

**UNIVERSAL PERIODIC REVIEW- HUMAN RIGHTS COUNCIL
UNICEF INPUTS –KIRIBATI**

September 2009

I. Background and Framework

A. Constitutional and legislative framework

1. UNICEF Pacific has undertaken a Child Protection Baseline Research in partnership with the Government of Kiribati involving children, communities and government ministries. The forthcoming report (CPBR) contains legislative recommendations based on the research findings.¹ The following list names the major ones:

- Create a simple and minimalist Child Protection Act that empowers government agencies to undertake crisis intervention, with provision for judicial review of actions
- Create a Family Law Act and an Adoption Act
- Review and reform the Penal Code 1977 in regards to violence against children, sexual abuse and exploitation, abduction, sale and trafficking
- Review and reform the Education Act 1977
- Create a specific Domestic Violence Act
- Remove the corporal punishment provisions in the Magistrates Court Act 1977
- Amend the Death and Fire Inquiries Act 1977 to provide for the mandatory investigation of all child deaths
- Develop a Child Protection Policy for the Ministry of Education
- Review and reform the Employment Ordinance 1977 to address child labor
- Establish a comprehensive child labor policy
- Create a comprehensive Young Offenders Act.

B. Institutional and human rights structure

2. The current drafting capacity in the Office of the Attorney General is extremely limited. Only minor drafting work is handled internally at present. Complex or longer pieces of legislation are usually outsourced for drafting. Funding and technical assistance is needed.²

C. Policy measures

3. The Government endorsed the Kiribati Development Plan (KDP) 2008-2011 in April 2008. It identifies six key policy areas: Human Resource Development, Economic Growth and Poverty Reduction, Health, Environment, Governance and Infrastructure. The KDP states explicitly that it seeks to contribute to goals and agendas aspired to in the Mauritius Strategy, the Millennium Development Goals and the Pacific Plan. UNICEF is mentioned as Development Partner in a variety of sections relating to children (e.g. education, child mortality, disease control, vulnerable groups and youth).³

II. Promotion and protection of human rights on the ground

A. Implementation of international human rights obligations

1. Equality and non discrimination

4. Birth registration is free within 12 months of the child's birth. Later registrations attract fees. The law says that every child (either born alive or stillborn) must be registered within 10 days of his or her birth.⁴

5. The regional UNICEF report 2008 on sexual exploitation of children found that girls are more vulnerable to sexual abuse and exploitation because they are raised to be "subservient to male discipline and control". These girls do not have a highly developed sense of their rights and how to protect themselves.⁵

6. The traditional response to crimes of sexual abuse is the cultural practice of *te kabara bure* (formal apology), which takes place between families to compensate one family for a crime committed by the other. While girls risk victimization and discrimination as a result of reporting a case of sexual abuse, boys or men do not have so much to lose if they commit a rape. The rapist regains his social status through apology assuming the girl's family accepts it; meanwhile, the girl has to live with the shame and social exclusion forever.⁶

7. Most schools will not accept girls as students once they are engaged, married or pregnant. This discriminates against girls, and adds to their burden of guilt and shame in the case of rape or an unintended pregnancy.⁷

8. Male children are not afforded equal protection to female children under criminal law.⁸

9. There are very few facilities for disabled children and many do not attend school. The only school in the country that caters for children with disabilities or special learning needs is on South Tarawa.⁹

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

10. The relatively high infant and child death rates reflect the fact that children in Kiribati still die from readily preventable causes even though the rates have decreased in the past two decades. In 2007, the under-5 mortality rate was 63 compared to 88 in 1990. The infant mortality rate (under 1) was 46 compared to 65 in 1990.¹⁰ Neonatal mortality was estimated at 24 per 1,000 live births in 2006. 2004 estimates gave the Maternal Mortality Rate as 215/1,000 live births, the highest in the Pacific. Kiribati is unlikely to meet the Millennium Development Goals 4 (Reduce Child Mortality) and 5 (Improve Maternal Health) by 2015.¹¹

11. Corporal punishment is not explicitly prohibited and is available in law as a criminal penalty for boys.¹²

12. The law is essentially silent on domestic violence and recognition of the impact on children who are witnesses to domestic violence. In addition, there is no regulation of violence between children in educational and other institutional settings and no regulation of traditional practices identified as harmful to children.¹³

