



**SPC**  
Secretariat of the Pacific Community  
Regional Rights Resource Team



## **Workshop on the Universal Periodic Review Follow-Up**

**9-14 May 2014**

**Tarewa, Kiribati**

**– Timelines and Matrix –**

## A. Suggested Timelines for UPR Process for the Kiribati government Report

| Activity   | Suggested Timeline (Note Specific Dates for this timeline to be decided by Task Force) |
|--|--|
|  | <b>DUE DATE OF GOVERNMENT REPORT</b> <b>27 October 2014</b>                            |
| See OHCHR webpage for confirmation: <a href="http://www.ohchr.org">www.ohchr.org</a>   |  |
| Confirmation of Principal UPR Task Force or Human Rights Task Force  | 30 May   |
| 1 <sup>st</sup> meeting of Task Force (follow up and other meeting will be decided by the Chairperson of the Task force after it has been formed and membership confirmed<br>Task Force Members <sup>1</sup> to be assigned different government departments, stakeholders etc to ensure that reports are received from these actors                                 | 15 June  |
| Consultation Program to be decided by Taskforce including: <ul style="list-style-type: none"> <li>▪ Designing the consultation program</li> <li>▪ What groups and issues will the consultation cover</li> <li>▪ Who to involve (Govt departments, Stakeholders, island councils etc)</li> <li>▪ Who will draft the State Report – Appointment of Drafter?</li> </ul> | June-July  |
| Consultation Process (via email, media, telephone, Maneaba meetings, workshops, trainings etc); NGO/Church Groups, Government departments  | June-July  |
| Collation of Reports – Reports from Government Departments and other stakeholders who wish to contribute to the State report to be ready and all these reports or once received is sent to the Drafter of the report.  | 1 July   |
| 1 <sup>st</sup> Draft – completed and sent to all stakeholders of the State report including but not limited to government departments, Task force members, NGO's and RRRT   | 29 August  |
| Comments on Draft by Task Force, Government, RRRT received by Drafter of State report  | 12 September   |
| 2 <sup>nd</sup> Draft – see actions regarding 1 <sup>st</sup> Draft.   | 19 September   |
| Comments on Draft by Task Force, Government reps, RRRT etc received by Drafter   | 3 October  |
| All comments to be finalized/ Draft finalized and approved by relevant authority (Government)  | 10 October   |
| <b>National State report ready and submitted to OHCHR</b>  | <b>27 October 2014</b>   |
| <b>Consideration of a UPR mock for government delegation</b>   | <b>Prior to travel</b>   |
| <b>Government travels to Geneva for the UPR of Kiribati</b>  | <b>Jan/Feb 2015</b>  |

<sup>1</sup> Recommended Members of the TF includes, AG, Ministry of Women, Ministry of Interior Affairs, Ministry of Environment, Ministry of Health, Ministry of Education, Ministry of Labor, Police, Judiciary, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Works, and others as well as civil society representatives.

## **B. KIRIBATI GOVERNMENT REPORT**

### **Methodology and Consultation Process**

- ❖ Describe Consultation process including consultation with ministries, civil societies etc, UPR workshop by partners

*See Tuvalu, Tonga, Vanuatu or NZ for other methodology process. This section needs to be further developed by the Task Force*

### **Promotion and Protection of Human Rights**

- Constitution – 1979 Constitution
- Judiciary/Fair Trials
- Public Awareness and Training of Human Rights
- Climate Change : Movie, Environment Act 2007 (Implementation)
- *Te Rau n Te Mweenga Act*
- Juvenile Justice Bill
- Education Act
- Children, Young People Act

*See Tuvalu, Tonga, Vanuatu or NZ for other methodology process. This section needs to be further developed by the Task Force*

### **Identification of challenges, Achievements and Constraints**

**Achievements – can be further developed after the Task Force is convened:**

- **International Treaties and Special Procedures of the HR Council**  
Ratified CRPD  
Visit of the UN Special Rapporteur on Water and Sanitation

- **Equality and Non-Discrimination:**

**Right to life, liberty and security of the person**

**Administration of Justice, including impunity and the rule of law**

**Freedom of Movement**

**Freedom of Religion, expression, association and peaceful assembly and right to participate in public and political life**

- **Freedom of Expression:** State owned radio; media have the freedom to report on issues (TBC).

### **Right to Health**

- **Improvements in health services** (building of clinics, health centers increase on outer island, establishment of new central hospital for Southern Kiribati, increased recruitment of doctors from Cuba and increased in medical training for students in Cuba, training of student nurses in Australia. Free medical services.
- **Government policy on HIV/AIDS:**

### **Right to Education**

- **Education Reform:** review of current curriculum, upgrading of Kiribati Teachers Colleges
- Education Act 2013

### **Persons with Disabilities**

- Ratification of CRPD
- Development of Disability Policy by government.

### **Climate Change and Environment**

- Effects of Climate Change – Environment Amendment Act 2007 (Ministry of Environment and NGO programs) – Implementation
- Visit by the UNSG to raise awareness on CC
- President Tong’s advocacy on CC globally
- Special Rapporteur on Water and Sanitation visit, looking at the impact of Climate Change

### **Children**

- Children – CRC – see Concluding Observation of CRC Committee and highlight implementation of CRC, domestication of CRC
- Creation of New Child Protection Laws
- Juvenile Justice Bill
- Youth Development Programs – Youth policies are in draft.

### **Women**

- **Women** –CEDAW (Domestic Violence (DV), Family Law, VAW (Commercial Sexual Exploitation – Prostitution), Discrimination – What Government is doing to implement the Te Rau n TeMwenga Act (MWSA) and how will the new Ministry for Women contribute to the realization of women’s rights and promotion of gender equality in Kiribati
- **Women MP (4)** with Vice President being a woman.
- **New Ministry for women**

### **Justice and Policing**

- **Police diversion scheme and Community Policing:**
- **Creation of Juvenile Justice Court, and Court Diversion scheme** – Separate treatment for juvenile offenders’, workshops and training for Magistrates and police on juvenile justice.

