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Kiribati

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I. Methodology and consultation

1. The Universal Periodic Review (UPR) is a new UN mechanism designed to monitor human rights situations on the ground in each Member State. In 2007, the Human Rights Council of the United Nations (HRC), selected Kiribati to present its UPR state report in May, 2010.
2. A three member technical advisory team from the Secretariat of the Pacific Community's Regional Rights Resource Team (RRRT) and the OHCHR regional office in Fiji conducted training on the UPR process in Kiribati between 17th and 23rd September, 2009. In conjunction with the Ministry of Internal and Social Affairs (MISA), after consulting Cabinet, a first consultative meeting involving all stakeholders, from Government, NGOs and civil society was called. The stakeholder representatives inclusive of the government representatives constituted the UPR National Working Group (NWG).
3. In the course of the September 2009 training workshop the NWG was divided into two groupings, one responsible for the NGO reports, the other for this state report. An internal Task Force, within MISA, was charged with the responsibility of initiating and coordinating consultations and drafting the state report. Consultation took place within severe capacity constraints. Briefings and preparatory work were undertaken with government ministries and agencies, including the Kiribati Judiciary, Police and Prison Services. The Deputy Secretary headed the 'drafting-team'.

II. Background information on Kiribati and frameworks

A. Overview

4. Before independence in 1979, the Republic of Kiribati (Kiribati), formerly known as the Gilbert Islands, was a protectorate administered by Britain between 1892 and 1916. From 1916 to 1979, it was part of Britain's Gilbert and Ellice Islands colony before being granted independence on 12 July 1979. Kiribati lies astride the equator in the central Pacific and consists of 33 coral atolls, including Kiritimati (Christmas) which is the largest atoll in the world (388.4 square kilometres). Her atolls lie scattered across more than 3 million square kilometres of ocean, roughly the same size as the total land area of all the countries in the European Union. The total land area is a mere 810.5 square kilometres, but taking into account the 320 kilometres (200 miles) exclusive economic zone (EEZ), the combined surface area stands in excess of 3 million sq. km. There are more than 4,000 square kilometres of ocean for every square kilometer of land. The capital, Tarawa, is more than 3,000 kilometres from Kiribati citizens who live in the northern Line Islands. The geographical spread of the islands poses significant development constraints and challenges in particular in the delivery of services to over 92,000 people spread over such a huge portion of the planet.

B. System of Government

5. The Republic of Kiribati is a constitutional democracy. It has a unicameral Parliament, or 'Auti ni Maungatabu'. It is based on a fusion of the Westminster and Presidential model. It has 44 members elected every four years from 23 constituencies. Presidential candidates are nominated in a secret ballot from amongst elected members of Parliament. These Presidential candidates then compete in a national presidential election. The President is both the Head of Government and Head of State.

C. Constitution and Legal System

6. The Constitution is the supreme law of the country providing the guiding framework by which Kiribati is governed. It provides for the establishment of the three arms of government, that is, the Legislature, Judiciary and the Executive.

7. The Constitution makes provision for the Court of Appeal and the High Court and gives power to the High Court to supervise subordinate courts. Subordinate courts are the Magistrate Courts; created by the Magistrates Courts Ordinance. The High Court has unlimited jurisdiction including jurisdiction to interpret and determine questions arising under the Constitution while the subordinate courts have limited jurisdiction as set out in the Magistrates Courts Ordinance. The court system is based on English Common Law.

D. Language

8. There are two official languages-Kiribati and English.

E. Population

9. The 2005 census recorded a total population of 92,533. This compares to 84,494 persons in 2000 and represents an increase of 9.5 per cent or 8,039 persons. The increase in population represents an average annual rate of growth of 1.8 per cent. However, an increase of the population in North Tarawa was most noticeable. Several outer islands experienced negative growth. In terms of numbers, the largest increase was on South Tarawa with an increase of 3,594 people. South Tarawa's residents totalling 40,311 represents 44 per cent of the total Kiribati population.

10. The national average population density was 127 persons per square kilometre. This varies widely from island to island. While Kiritimati has only 13 persons per square km, South Tarawa has 2,558 persons per square km. Betio islet, on South Tarawa; with a total land area of only 1.7 square kilometres has a population density of over 7,000 persons per square kilometre – greater than that of either Singapore or Hong Kong.

