocation of additional human resources.<sup>104</sup>

91. The United Nations country team recommended that Kiribati implement the Children, Young People and Family Welfare Act (2013) and the revised children, young people and family welfare system policy and implementation plan; that it activate the national child protection working group; that it adopt the inter-agency child protection referral protocol and train service providers on it; and that it ensure that all social welfare officers receive training on case management.<sup>105</sup>

92. The United Nations country team noted that, although the minimum age for consensual sex was 15 years, the reasonable belief that a victim was 15 years old or older was a permissible defence for sexual relations with a girl who was 13 or 14 years old. Male-on-male sexual exploitation of children could be prosecuted under a provision against “unnatural” offences and acts of “gross indecency between males”.<sup>106</sup>

93. The United Nations country team reported that the Penal Code had no specific provision concerning child pornography and that although the Communications Act made it an offence to produce, distribute, transmit or possess child pornography, it only applied in connection to the use of a computer.<sup>107</sup>

94. The United Nations country team recommended that Kiribati revise its laws to ensure that all forms of sexual abuse and exploitation of children were penalized with sufficient penalties and afforded equal protection to boys and girls.<sup>108</sup>

95. The United Nations country team further recommended that Kiribati step up the implementation of existing legislation against the sexual exploitation of children and adolescents, including by raising public awareness on how to prevent and fight this unacceptable practice.<sup>109</sup>

96. The United Nations country team noted that corporal punishment remained a long-standing issue in Kiribati, with 81 per cent of adults admitting to using physical punishment against children, which continued to be legal at home, as well as in foster homes and children’s homes. Although the Penal Code criminalized assaulting and causing bodily harm and cruelty to children, it permitted parents and others with control over children to administer “reasonable punishment”.<sup>110</sup>

97. The United Nations country team reported that corporal punishment had been declared illegal in schools since 1997 and the penalty for the offence had been strengthened under the Education Act (2013). Moreover, the safe-schools policy developed in 2019 promoted a zero-tolerance approach to child abuse, neglect and exploitation.<sup>111</sup>

98. The United Nations country team recommended that Kiribati repeal the right to administer “reasonable punishment” and clearly prohibit corporal punishment in all settings, including the home and foster settings.<sup>112</sup>

99. The United Nations country team recommended that Kiribati adopt and implement the above-mentioned safe-schools policy to strengthen child protection in schools.<sup>113</sup>

100. The United Nations country team noted that, although the Juvenile Justice Act (2015) had been passed by Parliament, introducing important procedural protections for children in conflict with the law, a number of gaps remained, such as a low minimum age of criminal responsibility (10 years), a lack of provisions for pretrial diversion and restorative justice processes and a lack of provisions on supervision, rehabilitation and reintegration support for youth.<sup>114</sup>

101. The United Nations country team recommended that Kiribati amend the Juvenile Justice Act to fully reflect international juvenile justice standards and best practices. In particular, the Government should increase the minimum age of criminal responsibility, make provisions for pretrial diversion and informal restorative justice processes and include support for prevention, supervision, rehabilitation and reintegration services.<sup>115</sup>

102. The United Nations country team stated that birth registration rates had improved substantially since 2009, when Kiribati had one of the lowest birth registration rates in the Pacific, as a result of contributions to the decentralization of civil registration with new civil registration posts established in the maternity wards of two hospitals in 2017, the provision of computers and printers and the organization of training courses for personnel from the outer islands.<sup>116</sup>

103. The United Nations country team noted that challenges remained in accessing birth registration services due to geographic dispersion.<sup>117</sup>

104. The United Nations country team recommended that Kiribati ensure equal access for all children to free birth registration through legal and policy reforms, streamline the birth registration process and strengthen coordination across the civil registration, health and education sectors. It also recommended that Kiribati continue to improve and strengthen the birth registration process through the regular and timely monitoring of the process to allow for greater access in all areas, including remote and isolated communities.<sup>118</sup>

### **3. Persons with disabilities<sup>119</sup>**

105. The United Nations country team noted that people with disabilities had had very limited access to mainstream life in Kiribati, experiencing widespread misunderstanding and discrimination and many barriers to participating and accessing the opportunities enjoyed by their fellow citizens.<sup>120</sup>