- **Access to Justice** – office of the People’s lawyer provides free legal services, High Court visits the islands out of Capital, provisions of scholarships for legal training of lawyers, up-skilling of magistrates through legal training,

### **Development Challenges**

- Limited Natural resources base
- Access to international market is limited
- Limited business and diplomatic relations in country
- Land development constraints by size, social issues, and culture
- Lack of financial and technical avenues.
- Lack of proper medicines and shortages of qualified medical professionals – doctors and nurses
- High Cost of living caused by factors such as fuel costs, food, limited market base etc.
- Need for financial assistance for Law Reform process.

### **Constraints<sup>2</sup>**

- Lack of financial and technical resources
- Human Resources issues
- Limited natural resources base for development.
- Remoteness of islands -

### **Key national priorities, commitments and initiatives:**

#### **National Priorities**

- National Development Plan : 2008-2011 (see the KDP) and now 2012-2017
- Womens Action Plan – check status
- Implementation of the *Te Rau n Te Mweenga Act 2014*, *CYPWFA 2013*

#### **Commitments**

Does Kiribati plan on ratifying other human rights treaties?

Does Kiribati intent to extend open invitations to the Special Procedures of the Human Rights Council?

D

#### **Government Initiatives**

## C. Kiribati Government Matrix for State Report to the Universal Periodic Review 2014

### Thematic Area: International Human Rights Treaties

| UPR Recommendations – 1 <sup>st</sup> cycle (UN Doc. A/HRC/15/3, para. 66, and Add.1)  | Government's position (2010) | Implementing agencies (and partners)                               | Describe implementation so far  | Plan for further implementation? (activities and timeline)   | Gender impact  |
|--|------------------------------|--|---|--|--|
| Establish a committee to study human rights conventions in order to pave the way for acceding to such conventions (Recommendation 1)         | Accepted                     | MWYSA<br>Education<br>TTM<br>Others                                | Existing Committees – CEDAW - KCAC, KNNAC, CRC – KNACC,               | Have a HR Taskforce to absorb all existing treaty Committees. Draft TOR and Drafting Cabinet Paper for Consideration   | Members hip has a fair composition of men and women from key ministries identified |
| Make a long-term plan for the ratification or accession, step by step, to all core international human rights instruments (Recommendation 2) | Accepted                     | OAG<br>Relevant<br>Stakeholder<br>MFAI                             |   | OAG and stakeholders as WG to review and analyse other conventions – see TOR.<br><br>TF will then present report to Secretaries on ratification, signature etc. of core treaties |  |
| Consider the possibility of ratifying other core human rights instruments (Recommendation 3)   | Prepared to consider         |  | Ratification of Convention on the Rights of Persons with Disabilities | Implementation plan in progress (tbc)  |  |
| Ratify all core human rights treaties as soon as possible; ratify the other pending universal human rights treaties (Recommendation 4)       | Did not accept               | MFAI to provide Foreign Affairs position on this to the Taskforce. | Ratified CRPD in 2012   |  | Impact of CRPD ratification for disabled persons in Kiribati                       |
| Sign and ratify the ICCPR and the ICESCR; accede to the core   | Did not accept               |  | Ratified CRPD in 2012   |  |  |

international human rights instruments namely the ICCPR and the ICESCR; ratify other principal international human rights instruments, particularly the ICCPR and the ICESR (Recommendation 5)

Sign-up to those international human rights instruments to which it is not yet a party, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; and also become a party to the Rome Statute of the ICC (Recommendation 6)

Sign and ratify the CERD, the ICESCR and its Optional Protocol, the ICCPR and its first Optional Protocol to the ICCPR, the Optional Protocol to the CEDAW, the CAT as well as its Optional Protocol, the two Optional Protocols to the CRC, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance; sign and ratify its second Optional Protocol to the ICCPR (Recommendation 7)

Did not accept

MFAI provide update Taskforce

to Ratified CRPD in 2012

to Government could consider that while some of the core treaties have not been ratified by Kiribati there are legislations that embody these treaties, such as the prohibition of Torture in the Kiribati Constitution, Criminal Code – check with OAG

Are the laws applied fairly to men and women?

Did not accept

MFAI provide update Taskforce.

to As above – check with AOG to see if there are provisions in law that prohibit racial discrimination – Constitution?

Further the government through OAG (to confirm) is considering ratifying or signing the OP to CRC  
 Protection of Civil and Political Rights in the Constitution of Kiribati?  
 Protection of Economic, Social and Cultural Rights in the Constitution? – Check with AOG on constitution or legislative protections

As above

|   |                |  |  |
|---|----------------|--|--|
| Ratify the CERD, the ICCPR and its Optional Protocols, the ICESCR, the CAT and its Optional Protocol, the Optional Protocols to the CRC, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Recommendation 8) | Did not accept | As Above and note that CRPD was ratified by the government in 2013 | CRPD ratified, and verify with AOG, government is considering the signature/ratification of the CRC OP |
| Become a party to the ICCPR, the ICESCR, the ICERD, and the CAT, as well as the Rome Statute of the ICC (Recommendation 9)  | Did not accept | MFAI to provide update on this.                                    |  |

### THEMATIC AREA: Legislative and other reform on thematic human rights issues

| UPR Recommendations  | Government's position (2010) | Implementing agencies (and partners) | Describe implementation so far   | Plan for further implementation? (activities and timeline)   | Gender impact  |
|--|------------------------------|--------------------------------------|--|--|--|
| Incorporate the treaties Kiribati ratified into domestic legislation (Recommendation 10) | Accepted                     | OAG<br>MOE<br>MYWSA                  | Family Peace Act 2014<br>Children, Young Persons Family Welfare Act 2013<br>Education Act 2013 | Juvenile Justice Bill 2014<br>National Disability Policy with the view of moving towards the creation of a Disability Act. See also KNNAC, DDOs, | Do these laws apply equally to men and women in Kiribati |