F. Basic Needs Poverty Line (BNPL)

11. Based on past Household Income and Expenditure Surveys (HIES) and the 2001 SAPHE community survey, Kiribati has the highest proportion (50 per cent) of households with Per Capita Incomes below the national Basic Needs Poverty Line. This value if converted by UNDP's standard per capita income level poverty line of US\$1 per day in 1993 PPP terms, and factoring in values for consumption of own-production, the proportion of households living below the BNPL was lower, that is, 38 per cent of households below the national poverty line (ADB, 2002).

G. Human Development Index (HDI)

12. The Pacific Human Development Report (PHDR) 1999 ranks Kiribati 9th i.e. down from 8th in 1994, amongst the Pacific Development Member Country (PDMC) of the ADB with an HDI of 0.515. This was calculated from a composite measure of life expectancy at birth of 61.6 years, an adult literacy rate of 92 per cent, Gross enrolment ratio of 68 per cent and a real GDP per capita of US\$702.

H. Human Poverty Index (HPI)

13. The PHDR also reported a HPI of 12.7. Kiribati ranks 7th in terms of poverty among the 12 PDMC, indicating that; 16 per cent of the population will not live to the age of 40 years, 8 per cent of the adult population are illiterate, 13 per cent of children under 5 years are underweight and 24 per cent of the population are without access to safe water.

I. Gross domestic product (GDP)

14. The government's latest Gross Domestic Product (GDP) assessment estimates the Kiribati economy showed steady, if unspectacular, growth averaging 3.4 per cent per annum, in the decade to 2000, giving an increase in real per capita GDP of about 1.6 per cent per annum. Over the period since then, from 2000 to 2008, growth slowed however to an average of only about 1.5 per cent per annum, meaning that GDP per capita was declining slowly in real terms. The public sector continues to dominate the domestic economy providing almost two thirds of all paid employment and close to half the monetary GDP.

J. Legislative and policy measures

15. The protection of fundamental rights and freedoms under the Constitution is, like most countries in the world, subject to certain qualifications and limitations. However any actions taken by the government or any law or act under the law which restricts the rights and freedoms otherwise protected by the constitution must be within the confines of actions which are reasonable and justifiable within a democratic society.

16. The High Court has jurisdiction to determine questions arising under the Bill of Rights, and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of rights protected by law. The criminal law provides a legislative framework for the constitutional right to due process and a fair trial. There is a public defender system, through the office of The Peoples lawyer, to ensure an equality of arms in advocacy. The rule of law is highly respected by all i-Kiribati and the judiciary independent.

17. Kiribati's customary laws are also afforded recognition within the Kiribati legal framework. Certain aspects of customary law operate to protect human rights principles. For example, customary land law operates to ensure no family member will suffer aspects of law which would today be seen as a violation of human rights principles. Written law prevails and the High Court has ruled over the application of customary law. Many incidents of village rule which 'forced' individual family's removal on outer islands have been declared unlawful by the High Court, illustrating the paramouncy of the law, over custom. However, custom is absolutely necessary in certain areas. For instance custom allows for larger shares of land to be given to male inheritance to safeguard family lands.

18. There is a specific National Strategic Plan for responding to STI/HIV/AIDS (2001-2005) policy currently in practice and the Government is currently working with the National Development Plan 2008-2011.

K. International commitments to human rights

19. Kiribati adheres to the United Nations Charter and the Universal Declaration on Human Rights. It has therefore ratified two international human rights treaties: The Convention on the Elimination of all forms of Discrimination against Women (CEDAW),

was ratified in April 2004. The Convention on the Rights of the Child (CRC), was ratified in December 1995 with reservations to Article 24 b, c, d, e and f clauses.

20. As with most Pacific Island states, Kiribati has not ratified most of the international conventions. The only two that have been ratified i.e. CRC and CEDAW have yet to be fully incorporated into Kiribati legislation. Full implementation is an ongoing and progressive process, delayed principally by resource and capacity constraints, amongst other factors. However, efforts are in progress to align national laws with CRC and CEDAW. For example, a Child Protection Legislative Reform project with UNICEF is currently in train overseen by the Attorney-General's Office while another project operating under the title "Changing Laws: Protecting Women and Family which is a collaboration between MISA and SPC /RRRT has amongst it's key objectives, legislative reform to facilitate CEDAW compliance.

21. There is no human rights institution in Kiribati and there is a hope that the international community will consider providing technical and financial assistance to establish one in the future. Preferably a Human Rights Commission within the region, will be a step in the right direction. In addition, the government of Kiribati is supportive of the proposal currently being looked into by the Pacific Islands Forum Secretariat to establish a regional human rights mechanism.

