

Universal Periodic Review

21st Session

A single NGO submission by

The Kiribati Women Activists Network (K-WAN)



**Kiribati Women Activist
Network**

'to promote & enhance I-Kiribati Women's Human Rights'

Introduction.

The Kiribati Women Activists Network (K-WAN) is a non-government organisation (NGO) that promotes women's right through awareness, training and advocacy. This is K-WAN's second UPR report which will focus on 5 issues recommended by the Human Rights Council working group in 2010 and the progress of implementation by the government. These issues are; *Human Rights and International Conventions, Legislative Reform, Human Rights Institution, Human Rights Awareness, Human Rights Special Procedures and Gender and Inequality*. The report will include recommendations to the government for further implementation.

Issues:

1. Human Rights and Other International Conventions

Since 2010 the following government's progresses are commendable:-

- (i) Ratification of the Convention on the Rights of People with Disability (CRPD) on the 27th September 2013,
- (ii) Establishment of the Kiribati Non-Government Organisations, Faith-Based Organisations and Disability Advisory Committee (KNNAC) in February 2014 to oversee the implementation of the CRPD among other tasks,
- (iii) Drafting of the State reports on the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

K-WAN is concerned that:-

- (i) The reports for CEDAW are overdue - initial report in 2005, the second periodic report in 2009 and the third periodic report in March 2014,
- (ii) The CRC initial report was submitted in 2005 (10 years delay) and now the second report was due in 2011,
- (iii) The CRPD initial report will due in 2015,
- (iv) Unlike the existing specific committees for CEDAW and CRC, the newly established KNNAC does not focus on the CRPD,
- (v) There is no plan to study other conventions and consider ratification.

K-WAN is now recommending that the government further implement the following:-

- (i) Complete the CEDAW and CRC State reports by the end of 2014, the CRPD before the due date in 2015 and strengthen its partnership with the NGOs in this process and support work on their Shadow reports,
- (ii) Set up a plan to study other human rights convention and consideration of future ratification of the other conventions.

2. Legislative Reform

Since 2010, the following progresses are commendable:-

- (i) Enactment of the *Tobacco Control Act (2012)* to improve health by restricting the sale of tobacco and smoking in public places,

- (ii) Enactment of the *Children, Young People and Family Welfare Act (2013)* to provide for child protection and social welfare,
- (iii) Enactment of the *Education Act (2013)* to improve the education system and provide inclusive education to all including people with disabilities,
- (iv) Enactment of *Te Rau n te Mwenga Act (2014)* to provide for family peace by criminalizing domestic violence,
- (v) Drafting of the Juvenile Justice Bill to provide for child protection and young offenders.

K-WAN is concerned that:-

- (i) There are no clear implementation plans for the Tobacco Control Act, the Children, Young People and Family Welfare Act, the Education Act and Te Rau n te Mwenga Act that recognizes the roles and participation of NGOs in the implementations,
- (ii) The completion of the work on the Juvenile Justice Bill is uncertain,
- (iii) The Private Member's Bill to amend the Constitution submitted to parliament in April 2013, to include 'sex, gender and sexual orientation' in section 15 of the Constitution was rejected by the government,
- (iv) The *Employment (Amendment) Act 2008* restricts women from certain types of work and hours of work. They can only be allowed 2 maternity leaves with full pays under this Act and the National Conditions of Service (NCS) but the conditions under these instruments are inconsistent because the Act states a salary deduction of 25% while the NCS provides leave without pays for that maternity leaves after the second pregnancy. The Act and NCS discriminates against women because they will suffer deductions for getting pregnant more than twice,
- (v) The Native Lands Ordinance discriminates against women because they are not afforded the same share in distribution of lands as their brothers,
- (vi) The Citizenship Ordinance discriminates against women because they could not apply for citizenship by naturalization to include her husband or children but the men are allowed.

K-WAN is now recommending that the government further implement the following:-

- (i) Set up a clear plan for implementation of the Tobacco Control Act, the Children, Young People and Family Welfare Act, the Education Act and Te Rau n te Mwenga Act that recognizes the roles and participation of NGOs,
- (ii) Make a plan to continue its legislative reform to align other laws with CRC, CEDAW and CRPD including completion of the Juvenile Justice Bill by the end of 2014, and amendment of the Constitution to include 'sex and gender' as grounds for discriminations under section 15 of the Constitution by 2015,
- (iii) Amend the Employment (Amendment) Act 2008 to abolish the restriction of women from certain types and hours of work and amend the condition for maternity leaves in the Act and NCS to acknowledge women's biological difference,
- (iv) Amend the Native Lands Ordinance to abolish the discrimination against women by allowing them a fair and equal share as their brothers, in the distribution of lands,
- (v) Amend the Citizenship Ordinance to abolish the discrimination against women by allowing them the same rights as men to include their husbands and children in their application for citizenship and be granted on merit, the same consideration.