|  |                      |  |   |  |   |
|--|----------------------|--|---|--|---|
| Further review and harmonize all relevant laws in accordance with the ratified human rights instruments<br>(Recommendation 11)   | Accepted             | Ministry of Public Works and Utilities | Kiribati National Providence Fund amendment – beneficiaries vs. dependants<br><br>Education Act – Inclusive Education Policy<br>Building Code – Ministry for Works<br><br>MYWSA – Act to create a new Women’s Ministry  | ESGBV Policy                                     | Are the laws and policies gender sensitive ?                      |
| Guarantee that its laws and policies are in conformity with the Convention on Elimination of All Forms of Discrimination against Women and take measures to combat practices which perpetuate discrimination against women and their marginalization, particularly with regard to their inheritance and citizenship, and adopt specific legislation properly penalizing domestic violence, and promoting participation of women in political life<br>(Recommendation 12) | Prepared to consider | OAG<br>PSC<br>MWYSA                    | Promotion of Participation of Women in Political Life – 4 Female MPs, 2 Ministers and 1 VP<br><br>Secretaries: over 50% to verify with PSC. Head of Secretaries is a woman, Cabinet, Education, Foreign Affairs, MWYSA,<br><br>Increased intake of police women including increased senior female officers.<br><br>Adoption of <i>Te Rau n Te Mwenga Act</i><br><br>Creation of a new fully fledged and resourced Ministry for Women 2013 |  | Do the laws sufficiently address gender inequality?               |
| Withdraw its reservations to the CRC and fully incorporate the instrument into its national legislation, as well as consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography  | Did not accept       | MYWSA<br>OB                            | Withdrawals of Reservations to CRC in 2014 – verify with OAG.   | Consideration for ratification of CRC OP – MWYSA | Do both boys and girls in Kiribati have equal access to services? |

| (Recommendation 13)  |                                  |    |                        |  |
|--|----------------------------------|----|------------------------|--|
| Take necessary measures to bring its national legislations in conformity with its international obligations under CEDAW and CRC (Recommendation 14)              | Accepted                         |    | Same as Rec 10 and 11  |  |
| Continue its efforts to promote and protect the rights of women and children in accordance with obligations of the CEDAW and the CRC (Recommendation 15)         | Accepted                         |    | Same as Rec 10, 11 and |  |
| Ensure that human rights are afforded full legal protection (Recommendation 16)  | Accepted                         |    | OAG<br>MWYSA           | Kiribati Constitution and see new laws created including; CYPFWA, Education Act, Juvenile Justice Bill, Family Peace Act |
| Enact appropriate legislation that addresses violence against women after consultation with relevant Stakeholders (Recommendation 17)                            | Accepted                         |    | Same as above          | Same as above  |
| Expand its definition of the concept of rape that clearly prohibits sexual harassment and also defines domestic violence in its criminal law (Recommendation 18) | Prepared to consider             | to | MWYSA<br>OAG           | No change in definition of rape however see FPA for criminalisation of domestic violence                                 |
| Proceed with Child Protection Legislative Reform (Recommendation 19)   | Accepted<br>Prepared to consider | to | Same as above<br>OAG   | Near Completion – CYPFWA plus Juvenile Justice Bill on its way under the Juvenile Justice Project                        |

|  |                      |    |               |  |
|--|----------------------|----|---------------|--|
| Review and transform the 1977 Penal Code with regard to violence against children, sexual abuse and exploitation, abduction, sales and trafficking (Recommendation 20)   | Prepared to consider | to | Same as above | Creation of new legislations, also under the JJ project, the harmonisation of existing legislations. |
| Adopt effective measures to bring its national legislation, including customary law, into line with the provisions and principles of the CRC, particularly in the area of child protection and the prevention of corporal punishment, child abuse and child pornography (Recommendation 21)        | Prepared to consider | to |               | Same as Above  |
| Review its legislation to ensure that restrictions on the freedom of expression do not go beyond those permitted by the ICCPR, even though Kiribati has not yet ratified it (Recommendation 22)  |                      |    |               |  |
| Decriminalize homosexuality by abrogating the legal provision which currently penalizes sexual relations with persons of the same sex and sign up to the joint statement made in the General Assembly in December 2008 on human rights, sexual orientation and gender identity (Recommendation 23) | Prepared to consider | to | OAG           |  |

## THEMATIC AREA: Human Rights Institutions

| UPR Recommendations  | Government's position (2010)   | Implementing agencies (and partners) | Describe implementation so far | Plan for further implementation? (activities and timeline)  | Gender impact |
|--|--|--------------------------------------|--------------------------------|---|---------------|
| Establish a national human rights institution, accredited by the International Coordinating Committee of National Human Rights Institutions; establish a national human rights institution in accordance with the Paris Principles (Recommendation 24)   | Did not accept ("a regional human rights institution is considered more appropriate at this time). | Taskforce MFAI MWYSA                 |                                | <p>Considering of establishing a Human Rights Unit in MWYSA (Task Force to be formed to consider feasibility).</p> <p>Consideration of expressing interest to take part in WG to establish a regional HR mechanism (request could be made at PIFS regional security meeting 1<sup>st</sup> week of June in Palau)</p> |               |
| Make greater efforts to establish a national institution for human rights and cooperate with the Office of the High Commissioner for Human Rights and other relevant UN organs, and call on the international community to extend necessary financial support in order to achieve this objective (Recommendation 25) | Did not accept ("a regional human rights institution is considered more appropriate at this time). | See above                            |                                | See above   |               |
| Promptly establish a National Human Rights Institution that operates in accordance with the Paris Principles, seeking international assistance as  | Did not accept ("a regional human rights institution is considered more                            | See above                            |                                | See Above   |               |

|   |   |    |           |           |
|---|---|----|-----------|-----------|
| necessary (Recommendation 26)   | appropriate at this time”).   |    |           |           |
| Consider, with the support of the international community, the establishment of a national human rights institution (Recommendation 27)   | Prepared to consider  | to | See above | See above |
| Seek from the international community and UN specialized agencies the requisite technical assistance to establish a national human rights institution as well as to overcome the challenges and constraints listed in the national report (Recommendation 28) | Prepared to consider  | to | See above | See above |
| Establish a national institution for human rights in accordance with the Paris Principles, for which seek international technical cooperation if necessary (Recommendation 29)  | Did not accept (“a regional human rights institution is considered more appropriate at this time”). |    | See above | See above |