22. Kiribati became a member of the Commonwealth in 1979, immediately following its joining the United Nations as the 139th member. Kiribati is also a founding member of the Pacific Islands Forum and a member of several regional organizations such as the Secretariat of the Pacific Community (SPC), Secretariat of the Pacific Regional Environmental Programme (SPREP), and Secretariat of the Pacific Geosciences Commission (SOPAC).

III. Promotion and protection of human rights

A. The Constitution

23. The Constitution is the supreme law of Kiribati. It contains a combination of enforceable rights and general principles. The Bill of Rights which is modeled on the Universal Declaration of Human Rights (UDHR) guarantees protection of certain fundamental rights and freedoms and provides the legal framework for the establishment of public officers, the judiciary, citizenship, suffrage and finance. Kiribati is committed to the principles of human rights. The 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, color, 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. Government has tried to amend the Constitution but was rejected by Parliament i.e. it did not obtain the 2/3 majority required by law.

24. In addition there are also examples of domestic legislation that support a wider range of human rights correlated to due process. For example, the Criminal Procedure Code sets out various protections against arbitrary arrest and intrusion into ones private home.

25. Any violation of a human right provided for in the law can be addressed in the courts.

B. The judiciary and fair trial rights

26. Kiribati is committed to the rule of law and administration of justice. The Constitution protects the right to a fair trial. The law applies to all people without exception. Trials are public. Defendants are presumed innocent, have the right to be present at their trials, may question witnesses against them, have access to an interpreter and to consult with a lawyer in a timely manner. Lawyers have free access to defendants. There are rights of appeal. The Constitution guarantees a fair hearing within a reasonable time.

27. The Kiribati government respects the independence of the judiciary and their decisions. The Constitution recognizes the independence and impartiality of the courts or other adjudicating authority prescribed by law. The High Court has jurisdiction *inter alia* to determine questions arising under the Bill of Rights and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of rights protected by law. Kiribati **Judges** have demonstrated a willingness to incorporate international human rights standards and norms into decision making.

28. The High Court holds periodic hearings in the outer islands although most cases from these islands are also heard in the permanent court complex on South Tarawa. The Court of Appeal conducts its hearings once a year and all appeal cases are heard during this session. There is one Magistrates Court for each of the 23 main islands.

29. Free legal advice is available to the people through the office of the People's lawyer. This office is state funded and services extend to appeal cases from the outer islands promoting a greater access to justice. There is also an increasing number of privately-owned legal firms mainly on South Tarawa. The Government continues to invest in good quality legal education by providing scholarships to meet its objective of increasing the availability of lawyers to the public.

30. A separate Juvenile Court facility is incorporated within the judicial system. This is targeted at affording separate and specialized treatment for juvenile offenders outside of the mainstream courts. There is also in place a non legislative Court Diversion scheme to provide for community based rather than formal criminal sanction against first offenders. Workshops and training of Magistrates and police officers on juvenile justice is a government priority. These programmes reflect the Government's wider commitment to ensure the constitutional rights for a fair trial are meaningful and further confirm the Government's commitment to human rights and social justice values.

C. Voluntary commitments

1. Free health service

31. The Government provides free access to health and medical services. To alleviate capacity constraints and improve services available, the government facilitates partnerships with both Taiwan and Australia for specialized medical teams to visit and provide specialized medical services. There is a team of Cuban doctors permanently based in Tarawa. The Government also continues to approve increased scholarship allocations for medical and nursing training overseas, mainly in Australia and Cuba.

2. Compulsory and free education

32. The Government provides compulsory and free primary schools. There needs to be a system of checks to ensure that all children are allowed to go to school. Legislation provides that parents can be taken to court and charged if proved that they purposely hold their children from school. Due to financial constraints, some families may prefer boys go to school whilst girls are 'educated' at home. This practice is fast becoming extinct and education statistics have shown higher number of girls obtaining scholarships in past years. Primary, Secondary, Junior Secondary Schools (JSS) and Tertiary Institutions are highly subsidized by Government through provision of Teacher salaries, free equipment and other teaching materials.