13. The definition of rape is narrow and sexual harassment is not clearly and comprehensively prohibited.¹⁴

3. Administration of justice and the rule of law

14. Currently, child pornography is not a criminal offence in Kiribati. The island is considered 'a free zone for accessing pornography' because films are neither censored nor is there a means by which to censor films. This does not mean that there is evidence of a large-scale industry for child pornography, but elements exist to allow one to develop in the Pacific.¹⁵

4. Right to work and to just and favorable conditions of work

15. The line between child labor and the household chores normally expected of children is somewhat blurred in Kiribati's semi-subsistence economy. Children who are out of school are usually expected to help with household work, assuming heavier tasks as they get older. In South Tarawa, some young children are sent out to sell brooms, combs, garlands and other small goods on the street.¹⁶ The provisions regulating permissible child work comply with the minimum standards for child labor in terms of age and permissible work. The protection provided by these

laws could be strengthened by addressing more explicitly and in greater detail pay and conditions for children and the types of work that are permissible and not permissible for different age groups. Penalties for non-compliance with the law are low and there is no strategy in place to eliminate the worst forms of child labor.¹⁷

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

16. The incidence of diarrhea is high because of poor environmental health and the prevalence of rotavirus.¹⁸ Better sanitation and possibly the use of rotavirus vaccines could markedly drop the incidence of diarrhea.

17. Nutrition problems in children result from repeated bouts of diarrhea, heavy worm infection, and the general change in diets. The problem is more that of children eating unhealthy or inappropriate foods than having inadequate food.¹⁹

18. The Ministry of Health in Kiribati endorsed national guidelines and standard operational procedures for the integration of Prevention of Mother-to-Child Transmission of HIV (PMTCT) services that were developed by UNICEF Pacific within national reproductive health systems.²⁰

19. A formal Memorandum of Understanding was developed between the civil registry divisions and the Ministry of Health, allowing birth registration to be undertaken in conjunction with the birth of the child by officially recognizing the role of health professionals in notifying the birth of the child.²¹

20. UNICEF Pacific, with support from the Japanese government, supplied cold chain equipment to Kiribati. Over 90% of health facilities are now equipped with the chain of freezers and fridges needed to maintain the correct temperature of vaccines.²²

21. Child sexual abuse is common and a serious concern with extreme repercussions for the victim in society. Even a very young child who loses his or her virginity through rape can be labeled as 'permanently spoiled' and face enduring stigma. Most reported cases of child rape involve close relatives, usually men or boys well known to the victim.²³

22. A small group of regular sex workers, known as '*te korekorea*' have sex with seafarers on foreign fishing boats and local men in return for goods and cash. Most are young girls, some as young as 14 years of age. They take risks with unprotected sex and experience violence and alcohol abuse.²⁴

6. Right to education and to participate in the cultural life of the community

23. An Early Childhood Education Policy was drafted with the support of UNICEF Pacific and submitted to Cabinet for approval.²⁵

24. While much progress has been made in increasing access to school, there are concerns with the quality of education that is provided. The Ministry of Education regularly reports on enrolment figures, teacher qualifications and physical infrastructure, but information on learning outcomes must be gleaned from national examination results (generally low) and deduced from data on teacher qualification and experience (mostly limited).²⁶

7. Situation in or in relation to specific regions and territories

25. The impacts of climate change present a human rights concern that require policies and measures to address the threat. Kiribati is one of very few countries in the world that are entirely comprised of atolls which puts it in a uniquely vulnerable position. These flat, narrow, sandy islands

have few natural resources, particularly fresh water, and are prone to drought and floods.²⁷ Malnutrition and diseases such as diarrhea and dengue fever are most likely to increase as a result of climate change. Compared to adults, children are more susceptible to the adverse effects of environmental degradation due to their physical, cognitive and physiological immaturity.²⁸ Some aspects of climate change are addressed in the KDP (see endnote 3).

III. Achievements, best practices, challenges and constraints

26. Kiribati established a National Advisory Committee on Children (KNACC) which consists of representatives from 13 government agencies and selected NGOs. Kiribati's Social Welfare Department, within the Ministry of Internal and Social Affairs, is the secretariat for the KNACC and controls budgetary allocations provided to the KNACC.²⁹ A youth panel has also been established as a youth advisory mechanism to the KNACC.