**THEMATIC AREA: Human Rights Education and Awareness**

| UPR Recommendations  | Government’s position (2010) | Implementing agencies (and partners) | Describe implementation so far   | Plan for further implementation? (activities and timeline) | Gender impact |
|--|------------------------------|--------------------------------------|--|--|---------------|
| Institute mechanisms to effectively secure the human rights of all its citizens, | Accepted                     | MWYSA and relevant government        | Creation of Women’s ministry, and oversight over disability and children<br>Activities so far, White ribbon day, |  |               |

|  |          |   |   |
|--|----------|---|---|
| including awareness raising activities (Recommendation 30)   |          | ministries                                | Children's day, HR Day, International Women's Day, Health and Education Day including rights around these. International Youth Day, Public Holiday for HR Day (continuous)  |
| Raise awareness of human rights value and their respect through the media and through educational means, as well as violence against women (Recommendation 31) | Accepted | Govt Ministries, Media – Government Media | <p>As Above, public awareness, road shows, HR and Law trainings in Tarawa and all islands in Kiribati in 2013, Talk shows, attendance of MPs, Judiciary, lawyers, civil servants, police, health officials, etc. at human rights trainings conducted in Tarawa These activities were conducted by various ministries and partners such as the UN, SPC, PIFS, PPDVP, Fiji Women's Crisis Centre and Fiji Women's Rights Movement</p> <p>ESGBV – Working with MOE to include ESGBV in schools curriculum, Healthy Living – addressing Family relationships and violence etc.</p> <p>Police Training Curriculum includes HR and VAW</p> <p>Training for lay magistrates on CRC, HR and related laws such as DV – Family Peace Act.</p> |

**THEMATIC AREA: National Development Plan 2008-2011**

| UPR Recommendations | Government's position (2010) | Implementing agencies (and partners) | Describe implementation so far | Plan for further implementation? (activities and timeline) | Gender impact |
|---------------------|------------------------------|--------------------------------------|--------------------------------|--|---------------|
|---------------------|------------------------------|--------------------------------------|--------------------------------|--|---------------|

|   |          |                                     |  |   |
|---|----------|-------------------------------------|--|---|
| Accelerate, as appropriate, the pursuit of the worthy objectives set out in the National Development Plan 2008 – 2011 (Recommendation 32) | Accepted | MWYSA<br>MOE<br>Ministry of Finance | National disability policy in draft- to be finalised in 2014<br>of Inclusive Education Policy<br>• Discuss further with Finance<br><br>Gender Policy – In draft<br><br>ESGBV Policy – Approved in 2011<br><br>CYPFW Policy 2013<br><br>Registration of School for Disabled Persons (NGO run school) to be formally registered in 2014. | SHIP - shared Implementation Plan and UNJP – Implementing ESGBV Policy 2015-2019.<br><br>New KDP (2012-2017) harmonised with the UNDAF for the first time.<br><br>Note that despite the challenges good progress has been noted in the implementation of the KDP 2008-2011. |
| Extend Government funding to schools for persons with disabilities (Recommendation 33)  | Accepted |                                     | DFAT funding for schools.<br><br>See National Disability Policy 2014-2018  |   |

### THEMATIC AREA: Child Labour policy

| UPR Recommendations   | Government's position (2010) | Implementing agencies (and partners) | Describe implementation so far | Plan for further implementation? (activities and timeline) | Gender impact |
|---|------------------------------|--------------------------------------|--------------------------------|--|---------------|
| Establish a comprehensive child labour policy (Recommendation 34) | Prepared to consider         | MWYSA and Ministry of Labour         | CYPFW Policy                   |  |               |

### THEMATIC AREA: Human Rights Special Procedures

| UPR Recommendations | Government's position (2010) | Implementing agencies (and partners) | Describe implementation so far | Plan for further implementation? (activities and timeline) | Gender impact |
|---------------------|------------------------------|--------------------------------------|--------------------------------|--|---------------|
|                     |                              |                                      |                                |  |               |

|  |                      |    |                      |     |   |
|--|----------------------|----|----------------------|-----|---|
| Urgently strengthen its commitment to the international human rights system in order to receive specialized help through extending a standing invitation to all Special Procedures (Recommendation 35) | Prepared to consider | to | MFAI Taskforce MWYSA |     | This is a key policy decision of government. This is then advised to the MFAI who communicate whether a standing invitation will be extended to SP. |
| Consider extending a standing invitation to all special procedures of the Human Rights Council (Recommendation 36)   | Prepared to consider | to | MFAI above           | and | To work with Taskforce  |
| Issue a standing invitation to the Special Procedures; extend a standing invitation to the Special Procedures mandate holders (Recommendation 37)  |                      |    | Same above           | as  | Same as above   |

### THEMATIC AREA: Gender and Inequality

| UPR Recommendations  | Government's position (2010) | Implementing agencies (and partners) | Describe implementation so far  | Plan for further implementation? (activities and timeline)                   | Gender impact     |
|--|------------------------------|--------------------------------------|---|--|-------------------|
| Intensify its efforts to include gender as a discrimination ground in the Constitution (Recommendation 38) | Prepared to consider         | to MWYSA Opposition MPs              | Raised as a Bill in 2012 but was declined by Parliament                     | Government to consider and research impacts on other laws (refer AGs Office) | Gender inequality |
| Amend the Constitution to include sex and gender as prohibited grounds of discrimination; amend its        | Prepared to consider         | to                                   | Raised again in 2014 but was deferred by Government – Private Members Bill. | As above<br>Issue of costs, Two Third requirement in constitution            |                   |