D. Public awareness of human rights

33. 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 who focus also on human rights education and advocacy including AMAK, KWAN, RAK, Te-Itoiningaina and several other registered with Kiribati Association Of Non Government Organizations (KANGO). Each of these organizations has its own public education and community awareness raising programmes. The Government on its part is committed to working in partnership with these organizations to enhance the respect and enjoyment of all the basic human rights and fundamental freedoms by all I-Kiribati. MISA, in particular spearheads the Governments partnerships with NGO's and civil society groups in fostering public awareness activities around human rights. MISA was committed to and took an active part alongside women's groups in the recent White Ribbon day campaign. 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. Governments continuing support for human rights awareness and issues is also evident by the recent support and partnership provided to Gender based violence projects. The Secretariat of the Pacific Community's funded the Kiribati Family & Safety Study. UNICEF financed the Child Protection Baseline Study. Each of these projects are still in their infancy stages. The results will be launched shortly.

IV. Identification of challenges achievements and constraints

A. Challenges

1. Effect of climate change

34. The effects of climate change represent the singular most important challenge for Kiribati. Much is at stake, including the very existence of Kiribati for her future generations.

35. Climate change and rising sea-levels pose a frightening danger for island ecosystems like Kiribati more so threatening the basic survival habitat for her people i.e. the land and surrounding sea. Water supply shortages and the salination of limited fresh water reserves will endanger the very existence of life on the atolls and its people. Coastal erosion and sea level rise are not dangers that are only talked of as a future risk – these phenomena are already a fact of life in Kiribati. As with other small island states in the Pacific, like neighboring Tuvalu, who have not contributed to the disastrous consequences of global warming and climate change, the impacts of climate change and sea level rise are considered as illegal acts against the inhabitants of such islands. The shortage of arable land and land generally for occupation pose existing development challenges. Coupled with the

very real and present consequences of climate change and sea level rise, this development challenge is the most important priority of the state.

2. Women

36. Historically and traditionally, Kiribati society is essentially patrilineal. Gender roles are still quite strictly defined and is often cited as a factor justifying negative notions in the treatment of women. Notwithstanding that in recent years, awareness of women's human rights issues, in particular the issue of violence against women has gained increasing momentum in both public and private realms, sensitivity around the issue is still a predominant factor which stifles open and frank discussion. The protection of women has been placed on the political agenda. Extensive work is still needed to guarantee adequate legal and judicial frameworks to facilitate this protection.

37. Kiribati ratified CEDAW in April 2004. Kiribati's initial CEDAW report has been compiled, in draft form awaiting Government endorsement before its submission in the course of this year. Capacity constraint is one of the main reasons for the delay in complying with the states reporting obligations. The compilation of the CEDAW report was facilitated by funding from UNIFEM and technical assistance from RRRT. Without such intervention, reporting obligations would be extremely difficult to fulfill. The government acknowledges that there are a number of areas in Kiribati domestic laws that are not in compliance with CEDAW.

38. As disclosed earlier in this report, the Bill of Rights provision on discrimination does not prohibit discrimination on the basis of gender or sex. A consequent of this is that discrimination against women in Kiribati is lawful. Women's human rights are not adequately protected by Kiribati domestic law. Family law including marriage, divorce and child custody laws, criminal law (specifically dealing with sexual offences and the promotion of reconciliation), land laws, citizenship laws retain elements of discrimination against women. The Government of Kiribati has placed certain of these issues on the political agenda. It recognises that a collective effort between Government and all stakeholders is required to effectively address the pertinent issues. It is examining areas that require amendment in order for Kiribati to be in compliance with its obligations under CEDAW.

3. Education

39. The decline in the standards of quality education is visible especially in the standard of written and spoken English; the key prerequisite for University entrance. Lack of training and up-skilling for teachers exists, primarily due to lack of finance and resource persons. There is a definite need for revision of the school curriculum, a need for a decentralized education system and an acute need to upgrade school facilities for schools. All these requirements translate into more funding needed in this area. Government is moving to create employment opportunities such as vocational schools, alternative employment opportunities i.e. gardening, mechanic schools etc.

4. Kiribati police services and prison

40. Under-resourced and under-staffed are the two key impediments to progressive development of these two institutions. KPSP requires more specialist training for police and prison officers. Implementation of the new Police Act 2008 is a priority for KPSP. However, lack of resources, man power, infrastructure and equipment persists, due to lack of domestic and donor funding. It is generally accepted that police and prison officers are amongst the lowest paid in the civil service and this often impacts negatively on services and induces low morale. The Government acknowledges the need for more women officers and is looking into recruitment of more women police officers to bolster the ranks and

provide a more effective service in those areas where female officers would be more effective. The lack of proper facilities for juvenile as well as women detainees means that juveniles, women and men often share the same cells. Resource constraints is the main obstacle to rectifying these often stark illustrations of just how far Kiribati has to go to catch up with development, even when compared to our Pacific island neighbours.