3. Human Rights Institutions

Since 2010, it is commendable that the government is supporting the Working Group set up by the Pacific Islands Forum Secretariat to work on the establishment of a regional Human Rights Commission and now planning to establish a Human Rights Taskforce to oversee the implementation of human rights in Kiribati.

K-WAN is concerned that the exact date for the setup of the human right taskforce as well as the extend of its Terms of Reference is uncertain.

K-WAN is now recommending that the government further implement the following:-

- (i) Continue its support and to consider taking part in the Pacific Islands Forum Secretariat working group to work on the establishment of the commission.
- (ii) Confirm setting up of a human rights taskforce and develop its terms of reference to cover areas concerning the ratification and implementation of human rights conventions. The taskforce must include NGOs.

4. Rights Awareness.

Since 2010, it is highly commendable that the government has done a lot on awareness raisings and advocacy on human rights including the following progresses:-

- (i) Creation of the Ministry for Women, Youth and Social Affairs early 2014 to oversee the development of areas including women's, children' and people with disability's rights,
- (ii) Conducting various campaigns including declaring public holidays such as women's day, children's day and human rights day as well as workshops, trainings and media campaigns to promote humans rights.
- (iii) Creation, in the pipeline, of a human rights taskforce to oversee implementation of conventions and human rights.

K-WAN is only concerned that the involvement of NGOs in these programs is mainly by invitations or requests initiated by the government and the creation of a human rights taskforce is uncertain.

K-WAN is now recommending that the government further implement the following:-

- (i) Formalizing the involvements of NGOs by adopting a protocol to confirm and secure their participation in all relevant activities and events.
- (ii) Confirm setting up of a human rights taskforce and develop its terms of reference to cover areas concerning the ratification and implementation of human rights conventions as well as coordinating human rights awareness and trainings to all government and NGOs stakeholders. The taskforce must include NGOs.

5. Human Rights Special Procedures

K-WAN is concerned that the government has not issue (or considered issuing) a standing invitation to special procedures and that in 2012 the Special Rapporteur on human rights to safe drinking water and sanitation made a report on water and sanitation without any invitation. K-WAN noted that the report is very useful to the government and the country as a whole.

K-WAN recommends that government must consider extending a standing invitation to all special procedures of the human rights council to enable external review and in turn

assistance from these special procedures and acknowledge the report made the Special Rapporteur Catarina de Albuquerque on water and sanitation in 2012.

6. Gender and Inequality

Since 2010 the following progresses are commendable:-

- (i) Setting up of the Ministry of Women, Youth and Social Affairs in 2014 which developed the Women Development Division into a Ministry with its own budgetary allocations and programs to enhance the development of women,
- (ii) The endorsement of the Elimination of Sexual and Gender Based Violence Policy and Action Plan for 2011-2021 to implement activities on the elimination of sexual and gender based violence,
- (iii) The drafting of the Gender Equality and Women's Development Policy which will cover developmental plans for women,
- (iv) The drafting of the Gender Access and Equity Policy and Implementation plan which will cover access to employment,
- (v) The appointment of another woman to become a Minister in 2014 which now increases the number to 3 women Ministers in the government,
- (vi) The inclusion of Domestic Violence in the Police curriculum and the development of the Police Training Manuals and videos in 2012,
- (vii) The continuing of partnership with NGOs since 2010 under the SAFENET for victims of sexual and gender based violence, the Taskforce for the Elimination of Sexual and Gender Based violence and the Child Protection project.

K-WAN is concerned that:-

- (i) The Gender Equality and Women's Development Policy and the Gender Access and Equity Policy and Implementation plan remain in draft form,
- (ii) There is no funds from the government to implement the Elimination of Sexual and Gender Based Violence Policy and Action Plan for 2011-2021 and the current activities that are on under the plan are all funded from donors particularly UN Women, UNFPA and the Australian Department of Foreign Affairs and Trade,
- (iii) There are no support or grants to NGOs to implement activities on the elimination of sexual and gender based violence to complement the government's plan,
- (iv) There are only 4 women out of 46 members of parliament and 7 out of 232 councilors at the Local government because of marginalization and inequality in this field.

K-WAN is now recommending that the government further implement the following:-

- (i) Finalized and endorsed the Gender Equality and Women's Development Policy and the Gender Access and Equity Policy and Implementation them by the end of 2014. The planning and implementation must involve NGOs.
- (ii) Allocate sufficient funding to implement the Elimination of Sexual and Gender Based Violence Policy and Action Plan 2011-2021.
- (iii) Provide support in terms of funding grants and capacity building to NGOs and other stakeholders to implement the Elimination of Sexual and Gender Based Violence Policy and Action Plan 2011-2021.
- (iv) Impose a Temporary Special Measures to create new seats, 1 on each constituencies, to increase women participation at the Parliament and Local Government levels.