|   |                                      |    |                      |   |                              |           |
|---|--------------------------------------|----|----------------------|---|------------------------------|-----------|
| Constitution to include sex and gender as prohibited grounds of Discrimination (Recommendation 39)  |                                      |    |                      |   | for Bill of Rights Amendment |           |
| Amend its Constitution and domestic legislation to prohibit discrimination on the basis of gender to bring it into line with its CEDAW obligations (Recommendation 40)  | Prepared consider                    | to | As above             | Amendment of Kiribati Provident Act to ensure that spouse can become beneficiaries of deceased estate. Effected women                 | As above                     |           |
| Amend its Constitution so as to expand the prohibited grounds of discrimination to include not only gender, but sexual orientation, disability, health status and economic status (Recommendation 41)   | Prepared consider                    | to | As above             | As above  |                              | KPF share |
| Fully implement, once adopted, a draft amendment to the Constitution that would protect against discrimination on the basis of sex and gender, and which would seek to protect women's and children's rights regarding family law, sexual offences, domestic violence, property, right to work, and inheritance law (Recommendation 42) | Prepared consider                    | to |                      |   |                              |           |
| Abolish all provisions of laws and regulations that do not provide equality of rights to women (Recommendation 43)  | Prepared consider                    | to | Relevant NGOs (KWAN) | KWAN lobbying for KPF Act<br>Final Policy on ESGBVCA<br>Drafted Gender Equality & Women's Development<br>Conducted Awareness on Human |                              |           |
|   | are sensitive to customary practices |    |                      |   |                              |           |

|   |   |  |   |
|---|---|--|---|
|   | negotiate”)   |  | Rights HR Advocates Training (Refer MWYSA – WDD)<br>Newly introduced <i>Te Rau n Te Mwenga Act</i>  |
| Amend laws and change policies and practices which either expressly discriminate against or perpetuate the discrimination and marginalisation of women (Recommendation 44)                  | Prepared to consider (“there are sensitive customary practices to negotiate”) |  | See Above   |
| Amend its laws, including the Bill of Rights, to protect against discrimination on the basis of sex and to prohibit violence against women, including domestic violence (Recommendation 45) | Prepared to consider  |  | Refer MWYSA – WDD<br><br><i>Te Rau n Te Mwenga Act 2014</i><br><br>Draft Implementation Plans for ESGBVC <ul style="list-style-type: none"> <li>• KSHIP</li> <li>• UNJP</li> </ul><br>Inter Sectorial Approach (Key Line Ministry) on ESGBV Programs (MOH Curriculum, etc refer WDD/MWYSA |
| Adopt policies and measures to guarantee the rights of women in the social, economic and cultural fields without any form of discrimination (Recommendation 46)                             | Accepted  | MWYSA<br>Ministry of Labour<br>Public Service Commission<br>Ministry of Finance<br>Strategic Planning<br>Ministry of Environment | Final Policy on ESGBVCA<br><br>Drafted Gender Equality & Women’s Development<br><br>Conducted Awareness on Human Rights HR Advocates Training<br><br>Increasing number of Women Magistrates<br><br>Establishment of the Ministry of Women, Youth & Social Affairs                         |

|   |                 |  |  |
|---|-----------------|--|--|
| <p>Approve laws and implement programmes that ensure the elimination of gender inequality, in particular access to dignified working conditions, credit, land ownership and basic social services (Recommendation 47)</p> |                 | <p>MWYSA</p>                                       | <p>(MWYSA) ;gender responsive budgeting</p> <p>Inter Sectorial Approach (Key Line Ministry) on ESGBV Programs (MOH Curriculum, etc refer WDD/MWYSA</p> <p>Women recruited to join the UN Peace/Security Team and RAMSI</p> <p>The MLHRD is drafting the Gender Access and Equity Policy &amp; Implementation Plan</p> <p>Draft GEWD as above (refer MWYSA)</p> |
| <p>Adopt additional legislative measures on gender equality to ensure equal participation for women in all decision making positions in all areas of public administration (Recommendation 48)</p>                        | <p>Accepted</p> | <p>OAG<br/>PSC<br/>MWYSA</p>                       | <p>No additional legislation</p>   |
| <p>Promote and support the participation of women in decision-making at all levels (Recommendation 49)</p>  | <p>Accepted</p> | <p>OB<br/>Cabinet<br/>Public Service<br/>MWYSA</p> | <p>Mock Parliament for Women (UNDP, PIFS)</p> <p>Gender and Local Government national programme (CLGF)</p> <p>Gender and Political Empowerment (Voter education-UNWOMEN)</p> <p>Increase in women in decision making bodies e.g. Secretaries, Ambassadors, MP's, Magistrates, Clerks, All heads of diplomatic representatives for Kiribati</p>                 |

| ate women   |   |    |              |   |
|---|---|----|--------------|---|
| Adopt effective measures to overcome the inequality affecting women in accordance with the provisions of the CEDAW and recommendations of UNDP/UNIFEM (Recommendation 50)   | Prepared to consider  | to | As Above     | As above<br><br>UN Women training on CEDAW  |
| Take all necessary measures to address all forms of discrimination, including social discrimination and discrimination against children with disabilities in remote areas (Recommendation 51)   | Accepted (“customs, traditions and the laws of Kiribati do not discriminate against children with disabilities or any child for that matter |    | MWYSA<br>MOE | Inclusive education (KEIP)<br>Draft Policy Kiribati National Disability Policy (KNDP)<br><br>Draft Inclusive Education Policy<br><br>Ratification of CRPD (Sept 2013) |
| Review and amend all relevant legislation, including family law, inheritance law and domestic nationality and citizenship law, and the application thereof, in order to ensure equality between the sexes and compliance with the CEDAW (Recommendation 52) | Prepared to consider. (“There will be particularly sensitive areas such as inheritance laws which are based on culture”)                    | to | MWYSA<br>OAG | <i>Te Rau n te Mwenga Act</i><br><br>Nationality issue raised in Parliament but did not pass<br><br>Education Act –inclusive to disabled, pregnant girls)             |
| Ensure that all girls and women are accepted as students independent of their status as engaged, married or pregnant (Recommendation 53)  | Prepared to consider  | to |              | Not in the Sample<br>See Adolescent girls initiative – UN Women and One UN Project  |