5. Health

41. The Government acknowledges that Kiribati needs to bolster its pool of professional medical personnel including doctors and nurses. Proper medical facilities and maternal health facilities will have to be improved and maintained at reasonable and affordable standards. Delivery of services to the islands is a constant and monumental challenge. Again considerable resource and capacity constraints remain the biggest hurdle in achieving Governments vision regarding affordable health and medical services for all Kiribati people.

6. Convention on the Rights of the Child (CRC) implementation

42. The Government 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. Infrastructural development (juvenile detention facilities, schools, medical services etc) are urgently required for full implantation of the CRC. Again, resource and capacity constraints pose significant hurdles to overcome. The Child Protection Legislative reform commenced in January 2010.

7. Employment issues

43. The Ministry of Labor and Human Resources Development (MLHRD), suffers an acute lack of capacity for the implementation of International Labor Organization (ILO) ratified conventions. MLHRD also suffers from lack of financial and technical assistance to implement arbitration and mediation programmes etc.

8. Development challenges

- Lack of financial and technical resources
- Human resource issues
- Limited natural resources base for development.
- Remoteness of islands – hinders delivery of services
- Access to international markets is limited and expensive
- Limited business and diplomatic relations in country
- Land development constraints by size, social issues and culture
- Severe shortages of proper medicines
- Shortages of qualified and specialized medical professionals – doctors and nurses
- High cost of living caused by high fuel costs, food, limited market base etc
- Limited scope to develop employment options

B. Constraints

Access to justice

44. The main limitation facing access to justice in Kiribati is the lack of human resources and institutional capacity. Although Government support has made available free legal services via the office of the Peoples lawyer, the office is terribly under-staffed and under-funded. Another key concern for Government are the linkages between peoples access to justice and the need for qualified and suitably trained Magistrates, especially on outer remote islands. The vast majority of magistrates in Kiribati are lay Magistrate i.e. they have not had the benefit of legal training. Their capacity to deal with complex cases is an issue that the Government is keen to address.

45. While the Government also acknowledges the urgent need for legislative reform in many areas, the main obstacle in addressing this is lack of technical capacity. There is an apparent list of issues such as a mobile people's lawyer, infrastructural development, capacity building of lay magistrates and technical assistances.

C. Achievements

1. Effects of Climate Change

46. The Environment (Amendment) Act 2007 (the Act) was designed to address some of the immediate and other long-term consequences of climate change and environmental degradation. The Act is administered by the Ministry of Environment, Lands and Agricultural Development (MELAD), which also oversees National Public Awareness and NGO programmes on the issue of climate change. The enactment, implementation and enforcement of the Act has hastened efforts in protecting the environment from impacts of development and other polluting activities. The Kiribati government has recently initiated activities targeted at addressing with urgency environmental degradation. In partnership with the European Union which provided full funding, an offshore mining initiative is underway which is aimed at relieving pressure on coastal resources and to enhance coastal stability, which was being over-exploited for construction activities. Waste recycling for cash of non-biodegradable materials especially aluminum cans, bottles, and brass has had the effect of decreasing the waste stream, notwithstanding the very short time that the Act has been in operation. Control on erecting and designing of sea walls and replanting of mangroves are parts of mitigation efforts underway to counter against erosion of coastlines. Monitoring of Sea – Level rise is well underway in partnership with bilateral donors and regional organizations. Kiribati has approved the establishment of its first Protected Area (PA); the Phoenix Islands PA but is yet to enact relevant regulations on protected species. This is in the pipeline and will be complimented with identification of reef plots which will become 'protected' as well. An Environment Act enforcement patrol on South Tarawa and Betio is gradually picking up momentum for improved law enforcement.

47. Additional and available documentations on Environmental protection including the annual Ministerial Operational Plans are available on the website (www.environment@gov.ki).

2. Children

48. A report on Kiribati Family and Support Study is being finalized (December 2009) and will include results of the WHO/VAW survey which includes statistics on the incidence of violence. The project is also a situational analysis of child abuse cases. The Kiribati National Advisory Council for Children is presently looking at the implementation of the CRC concluding comments. UNICEF has been instrumental in the signing of another MOU

between MISA and MOH guaranteeing registration of all new births. Recently an agreement between Government and UNICEF has been concluded. The project will look into reform of all legislation concerning children. The project is already underway and personnel from the A-G's office are working with Australian consultants on the project.

