

21st SESSION OF THE HUMAN RIGHTS COUNCIL
UNIVERSAL PERIODIC REVIEW

TE TOA MATOA (TTM)

(a Non-Government organisation of people living with disability)

Introduction

1. TTM remains the only NGOs for People Living with Disability in Kiribati for almost 12 years now. Since it registered in 2011 under the Incorporated Society Act 2002, TTM has been the main lobbyist and advocate on the rights of people living with disability.
2. This report is compiled following a workshop on the Universal Periodic Report Review and follow-up organised by the Government and conducted by the Office of the High Commissioner for Human Rights, the Secretariat of the Pacific Community/Regional Rights Resource Team and the Forum Secretariats on the 9th to the 14th May 2013. This submission is based on the recommendations of the State UPR report in 2010.
3. Key issues:

Human Rights and International Conventions.

- i. Recommendations 1 to 3 requires ratification of other Human Rights Conventions and TTM congratulates the Government for complying with these Recommendations by signing the Convention on the Rights of People with Disabilities (CRPD) in September 2013.
- ii. TTM acknowledges the setting up of the Kiribati Non-Government Organisations, Faith-Based Organisations and Disability Advisory Committee (KNNAC) in February 2014 to monitor the situation of registered NGOs and FBOs and to assist them in their development. TTM notes the existing bodies such as the Kiribati Advisory Committee on Children (KNACC) and the Kiribati CEDAW Advisory Committee (KCAC) but unlike KNACC or KCAC, the KNNAC does not focus on disability issues nor oversees the issue of CRPD or human rights of people with disabilities.
- iii. Recommendations 10 and 11 as accepted by the Government, *requires review and harmonising of the ratified conventions and incorporation of the CRPD into domestic law.*
- iv. The Government drafted the Kiribati National Policy on Disability and Action Plan for 2009 – 2012 in 2008. This remains in draft form and requires review and reform in compliance with the CRPD and any other development on disability issue since the draft was made 4 years ago.
- v. Recommendation 83 *requires the involvement of the civil society, including human rights NGOs, in follow-up to this review and to implement recommendations.* TTM notes that although the Government accepted the Recommendation, the Government has not yet involved NGOs, CBOs and Faith Based Organisations in the follow-up or implementation.

Recommendation:

- (a) TTM urges the Government to consider ratifying the Optional Protocol of CRPD.
- (b) TTM urges the Government to consider carrying out a Legislative Review on CRPD to determine the extent of legislative compliance in Kiribati and develop a plan on addressing the areas that need improvement in terms of law including domestication of the CRPD. The Government may consider including this task in the National Disability Policy and Action Plan as a priority area.
- (c) TTM urges the Government to consider setting up a specialized committee to oversee the issue of disability and the rights of people with disability.
- (d) TTM urges the Government to review and reform the National Disability Policy and Action Plan and commence implementation by the end of 2014.

- (e) TTM urges the Government to continue its partnership with TTM in the implementation of the upcoming policy and plan and any other development plans for People living with Disability.
- (f) TTM urges the Government to consider setting up a UPR formal taskforce and involving NGOs such as TTM, CBOs and FBOs as members of the taskforce and partners in implementing the Recommendations and coordinating follow-ups to the review.

Right to education.