106. The United Nations country team stated that, in September 2018, the Government had launched the Kiribati National Disability Policy and Action Plan 2018–2021, which provided a framework to guide the work of all those involved in implementing the Convention on the Rights of Persons with Disabilities.<sup>121</sup>

107. The United Nations country team recommended that the Government effectively implement the Kiribati National Disability Policy and Action Plan 2018–2021 and, in particular, that it design and implement specific psychosocial support programmes aimed at effectively addressing the accumulated experiences of discrimination and stigma faced by persons with disabilities, with a view to providing a space for expression, building self-confidence and empowerment.<sup>122</sup>

108. The United Nations country team recommended that Kiribati continue to take specific and targeted measures to combat discrimination against children with disabilities in accessing an inclusive education, particularly taking into consideration the reasonable accommodations provision set out in the Convention on the Rights of Persons with Disabilities.<sup>123</sup>

109. The United Nations country team recommended that Kiribati continue to improve its education system and ensure access to quality education for all, including children with disabilities.<sup>124</sup>

#### 4. Stateless persons

110. The United Nations country team reported that children born outside Kiribati to Kiribati women married to a non-national were discriminated against in national law and were unable to acquire Kiribati citizenship. Moreover, there were no safeguards in the national legal framework to protect children born outside Kiribati to Kiribati women from statelessness and to protect the right of such children to a nationality (see the Convention on the Rights of the Child, art. 7).<sup>125</sup>

111. The United Nations country team recommended that the Government ensure that safeguards were in place to protect children born outside Kiribati to Kiribati women from statelessness.<sup>126</sup>

#### Notes

<sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Kiribati will be available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/KIIndex.aspx>.

<sup>2</sup> 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.

<sup>3</sup> United Nations country team submission, para. 1.

<sup>4</sup> Ibid., para. 3.

<sup>5</sup> Ibid., p. 1.

<sup>6</sup> Ibid., p. 1.

<sup>7</sup> Ibid., para. 5.

<sup>8</sup> Ibid., para. 6.

<sup>9</sup> Ibid., p. 2.

<sup>10</sup> Ibid., p. 7.

<sup>11</sup> Ibid., p. 2.

<sup>12</sup> Ibid., para. 8.

<sup>13</sup> Ibid., p. 2.

<sup>14</sup> Ibid., para. 47.

<sup>15</sup> UNESCO submission, para. 10.

<sup>16</sup> 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.

<sup>17</sup> United Nations country team submission, para. 9.

<sup>18</sup> Ibid., para. 67.

<sup>19</sup> Ibid., para. 68.

<sup>20</sup> Ibid., p. 17.

<sup>21</sup> Ibid., p. 2.

<sup>22</sup> Ibid., para. 15.

<sup>23</sup> For the relevant recommendations, see A/HRC/29/5, paras. 84.53–84.55, 84.97 and 84.107.

<sup>24</sup> Ibid., para. 12.

<sup>25</sup> Ibid., p. 7.

<sup>26</sup> Ibid., para. 65.

<sup>27</sup> Ibid., p. 16.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., para. 23.

<sup>31</sup> Ibid., para. 24.

<sup>32</sup> Ibid., para. 25.

<sup>33</sup> Ibid., para. 26.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., para. 27.

<sup>36</sup> Ibid., para. 27.

<sup>37</sup> Ibid., para. 30.

<sup>38</sup> Ibid., para. 32.

<sup>39</sup> Ibid., para. 33.

<sup>40</sup> Ibid., p. 9.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., para. 45.