3. Women

49. In 2008 an extensive nationwide study on violence against women in families was initiated and carried out by Government, Kiribati Family Health and Support: A Study on Violence Against Women. Government instigated the study because of concerns of increasing reported cases of violence against women and wanted a situational analysis of the extent of the problem. A stakeholder committee comprising NGO's, AMAK and its affiliates and church groups also facilitated the survey. H.E. President Tong launched the initial findings of the study. The initial results revealed very high levels of incidences of various forms of violence against women in Kiribati. Women MPs, currently three (3) includes the Vice President. The dissemination of the findings process is now well advanced. Information on VAW has been made available to various islands and communities with some making commitments and decisions on interventions proposed. MISA, Police, AG together with NGO's are currently working together as a dissemination team. Government departments are collaborating and working together with NGO's to address this issue. Communities' readily established structures, such as the Old Men's Association are included in addressing the issue of VAW. Government continues to work with regional and international partners to address the issue of VAW and MISA have created and recruited a position in partnership with SPC/RRRT looking at legislative reform on VAW.

50. The Constitution does not entrench protection against discrimination on the basis of sex and gender. Amendments to the Constitution for instance Chapter II, which refers to the 'Rights and Freedoms' will require two (2) stages to complete. It requires two-thirds (2/3) referendum of all registered voters to support the proposed amendment. Then it also requires another 2/3 majority in Parliament.

51. Whilst Government acknowledges that much is still required to harmonize domestic laws to facilitate CEDAW compliance, measures have been taken to commence the process. Reference is made to the nationwide survey which provides the base line to implement progressive reform, be it in the form of legislation, policies and programmes. In 2003 amendments to the Evidence Act (No.5 of 2003) saw the removal the corroboration rule in the prosecution of sexual offences. The amendment also legislated against the admission of prior sexual conduct in most circumstances unless relevant to the credibility of the victims evidence. The courts have also taken steps to address domestic violence, for example in *Toakarawa v The Public* [2006] KICA 9; the court reiterated that cases of domestic violence "were to be treated as serious matters of public concern". The first State CEDAW report will be submitted in the course of this year. The Government has committed itself to advancing the status of women in the Kiribati Development Plan: 2008–2011 by committing itself to advance the following:

- Increase and promote the importance of the contribution of women to socio-economic development;
- Increase public awareness on gender-related issues;
- Increase support to services addressing gender-related issues.

4. Draft National Action Plan (NAP) to eliminate gender based violence in Kiribati

52. The National Action Plan was the result of the study findings on VAW in Kiribati in 2008. The plan was immediately decided after the announcement of the findings. It was the

first NAP ever created on Gender based violence in Kiribati. The implementation period is from 2010 to 2020. The core recommendations are the legislative review, drafting the new legislation on VAW (e.g Family Law Act) and capacity training of police officers, social welfare staff and social services' officers.

5. Freedom of Expression

53. Freedom of Expression is a constitutional right. People in general are free to voice their opinions about any issue which concerns their wellbeing. Information, news, stories, documentaries and chat-windows is widely accessible over the internet. Local newspapers are run weekly by the dominant Churches, e.g. KPC's Te Mauri, government-owned BPA (Broadcasting & Publications Authority), also run Radio Kiribati; an FM/AM frequency radio station and Te Uekera newspaper. These state-owned enterprises are sometimes accused by opposition parliamentarians to be 'government-friendly'. However, a private business operates New Air FM a very popular FM station amongst the youth and a bi-weekly newspaper; New Star which tops the circulation throughout the islands.

6. Improvements in health service

54. Government continues to approve increased scholarships for students to medical and nursing training overseas mainly Cuba and Australia respectively. More doctors are sourced from overseas each year. At the same time, partnerships with Taiwan and Australia have resulted in increased visits from specialized medical teams from these countries. Cuban doctors are permanently based in Tarawa. The EU has just completed a project to improve medical facilities including health centers on all outer islands in the Kiribati group. The Ministry of Health and Medical Services (MHMS) Strategic Plan 2008-2011 clearly outlined the strategic objectives of the Ministry. Other referenced documentations include a Draft Policy Paper on Child Survival, a Draft Reproductive Health policy and a Draft Public Health policy.