|  |                      |   |   |   |
|--|----------------------|---|---|---|
| Eliminate all forms of de facto discrimination against children coming from economically disadvantaged families (Recommendation 54)  | Prepared to consider |   |   |   |
| Take urgent steps to prevent and punish violence against women in all its manifestations (Recommendation 55)   | Accepted             |   | MWYSA<br>Police<br>Judiciary<br>Crisis Centre<br>Health         | Te Rau n te Mwenga Act<br><br>Media Programmes<br>ESGBV MWYSA preventative programme with Line Ministries<br><br>No drop Policy                                 |
| Take further measures towards eliminating violence and discrimination against women, including by criminalizing sexual harassment (Recommendation 56)  | Accepted             |   | As Above  | Police Hotlines 188 and 192<br><br>DV Awareness to Police by ESGBV Project, RRRT, NZ Police. PPDVP<br><br>Inclusion of DV subject in Police training curriculum |
| Undertake further work to ensure that the law is adequate to prosecute for domestic violence and that these laws are properly enforced through, for example, increased police capacity building and the appointment of female officers (Recommendation 57) | Accepted             | ("The Kiribati Police Services established a new unit to handle domestic violence cases..."). | MWYSA<br>Police<br>AOG<br>Judiciary<br>Health<br>Social Welfare | UNJP and SHIP plus Implementation Plan of Te Rau n TeMwenga Act   |
| Make available better support networks to protect women  | Accepted             | ("A women's network   | MWYSA<br>Crisis Centre  | Safenet Committee set up on Tarawa and in the outer islands   |

|   |   |  |   |  |  |
|---|---|--|---|--|--|
| victims (Recommendation 58)   | ('safenet') now exists which is a facility to look after victims of domestic violence).         |  | WB Gender Safenet project within MWYSA  |  |  |
|   |   |  |   | Training provided for Crisis Centre staff –exchange with FWCC – see UN Women |  |
| Proceed with National Plans of Action on disabilities and on eliminating violence against women (Recommendation 59) | Accepted  |  | Incorporated into KNDP<br>Creation of a GBV Coordinator – Sr. Teoraiti<br>Creation of GBV Unit in the Hospital<br>Counselling, Training to Nurses on SOP for GBV  |  |  |
| Train the police in regard to domestic and sexual violence against women (Recommendation 60)                        | Accepted.<br>Training of officers of the Police Service in this area has started and continues. |  | Police in all ESGBV related taskforces<br><br>Trainings conducted on ESGBV to Police Officers by ESGBV project, RRRT, NZ Police, PPDVP, UN Women<br><br>DV included in Police Training Curriculum<br><br>Training Manuals and Police Training Videos looking at best practices for DV responses |  |  |

### THEMATIC AREA: Child Protection

| UPR Recommendations  | Government's position (2010)                    | Implementing agencies (and partners) | Describe implementation so far  | Plan for further implementation? (activities and timeline)                                  | Gender impact |
|--|---|--------------------------------------|---|---|---------------|
| Implement outstanding legislative reform to prevent violence against children and child abuse in accordance with | Accepted ("CRC has since become domesticated"). | MWYSA                                | <i>Children, Young People and family Welfare Act</i> , looks at services, address issues of violence and abuse against children | Child Protection Project ongoing, including implementation of Act such as project funding a |               |

|   |                      |    |  |   |   |
|---|----------------------|----|--|---|---|
| its obligations under the Convention on the Rights of the Child (Recommendation 61)   | ..                   |    |  | Giving Legal Mandate to Social Welfare to be able to deal with child abuse, neglect and other forms of violence against children  | development of implementation manual as toolkit for social welfare officers. (One part of the Project)  |
| Take further action to ensure that children who have been subjected to sexual exploitation are treated as victims and that the perpetrators are brought to justice (Recommendation 62).   | Accepted             |    | Police<br>MWYSA<br>Judiciary   | <i>Juvenile Justice Bill</i> will address child abuse, violence, sexual abuse, child labour and CSEC<br><br>Technical Working Group on Child Protection comprising members from Judiciary, Police, OAG, NGO, CBO and FBO  | Amending consequential laws such as Penal Code to be in line with the CYPFWA Training for Social Welfare Officers etc. on the new law                     |
| Adopt and implement Penal Code reforms and other measures in compliance with international human rights standards to combat violence against children in all its forms, and provide adequate reintegration and rehabilitation for the victims (Recommendation 63) | Prepared to consider | to | Police<br>MWYSA<br>Judiciary<br>OAG<br>NGOs, CBO,<br>Faith Based<br>Organisation | See Children, Young People and Family Welfare Act and also part of the Child Protection Project is the amendment of consequential legislations – funded by UNICEF<br><br>KNACC to be endorsed by Cabinet<br>See also Juvenile Justice Law Reform Bill – Looking at Youth Courts etc.                                  | Cabinet Paper ready. Body will be reformed and strengthened to ensure that it has the necessary legal and policy frameworks to fulfil this recommendation |
| Take further action to ensure children their human rights under the Convention on the Rights of the Child, including by establishing an effective mechanism to receive, monitor and investigate reports of child abuse and neglect (Recommendation 64)            | Accepted             |    | Police<br>MWYSA<br>Judiciary<br>OAG<br>NGOs, CBO,<br>Faith Based<br>Organisation | SOP for Police Officers (2013) for handling young offenders and development of Training Manual on dealing with young offenders<br><br>Consequent to the Child Protection Project funded by UNICEF and in partnership with the GoK, CYPFWA has been adopted by Parliament and changes to other laws will take place in |   |
| Take all necessary measures to prevent and combat violence  |                      |    |  |   |   |