- i. TTM acknowledges the enactment of the Education Act (2013) to reform the education system. TTM recognizes that this is in compliance with Recommendations 59 and 75 to 78.
- ii. Recommendation 72 requires *the Government to continue implementing programmes aimed at ensuring that all its people have free quality health and education services.*
- iii. TTM anticipates that the implementation of the Inclusive Education program under the Act and the draft Inclusive Education Policy. TTM notes that mainstream education is feasible for children with disabilities if the Government improves its education system under the Inclusive Education program.
- iv. TTM notes that currently there are only 2 teachers who are formally trained to teach children or students with sights or hearing disabilities. TTM notes that the current number is not enough for all children or students on the urban area and outer islands.
- v. Recommendation 33 as accepted by the Government *requires that funding support from the Government.* TTM notes that the School for the Disabled remains the only school available for children with disabilities and is still run privately. This school has no funding support from the Government and depends on donor funding. This also does not have any affiliates or branches located in the outer islands and it is mainly for children.
- vi. TTM notes that the Government accepted Recommendations 75 and 78 on *unrestricted access to education to every member of the population and upgrading of efficiency and skills teachers.* The Government has no specific plan to increase the number of teachers or provide opportunities for academic trainings for potential teachers on this area.
- vii. TTM notes that a specialized school or vocational training is an alternative to a mainstream education.
- viii. TTM notes that there is no specific information or data on the number of the people with disability and their needs in terms of education.

Recommendations:

- (g) TTM urges the Government to implement the Education Act (2013) and the Inclusive Education Policy as a matter of priority.
- (h) TTM urges the Government to consider conducting a census and a scoping study on the number of People living with Disability and their needs to identify and analyze whether mainstreaming or specialized education or training is appropriate and most suitable in the country.

- (i) TTM urges the Government to provide support to the School for the Disabled to improve its capacity in terms of teachers, teaching materials and equipment for better education for students of this school.
- (j) TTM urges the Government to continue its collaboration and partnership with TTM in the implementation of the Education Act (2013) and the Inclusive Education Policy
- (k) TTM urges the Government to increase budgetary allocations for inclusive education including setting aside scholarship assistance for those wanting to pursue teaching studies particularly in the area of disability such as sign languages.

Rights to employment.

- i. TTM commends the Government for accepting Recommendations 46 and 47 and notes that access to employment in both the public and the private sector is particularly difficult for people with disabilities.
- ii. TTM notes that access to the Government's employment infrastructure, facilities and the conditions do not accommodate for the special needs of people with disability.
- iii. TTM notes that the Private Sector is not regulated by the Government and the possibility of access to this sector for people with disability rests entirely on the will and whim of the private owners.

Recommendations:

- (l) TTM urges the Government to conduct a scoping study on creating opportunities and incentives for people with disabilities to get employment. TTM recommends that the Government considers instituting a Temporary Special Measure to enhance the employment status of people with disability.
- (m) TTM urges the Government to conduct a workshop with the Kiribati Chamber of Commerce to discuss and negotiate employment of people with disabilities in the private sector.

Rights to health.

- i. Recommendation 72 as accepted by the Government, *requires the continue of implementing programmes aimed at ensuring that all its people have free quality health and education services.*
- ii. TTM commends the Government for the continuous provision of free medicines and medical treatment and notes that access to the health facilities remains a challenge for people with disabilities.
- iii. TTM notes that the infrastructure to and of the hospital and medical clinics do not accommodate the special needs of people with disabilities in terms of transportation, roads and pathways, waiting rooms, schedules and lavatories.

Recommendations:

- (n) TTM urges the Government to improve the infrastructure to provide better access by the people with disability.
- (o) TTM urges the Government to consider providing consistent mobile clinics or home visits to provide medical services required by people with disability who cannot go or access the hospitals or clinics.

Climate change.

- i.** Recommendations 80 and 81 as accepted by the Government requires efforts and activities aimed at the respect for environment legislation and study the possibility of developing a national environment charter or similar instrument to define the role and responsibilities as well as coordination of action by all relevant parties, including civil society.
- ii.** TTM commends the Governments for implementing the Kiribati Adaptation Programs Phases I, II and II, developing the Kiribati Joint.
- iii.** TTM however notes that there the existing plans do not specifically accommodate for the special needs of people with disabilities.

Recommendations:

- (p) TTM urges the Government to include in the Kiribati Joint Implementation Plan on climate change risk reduction the special needs of people living with disability,
- (q) TTM urges the Government to consider developing a plan on mitigation of climate change impacts on people with disabilities and involve TTM in the development and implementation of this plan.