7. Youth development programmes

55. A national Youth policy is in draft and will be completed this year. The intention is to finalize it in 2009 to cover period of 2010-2014. This will be the first time for such to direct youth activities in the country. There is an increased acceptance of youth in decision-making bodies. This has made possible the increased involvement and participation of youth representatives in developing UN action plan (UN). Youth are actively involved in collaboration and partnership programmes for youths both nationally and at the regional level. At the Ministerial level, the Strategic Plan for MISA looks at Youth Issues together with a situational Analysis of Women, Youth and children. Most of these development programmes lack financial support.

8. Police Diversion Scheme and Community Policing

56. Kiribati Police Services (KPS) established a special unit that looks after issues around domestic violence and related issues on community policing which comply with professional standards. The current Kiribati Police and Prisons Strategic Plan 2008-2011 is based the Police Act 2008 on recognized Internal Police Professional Standards Policy. Diversion Policy looks at rehabilitation for young offenders and formalized all related enforcement activities. The Policy Statement on partnership with NZ Police – PPDLP and Pacific Regional Policing initiative (PRPI) is an outstanding example of police partnerships between different nations. As part of the Regional Assistance Mission to the Solomon Islands (RAMSI) the KPS contributed personnel. KPS created the FASO unit that looks specifically at DV, VAW and children's issues including having separate Register for these cases. PPDLP also conducts training for Police sensitization into VAW cases.

Implementation of the Police Code of Ethics 2004 and the implementation of No-Drop Policy are new initiatives also gaining widespread acceptance.

9. Creation of Juvenile Justice Court, and Court Diversion scheme

57. A separate Juvenile Court facility is available in the Kiribati justice system. This allows for separate treatment for juvenile offenders. Workshops and training for Magistrates and police on juvenile justice is a priority. Educational reform around juvenile justice is supported by UNICEF which has also initiated a Joint Study on Child Abuse in 2008.

10. Development of disability policy by government

58. Kiribati is finalizing its National Policy attached to an Action Plan on Disability which will run for the periods 2010–2013. Work was completed last August, 2009 and the document will be published early this year. The same policy has been developed in response to the growing need to address disability issues in the wider community. It will also attempt to meet Government's commitments to international and regional undertakings in respect to the Biwako Millennium Framework for Action towards an Inclusive, Barrier-free, Rights-based society for persons with disabilities in Asia and the Pacific (BMF).

11. Education reform

59. A review of the current curriculum and upgrading (LLEP) of Kiribati Teachers Colleges (KTC) has been completed by the Ministry of Education (ME) with donor financing. Government subsidizes education costs include transportation costs for students. Education Sector Strategic Plan (ESSP) was launched in 2008. It addresses the decline in standards of quality education. Consultation aimed at improving teaching standards system as well as appraisals systems have been completed. A draft of the results is with Government and it is anticipated to propose measures to address Quality Education Standard.

60. Government has approved annual increases to government scholarship opportunities to students. This can be visualized in increased budgetary allocation to education. MISA maintains and implements a Social Welfare School fees scheme, where under-privileged children, specifically orphans and/or handicapped parents are assisted with their schooling fees. The Education Policy Guideline of the Scholarship Board provides coverage on governance themes regarding scholarship schemes noticeably addressing the basic Right to Education,

61. Several documentations passed looks at the Policy Statement for Early Childhood Education including Primary to Secondary Education. Important documents include the Education Statistics 2006-2008 – Ministry of Education Digest of Education statistics, the Kiribati ESSP – Education Sector Strategic Plan: i.e. Kiribati National Education Summit Outcome and Teaching Service Standards. An Appraisals System Consultation took place in May 2009 that follows up the ESSP and funded by AusAid and NZAid

12. Development of agricultural/livestock base in partnership with Taiwan

62. Through a partnership arrangement with Taiwan (ROC), a bilateral agreement was signed which established the Taiwan Technical Mission (TTM). This agreement covers transfer of development experience and expertise, and promotion of Agricultural technical Cooperation. The agreement is reviewed every four (4) years.

63. With the existing arrangements, the Agriculture and Livestock Division (ALD) has been able to concentrate on mass production of planting materials of root crops and fruit trees for distribution, while the TTM compliments their work by providing home gardening

to families focusing on vegetables, seeds distribution and appropriate trainings to farmers in collaboration with ALD.