|  |   |                                   |  |   |
|--|---|-----------------------------------|--|---|
| and maltreatment against children by setting up an effective mechanism to collect, process, and investigate complaints by promoting awareness, heightening campaign, and providing adequate protection of victims; and review and modify the articles of the 1977 Criminal Code concerning violence against children and sexual exploitation, and sale and trafficking of children (Recommendation 65) | Prepared to consider  | to Same response to Rec 63 and 64 | And verify information with UNICEF- re Child Protection Policy | <p>Child Protection is now included in the Kiribati Development Plan (2013-2016) opening the way for resource allocation in government budgeting for child protection related policy and services.</p> <p>Both the Education Act and the CYPFWA addresses issues of corporal punishment. – See also CYPFWA Policy</p> <p>Child Protection Standards Operating Procedures (SOP) has been endorsed and submitted to the Commissioner for Police for Endorsement (check with police)</p> |
| Prohibit corporal punishment of children at home, school, penal institutions, alternative care settings, and as traditional forms of sentencing (Recommendation 66)  | Prepared to consider (“there are sensitive customary practices to negotiate”) | to MOE OAG MWYSA Judiciary Police |  | <p>Juvenile Justice Bill will also look at penal institutions and care settings etc. While corporal punishment is not actively practiced in schools, they remain in the law, however due to the CP Project, this all be part of the general review.</p>   |
| Explicitly prohibit, in all fields, corporal punishment for children and adolescents particularly in view of section 226 of the Penal Code, which permits “reasonable punishments” in penal institutions and by decree of Island Councils (Recommendation 67)  | Prepared to consider  | to MOE OAG MWYSA Judiciary Police |  | Same as above   |
| Enhance the enjoyment of the   | Accepted  | MOE                               |  | Education Act and related laws and  |



|  |  |   |   |
|--|--|---|---|
| right to education particularly for girls, as well as address the issue of sexual abuse and exploitation of children (Recommendation 68)   |  | OAG<br>MWYSA<br>Police<br>CBO<br>Crisis Centre                    | polices above   |
| Ensure the full implementation of juvenile justice standards (Recommendation 69)   | Accepted   |   | Juvenile Justice Bill at drafting stage – Resource challenges   |
| Cease immediately the practice of not segregating women, children and men in prison facilities (Recommendation 70)   | Prepared to consider (“While women and men may share the same prison they are segregated in terms of accommodation and facilities within the prison”). |   | Different facilities for men and women. Laws exist to separate men, women and children but no separate facility available for juveniles.<br><br>See CYPFW Policy and the related Act. |
| Adopt policies and measures to combat child labour and commercial exploitation of children in accordance with the recommendations made by the Committee on the Rights of the Child (Recommendation 71) | Accepted   | Ministry for Labour<br>MWYSA<br>International Labour Organisation | As part of its request for international assistance, Kiribati can ask for assistance towards the building of new Juvenile Facility  |

## THEMATIC AREA: Health

| UPR Recommendations   | Government's position (2010) | Implementing agencies (and partners)  | Describe implementation so far   | Plan for further implementation? (activities and timeline) | Gender impact |
|---|------------------------------|---|--|--|---------------|
| Continue implementing programmes aimed at ensuring that all its people have free quality health and education services (Recommendation 72)  | Accepted                     | MOH   | Health services are free in Kiribati<br><br>NCD Programs/Awareness in schools, community, Nutrition<br>RH Reproductive Health for Family Planning<br><br>Awareness on STI/STD in schools and community   |  |               |
| Strengthen efforts to combat the spread of HIV/AIDS (Recommendation 73)   | Accepted                     | MOH<br>Contact:<br>Rosemary (Laboratory)<br><br>Luisa Kabong (Safe Motherhood)<br><br>Telcoaua<br><br>(Safe | UPR Info notes that VCCT, Youth Friendly Health services, awareness raising are on- going.<br>The National Strategic Plan is near finalisation – Check<br>Training of Service Providers is being provided<br>PPTCT activities are continuing<br>HIV preventive measures and counselling and testing services are available in 10 clinics – CHECK<br>C4D activities are on going<br>UNICEF and other agencies are partnering with the MOH and Medical Services to combat HIV and AIDS |  |               |
| Provide training to medical doctors and cooperate with international organizations, especially World Health Organisation and members of the international community, in obtaining vaccinations to combat HIV/AIDS and to prevent its spread (Recommendation 74) | Accepted                     | MOH<br><br>Contact: Dr Teatao Tira - DPHS   |  |  |               |

## THEMATIC AREA: Education

| UPR Recommendations   | Government's position (2010) | Implementing agencies (and partners) | Describe implementation so far  | Plan for further implementation? (activities and timeline)   | Gender impact                         |
|---|------------------------------|--------------------------------------|---|--|---------------------------------------|
| Further strengthen its educational system to guarantee unrestricted access to education to every member of the population (Recommendation 75)   | Accepted                     | MOE                                  | Education Act of 2013, inclusive education, corporal punishment<br>Class Rehabilitation Program, ramp access for children with disabilities<br><br>Compulsory free education up to Junior secondary<br><br>Provisions for school trucks for students in outer islands, and in the Capital<br>TVET SP implementation | Information to be sourced from MOE   | Gender Mainstreaming within Education |
| Increase the budgetary allocations to ensure equal access to free and quality primary education in all regions and improve the physical infrastructure of the schools, including teaching materials (Recommendation 76) | Accepted                     | Ministry of Finance<br>MOE           | The bulk of government budget is already with MOE – 2012 onwards, MOE DFAT<br><br>KEIP funded by DFAT<br>Gender included in curriculum<br><br>FMU (Department under DFAT on building concrete buildings for schools.<br><br>Free resources such as student's working books, Readers etc.                            | All school buildings will be concrete as opposed to wooden classrooms – Improvement to infrastructures including building of ramps and |                                       |

|   |          |                           |  |   |
|---|----------|---------------------------|--|---|
| Earmark a larger budget for the educational sector and revise existing educational legislation in order to ensure access to primary education for children of all regions (Recommendation 77) | Accepted | As Above                  | Fully Implemented – see above  | separate toilet facilities for boys and girls   |
| Upgrade the efficiency and skills of teachers (Recommendation 78)   | Accepted | ESGBV Education Committee | KELP – Kiribati English Language Proficiency for Teachers and is a program under DFAT. Started in 2012 to 2013 – under further review<br><br>Network for Teachers under the ESGBV Project to have basic counselling skills for students to address DV. Trainings for teachers conducted in 2013 and 2014.  | Have counsellors for All schools in Kiribati  |
| Consider developing human rights education and training programmes in the context of upgrading its national education system (Recommendation 79)  | Accepted | MOE                       | According to UPR Info – With support from the Kiribati Education Improvement Plan (KEIP) the school curriculum has been updated and all teachers from South Tarawa and some islands have benefitted from the training package to improve their teaching<br><br>Project under MOE/Curriculum Development Resource Center under the KEF and SGBV Project | Education Curriculum for Year 5-6 to include as Year 1-4 Curriculums HR, GBV, Inclusive Education, Gender Equality to be completed in 2015.<br><br>Use of gender neutral languages used in education curriculum |