27. The Aia Maea Ainen Kiribati (AMAK) coordinates activities relating to children's and women's rights. There is also a coordinating body on HIV and AIDS. The HIV&AIDS Taskforce indirectly plays a role in addressing child sexual abuse and exploitation. It was established in 1999 to coordinate a national response to HIV and AIDS and comprises government and NGO representatives. The Taskforce covers issues concerning child sexual abuse in awareness-raising activities.³⁰

28. The Broadcasting and Publications Authority broadcasts regular programmes on children's rights and child abuse. These programmes are reportedly the best way to advocate for children's rights.³¹

29. The government and NGO programmes have been successful in providing reproductive health information, services, commodities and life skill training alongside youth activities and youth drop-in-centers. The youth organization Kiribati United Youth (KUY) has been involved in programmes for the 'hard to reach youth' as well as child victims of commercial sexual exploitation.³²

30. The Kiribati Family Affairs and Sexual Offences Unit (FASOU) was established in 2004 to manage cases of domestic violence, rape, abuse and other sexual offences. In 2006, 17 members of the Kiribati Police Force received specialized training on investigating and responding to child sexual abuse and the commercial sexual exploitation of children. A higher level of surveillance at bars is being conducted by police under the Safer Kiribati Programme to curb alcohol abuse, family violence and sexual abuse of young people.³³

31. UNICEF has supported the training of magistrates under the South Pacific Council of Child and Youth Courts initiative – for restorative justice. The Attorney General's Office has taken the initiative to create provisions for child sexual abuse trials to be conducted in a closed court environment. Through the use of screens, the victim can for example give evidence without having to see the accused offender.³⁴

IV. Key national priorities, initiatives and commitments

32. A key national priority with regard to children is education. The Strategic Plan 2008-2011 from the Ministry of Education proposes a range of strategies for improving the quality of educational services.³⁵ This plan is linked to the KDP (see above under 3.) which additionally focuses on health improvement for children.

V. Capacity-building and technical assistance

33. UNICEF Pacific supports the development of evidence-based social and economic policies that address the rights of children, youth and women, and assists the government to ensure that data on these groups of people is integrated into planning, monitoring and evaluation systems.³⁶

34. In 2008, UNICEF Pacific conducted the following activities in the area of capacity-building and technical assistance:

- completed the methodological design phase of a landmark child poverty and child-centered economic policy analysis with assistance from the Social Policy Research Centre, University of New South Wales;³⁷
- engaged strongly with the government and other UN agencies to review the United Nations Development Assistance Framework contribution to national development goals in Kiribati;³⁸
- provided technical assistance to the National Committee for Children to better understand their role in the national implementation and monitoring of the Convention on the Rights of the Child - as a result, a Committee Plan of Action and Committee TOR were completed;³⁹
- ordered new humanitarian response supplies, identified new warehousing facilities, and formed and trained a new internal Pacific Emergency Response Team (PERT);⁴⁰
- provided technical and financial support to various evaluations including an evaluation of the Kiribati Government's Outer Island Youth initiative conducted by young people trained specifically for the purpose and coordinated by the Ministry of Internal and Social Affairs (MISA);⁴¹
- provided technical assistance to assess existing national emergency response plans and capacities to determine areas requiring attention and to provide information on subsequent emergency management planning and response training required;⁴²
- assisted Kiribati to implement activities as per their national strategic plan and strengthened the area of Prevention of Mother-to-Child Transmission by developing national guidelines and standards;⁴³
- developed a manual for child-friendly court proceedings and police procedures and a case management manual that greatly improved coordination between police and social welfare personnel in Tarawa; there has been an increase in the number of children who voluntarily come to the Social Welfare Unit in Tarawa;⁴⁴
- supported the repair of drinking water and sewerage systems in seven primary schools in South Tarawa, Kiribati;⁴⁵
- finalized the Early Childhood Education (ECE) policy and submitted it to Cabinet for approval;⁴⁶
- developed a Trainers' Resource Package in the area of HIV and AIDS, and provided training for trainers and adolescents.⁴⁷

¹ Forthcoming UNICEF Child Protection Baseline Research 2008 for Kiribati, supplied by UNICEF Pacific (hereafter quoted as CPBR for Kiribati)