64. In the area of livestock, TTM has a similar programme to ALD whereby farmers are encouraged to do more than just subsistence agriculture but to slowly move into agribusiness. Farmers are provided with piglets to raise for a certain period of time at which they are tested if their knowledge is sufficient to do business in this area. Those that succeed in tending animals to the expected live weights are given piglets free. Poultry farming is developing slowly and most farmers are egg producers.

13. Government policy on HIV/AIDS

65. Kiribati has in place an STI and an HIV/AIDS Strategic Plan 2005 (NSP 2005). It is guided by rights-based principles for all carriers of HIV/AIDS. NSP 2005 has been reviewed the final draft is in circulation for comments by local and regional stakeholders.

66. Kiribati firmly believes that all persons, regardless of age, gender, status, with or without HIV or AIDS have the right to live peacefully, protected by non-discriminative values. Legislation and policies are being designed to support the NSP and other relevant conventions such as CEDAW and CRC. In the longer term these shall eliminate stigmatisation and labelling, or discrimination towards a person living with HIV or AIDS.

14. Access to justice

67. Free legal advice is available to the people through the office and services of the People's lawyers. The peoples' lawyer also extends its services to appeal cases from the outer islands, allowing a greater access to justice. There is also an increasing number of privately-owned legal firms mainly in South Tarawa. Government continues to invest on good quality legal education with the purposes of increasing the availability of lawyers to the public.

68. The High Court holds periodic hearings in the outer islands but most cases from these islands are also heard on South Tarawa. The Court of Appeal holds an hearing once a year and all appeal cases are heard during this session.

15. Labor and employment schemes

69. A Strategic Plan from the Ministry of Labor and Human Resources Development (MLHRD) is in draft form. MLHRD however administers the Employment Ordinance 1977 and regulations. In process is the establishment of written contract of employment in consultation with the private sector. 2008 Amendments incorporated ILO best practices including Child Labor Conventions such as the Convention on worst forms of Child Labor, Minimum Age, and Equal Remuneration Convention and Discrimination in Occupation and Employment.

70. A Draft Youth Employment National Action Plan driven by ILO should be finalized in October 09. MLHRD also finalized a draft of Decent Work Country Programme in October 2009. The Trade Union and Employer Organization Act, the Industrial Relations Code – (Arbitration and Mediation) and the Draft Bill of OHSA are all in place.

D. Key national priorities, commitments and initiatives

1. National priorities

71. The National Development Plan (KDP): 2008-2011 highlights six (6) Key Policy Areas (KPAs) namely; 1: Human Resources Development, 2: Economic Growth and Poverty Reduction, 3: Health, 4: Environment, 5: Governance, and 6: Infrastructure. These

thematic areas are considered encompassing and inline with the peoples' areas of interests and concerns. The policies are based on best practices approach.

72. The KDP vision depicts Government's long-term goal, which is "A vibrant economy for the people of Kiribati" Line Ministries' strategies are aligned toward this vision and are linked to the six broad key policy areas.

2. Government initiatives

73. Government believes it is important to set up as early as possible a national commission for human rights, and a human rights office in Kiribati. Kiribati also believes there is an urgent need to explore practical options of protecting the human rights of its citizens from the impacts of climate change and other human induced activities. To complement this, the Government is also supportive of the Pacific Islands Forum initiative to explore and possibly develop a regional human rights mechanism.

3. Requests

74. Kiribati struggles with adverse impacts of climate change, lack of capacity, scarce financial resources and poor infrastructure. These and a host of natural disadvantages create critical socio-economic vulnerabilities. It is a challenge to achieve LDCs and SIDS targets for MDGs and the Pacific Plan, as well as National Development Plan 2008-2011 targets. These will hamper especially the improvement of human rights issues on the ground.

75. Kiribati government asks the international community to kindly consider providing:

- (a) Technical assistance and financial support in building the capacity of local legal and medical practitioners and the Police, with a view to strengthening capacities in these professions and institutions, in the short to medium term;
- (b) Technical and financial assistance to improve Public awareness and reporting of human rights through community education programmes and awareness-raising activities;
- (c) Technical assistance and financial support in upgrading the capacity of the Police to advocate and enforce CEDAW, CRC and other international conventions,
- (d) Technical and financial assistance in areas that the international community see there is a need to improve human rights issues in Kiribati.
- (e) Financial assistance for complete and timely participation in regional and international fora, including educational trainings and studies pertaining to the impacts of climate change and issues around sea-level rise.

4. Acknowledgements

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