**THEMATIC AREA: Environment**

| UPR Recommendations  | Government's position (2010) | Implementing agencies (and partners) | Describe implementation so far  | Plan for further implementation? (activities and timeline) | Gender impact |
|--|------------------------------|--------------------------------------|---|--|---------------|
| <p>Redouble efforts and pursue activities aimed at the respect for environmental legislation (Recommendation 80)</p> | <p>Accepted</p>              |                                      | <p>Kiribati Integrated Environment Policy<br/>                     Project on water and sanitation – septic tanks to address issues and minimise health related issues, distance to wells. Part of building permit to have a septic system in place. Review according to guidelines. (Ministry of Works)</p> <p>Project on Kiribati Joint Implementation Plan, framework endorsed while pending Cabinet approval. Risk reduction plan. (Office of the President)</p> <p>Water and Sanitation projects (UNICEF, Ministry of Works, UNDP)</p> <p>Highlight also Kiribati contribution to regional initiatives (incl. on climate change)</p> <p>According to UPR Info – Climate Change Policy in Draft Form – Check Status</p> <p>In 2008 and 2014 Amended – Check, Kiribati established the second largest marine protected area in the world, protecting coral reefs, other marine habitats and biodiversity in the Pacific over 410,500 km<sup>2</sup>. The Phoenix Islands Protected Area (PIPA) contains one of the last intact coral reef archipelagic systems in the world including 8 coral atolls,2</p> |  |               |

|   |                     |   |
|---|---------------------|---|
|   | See UPR Info Report | <p>submerged reef systems, sea mounts and deep sea habitats. Registered as a UNESCO World Heritage Site in August 2010 becoming the first such site in Kiribati.</p> <p>June 2012, GoK and EU signed the Fisheries Partnership Agreement for Fisheries. This new protocol reduces tuna fishing by European ships in the waters of Kiribati from 16 to 10 ships, and revises harvests limits based on scientific assessment.</p> <p>2012 Climate Change Report launched. High level advocacy on-going and UNSG visited Kiribati to enhance global commitment to climate change. President Tong leads global voice on climate change.</p> <p>2009-2011 – Kiribati Adaptation Plan Project with support from the World Bank, Global Environment Facility, AusAid, NZ Aid, Japan PHRD Climate Change Fund, UNDP – goal was to reduce vulnerability to climate change, climate variability and sea level rise.</p> |
| <p>Study the possibility of developing a national environmental charter or similar instrument to define the role and responsibilities as well as coordination of action by all relevant parties, including civil society (Recommendation 81)</p> <p>Actively pursue international cooperation to adapt to the</p> | Accepted            | <p>See GoK publication titled <i>Draft Framework Approach to Vulnerability &amp; Adaptation Assessment</i> as well as the <i>Frequently Asked Questions on Climate Change</i></p> <p>Special Rapportuer on Water and Sanitation, <i>Catarina de Albuquerque</i> in her report on Kiribati noted the threats of climate change on the inhabitants of Kiribati</p>  |

adverse effects of climate change (Recommendation 82)

Involve civil society, including human rights NGOs, in follow-up to this review, especially in addressing gender discrimination and domestic violence (Recommendation 83)

Accepted

Accepted

MWYSA  
CFO  
Police

UNICEF  
UNWOMEN  
UNFPA –  
Joint  
Presence

According to UPR Info – civil society NGO and FBA were involved with CSW and MDG Post 2015 Consultations in 2012. See training opportunities provided to NGO's such as;

RRRT Trainings in 2013 on VAW Advocates, Community Consultations for Family Peace Bill, LLP – Legislative Lobbying

UN Women:  
UNJP  
Study Tour – Pacific Fund – SGBV Project  
Capacity Building for recipients of the Pacific EVAW Facility Fund

UNICEF:

**D. Other discussions with regards to reports/documents on human rights thematic areas available in various government reports:**

|       |  |  |
|-------|--|--|
| i)    | <b>Ministry for Women</b><br><b>Ministry of Internal Affairs (MIA)</b> |  |
| ii)   | <b>Finance</b>   |  |
| iii)  | <b>Ministry of Education</b>   |  |
| iv)   | <b>Ministry of Environment</b>   | ○  |
| v)    | <b>Attorney General's chambers</b>                                     |  |
| vii)  | <b>Ministry of Labor and Human Resources Development.</b>              |  |
| viii) | <b>Ministry of Health and Medical Services.</b>                        | ○  |
| ix)   | <b>Police and Prisons (Office of the President)</b>                    | <ul style="list-style-type: none"> <li>○ Determine Police SOPS and training programs and evaluation templates developed to track implementation and progress.</li> <li>○ Kiribati police service has developed sustained capacity to handle children in contact with the law as victims, witnesses and/or offenders</li> </ul> |

**NOTE: To be identified all government or government facilitated partnership on human rights training, good governance training, VAW awareness, climate change awareness and programs.**



**Issues to consider/be mindful off during consultation.**

**International Human Rights Commitment**

- Ratification: ICCPR, ICESCR, CAT,
- Domestication of CEDAW, CRC, CRPD
- Overdue reports to CEDAW and CRC

**Rights Issues**

- Discriminatory provisions in the Constitution
- VAW issues
- Employment issues
- Inter-face between culture/tradition and human rights
- Education
- Health

**Requests**

- Kiribati Task Force will have to develop their requests to the international community to technical and financial assistance to help in the protection and promotion of human rights.