- <sup>45</sup> For relevant recommendations, see A/HRC/29/5, paras. 84.50–84.52, 84.56–84.57, 84.69 and 84.72–84.73.
- <sup>46</sup> United Nations country team submission, para. 44.
- <sup>47</sup> For relevant recommendations, see A/HRC/29/5, para. 84.81.
- <sup>48</sup> UNESCO submission, para. 3.
- <sup>49</sup> Ibid., para. 4.
- <sup>50</sup> Ibid., para. 7.
- <sup>51</sup> Ibid., para. 12.
- <sup>52</sup> Ibid., para. 5.
- <sup>53</sup> Ibid., para. 13.
- <sup>54</sup> Ibid., para. 6.
- <sup>55</sup> Ibid., para. 11.
- <sup>56</sup> For relevant recommendations, see A/HRC/29/5, paras. 84.74–84.75.
- <sup>57</sup> United Nations country team submission, para. 40.
- <sup>58</sup> Ibid., para. 17.
- <sup>59</sup> See [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_670146.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_670146.pdf).
- <sup>60</sup> See [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3962616:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3962616:NO).
- <sup>61</sup> For relevant recommendations, see A/HRC/29/5, paras. 84.82–84.88 and 84.91.
- <sup>62</sup> United Nations country team submission, para. 48.
- <sup>63</sup> Ibid., para. 49.
- <sup>64</sup> Ibid.
- <sup>65</sup> Ibid., para. 51.
- <sup>66</sup> Ibid., p. 10.
- <sup>67</sup> For relevant recommendations, see A/HRC/29/5, paras. 84.89–84.90 and 84.92–84.94.
- <sup>68</sup> United Nations country team submission, para. 25.
- <sup>69</sup> Ibid., para. 52.
- <sup>70</sup> Ibid., para. 53.
- <sup>71</sup> Ibid.
- <sup>72</sup> Ibid., para. 54.
- <sup>73</sup> Ibid., para. 14.
- <sup>74</sup> Ibid., para. 65.
- <sup>75</sup> Ibid., para. 56.
- <sup>76</sup> Ibid., p. 14.
- <sup>77</sup> Ibid.
- <sup>78</sup> For relevant recommendations, see A/HRC/29/5, paras. 84.95–84.96 and 84.98–84.103.
- <sup>79</sup> United Nations country team submission, para. 58.
- <sup>80</sup> Ibid., para. 58.
- <sup>81</sup> Ibid., para. 59.
- <sup>82</sup> UNESCO submission, page 4.
- <sup>83</sup> Ibid., para. 10.
- <sup>84</sup> United Nations country team submission, para. 61.
- <sup>85</sup> Ibid., p. 15.
- <sup>86</sup> Ibid.
- <sup>87</sup> Ibid.
- <sup>88</sup> 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.
- <sup>89</sup> United Nations country team submission, para. 37.
- <sup>90</sup> Ibid., p. 7.
- <sup>91</sup> Ibid., para. 16.
- <sup>92</sup> Ibid., p. 7.
- <sup>93</sup> Ibid., para. 18.
- <sup>94</sup> Ibid., para. 19.
- <sup>95</sup> Ibid., para. 22.
- <sup>96</sup> Ibid., p. 7.
- <sup>97</sup> Ibid., para. 28.
- <sup>98</sup> Ibid., para. 35.
- <sup>99</sup> Ibid., p. 7.
- <sup>100</sup> Ibid., para. 36.
- <sup>101</sup> Ibid., para. 36.
- <sup>102</sup> For relevant recommendations, see A/HRC/29/5, para. 84.77.
- <sup>103</sup> United Nations country team submission, para. 21.

- <sup>104</sup> Ibid., para. 21.  
<sup>105</sup> Ibid., p. 4.  
<sup>106</sup> Ibid., para. 38.  
<sup>107</sup> Ibid.  
<sup>108</sup> Ibid., p. 11.  
<sup>109</sup> Ibid.  
<sup>110</sup> Ibid., para. 39.  
<sup>111</sup> Ibid.  
<sup>112</sup> Ibid., p. 11.  
<sup>113</sup> Ibid.  
<sup>114</sup> Ibid., para. 41.  
<sup>115</sup> Ibid., p. 11.  
<sup>116</sup> Ibid., para. 42.  
<sup>117</sup> Ibid.  
<sup>118</sup> Ibid., p. 11.  
<sup>119</sup> For relevant recommendations, see A/HRC/29/5, paras. 84.42–84.43 and 84.104–84.106.  
<sup>120</sup> United Nations country team submission, para. 62.  
<sup>121</sup> Ibid., para. 63.  
<sup>122</sup> Ibid., p. 15.  
<sup>123</sup> Ibid., p. 14.  
<sup>124</sup> Ibid.  
<sup>125</sup> Ibid., para. 43.  
<sup>126</sup> Ibid., p. 9.
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