² CPBR for Kiribati

³ <http://www.sprep.org/att/IRC/eCOPIES/Countries/Kiribati/87.pdf>

⁴ UNICEF, Questions and Answers on what you need to know about Birth Registration in Kiribati:

http://www.unicef.org/pacificislands/English_BIRTH_REGISLAYOUT.pdf

⁵ UNICEF, Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific, a Regional Report 2008, page 22 (hereafter quoted as UNICEF, Commercial Sexual Exploitation of Children):

<http://www.unicef.org/pacificislands/CSEC.pdf>

⁶ UNICEF, Commercial Sexual Exploitation of Children, page 23

⁷ Kiribati, A Situation Analysis of Children, Women & Youth, Government of Kiribati with the assistance of UNICEF 2005, Part 2, 2.5.4. (hereafter quoted as Kiribati Situation Analysis):

http://www.unicef.org/pacificislands/Kiribati_Sitan.pdf

⁸ CPBR for Kiribati

⁹ Kiribati Situation Analysis, part 2, 2.4.4

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- ¹⁰ http://www.unicef.org/sowc09/docs/SOWC09_Table_1.pdf
- ¹¹ Kiribati Country Analysis, 2008, Asia & Pacific Representatives Meeting (internal report)
- ¹² CPBR for Kiribati
- ¹³ CPBR for Kiribati
- ¹⁴ CPBR for Kiribati
- ¹⁵ UNICEF, Commercial Sexual Exploitation of Children, page 25
- ¹⁶ Kiribati Situation Analysis, part 2, 2.5.3
- ¹⁷ CPBR for Kiribati
- ¹⁸ Kiribati Situation Analysis, part 2, 2.2.1
- ¹⁹ Kiribati Situation Analysis, part 2, 2.2.3
- ²⁰ UNICEF, Looking Back Moving Forward 2008 - UNICEF's Work for Pacific Island Children: A Review of 2008 and Update on 2009, page 3 (hereafter quoted as UNICEF, Looking Back Moving Forward)
http://www.unicef.org/pacificislands/Looking_Back_Moving_Forward_WEB1.pdf (page 1-32)
http://www.unicef.org/pacificislands/Looking_Back_Moving_Forward_WEB2.pdf (page 33-74)
- ²¹ UNICEF, Looking Back Moving Forward, page 4
- ²² UNICEF, Looking Back Moving Forward, page 14
- ²³ Kiribati Situation Analysis, part 2, 2.5.3
- ²⁴ Kiribati Situation Analysis, part 3, 3.3.3
- ²⁵ UNICEF, Looking Back Moving Forward, page 2
- ²⁶ Kiribati Situation Analysis, part 2, 2.4.2
- ²⁷ Kiribati Situation Analysis, part 1, 1.2
- ²⁸ UNICEF Innocenti Research Center: Climate Change and Children: A human security challenge. Policy review paper 2008, page 4: http://www.unicef-irc.org/publications/pdf/climate_change.pdf
- ²⁹ UNICEF, Commercial Sexual Exploitation of Children, page 32
- ³⁰ UNICEF, Commercial Sexual Exploitation of Children, page 33
- ³¹ UNICEF, Commercial Sexual Exploitation of Children, page 34
- ³² UNICEF, Commercial Sexual Exploitation of Children, page 34
- ³³ UNICEF, Commercial Sexual Exploitation of Children, page 36
- ³⁴ UNICEF, Commercial Sexual Exploitation of Children, page 37
- ³⁵ <http://www.paddle.usp.ac.fj/collect/paddle/index/assoc/kir009.dir/doc.pdf>
- ³⁶ UNICEF, Looking Back Moving Forward, page 32
- ³⁷ UNICEF, Looking Back Moving Forward, page 4
- ³⁸ UNICEF, Looking Back Moving Forward, page 5
- ³⁹ UNICEF, Looking Back Moving Forward, page 5, 35
- ⁴⁰ UNICEF, Looking Back Moving Forward, page 5
- ⁴¹ UNICEF, Looking Back Moving Forward, page 34
- ⁴² UNICEF, Looking Back Moving Forward, page 40
- ⁴³ UNICEF, Looking Back Moving Forward, page 23
- ⁴⁴ UNICEF, Looking Back Moving Forward, page 27, 28
- ⁴⁵ UNICEF, Looking Back Moving Forward, page 15
- ⁴⁶ UNICEF, Looking Back Moving Forward, page 18
- ⁴⁷ UNICEF, Looking Back Moving Forward, page 22