

UNIVERSAL PERIODIC REVIEW OF KIRIBATI
SUBMISSION BY ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC –
PACIFIC OFFICE (UNESCAP)

I BACKGROUND AND FRAMEWORK

A. Scope of international obligations (*cf. 1st UPR cycle recommendations 66.7-66.8 on treaty ratification*)

1. Kiribati ratified the Convention on the Rights of Persons with Disabilities (CRPD) in September 2013. **UNESCAP welcomes this important step** by the Government, especially in view of its expressed reluctance to do so due to limited national capacity and resource constraints. UNESCAP has, in collaboration with regional partners, promoted the ratification of the CRPD as part of its technical assistance to Kiribati in the area of disability-inclusive development. **UNESCAP recommends that Kiribati also consider becoming a State Party to the Optional Protocol of CRPD, allowing for individual complaints.**ⁱ

B. Constitutional and legislative framework (*cf. 1st UPR cycle recommendations 66.41 on expanding prohibited grounds of discrimination under the constitution, 66.16 on full legal protection for human rights, and & 66.10-66.11 on treaty-compliant legislation*)

2. Article 15 of the Kiribati Constitution prohibits discrimination on the grounds of race, place of origin, political opinions, colour or creed.ⁱⁱ The Government has indicated its willingness to consider a constitutional amendment to expand the prohibited grounds of discrimination to include disability. **ESCAP recommends that the Government amends the Constitution to include disability as a prohibited ground of discrimination, in line with its obligations as a State Party to the CRPD.**

3. There is no legislation in Kiribati that specifically addresses the rights of persons with disabilities. However, steps have been taken towards prohibiting discrimination on the ground of disability in education and employment legislation. The Education Act 2013 affirms the right of every child to education and prohibits discrimination against children with disabilities in respect of school enrolment.ⁱⁱⁱ This provision is reinforced by the ‘principle of inclusive education’ which ensures that children with disabilities “must not be excluded from access to free primary and junior secondary education on the basis of disability ...” The principle of inclusive education also underlies the Minister’s powers to “establish centres for special education for children of compulsory school age with disabilities.”^{iv}

4. The Employment (Amendment) Act 2008 prohibits discrimination, both direct and indirect, against an employee or applicant for employment on various grounds including disability “in respect of recruitment, training, promotion, terms and conditions of

employment, termination of employment or other matters arising out of the employment relationship.”^v

5. **ESCAP encourages the Government to continue the process of harmonizing all its domestic laws with the CRPD. It also recommends that the Government ratify the Vocational Rehabilitation (Disabled) Convention, 1983 (ILO No. 159) as agreed by Pacific Disability Ministers (including Kiribati) in 2012.**^{vi} Ratification of Convention 159 will enhance equality of opportunity and treatment of persons with disabilities in the areas of employment and vocational training.
- C. **Institutional and human rights infrastructure and policy measures** (*cf.1st UPR cycle recommendation 66.59 on National Plan of Action on disabilities*)
6. The Government has endorsed the Kiribati Development Plan (KDP) 2012-2015, which focuses on the same six policy areas as the KDP 2008-2011: human resource development, economic growth and poverty reduction, health, environment, governance and infrastructure. The mid-term review of the KDP is scheduled to take place in mid-2014. ESCAP has been invited by the Government to participate in this process.
7. The KDP is founded on the principles of socio protection/ gender equity and results based management.^{vii} Disability-inclusive provisions are found in the human resource development and governance policy areas.^{viii} **ESCAP encourages the Government to strengthen this commitment to human rights, including the rights of marginalised groups, and recommends that it integrate the protection of the rights of persons with disabilities more systematically across all of the key policy areas of the KDP.**

II COOPERATION WITH HUMAN RIGHTS MECHANISMS

8. All States Parties to the Convention on the Rights of Persons with Disabilities (CRPD) are obliged to submit regular reports to the CRPD Committee on how the rights are being implemented. As a State Party to the CRPD since 2013, Kiribati is expected to submit its first national report in 2015 and thereafter every four years. **UNESCAP recommends that Kiribati commence preparations early with a view to meeting its reporting obligation under the CRPD and submitting its initial national report in 2015.**

III IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A. Persons with disabilities

9. The Government has made some progress in implementing the human rights of persons with disabilities. It is promoting disability inclusive development and strengthening the enabling environment by developing disability policy and legislation, and integrating disability into mainstream programmes in areas like employment, education, health and disaster planning, including evacuation plans.^{ix} Progress has been made with accessibility to the physical environment and in enhancing the central role of persons

with disabilities.^x However, limited attention has been given to budgetary allocations for disability-inclusive policies and programmes.^{xi}

10. **ESCAP welcomes the high level commitment of Kiribati to protecting and advancing the rights of persons with disabilities. It encourages the Government to finalise and adopt a national disability policy and action plan that integrates the goals and targets contained in the Incheon Strategy and that is fully consistent with the CRPD. ESCAP also recommends that the Government take steps to provide adequate disability inclusive budgetary allocations.**

B. Climate change adaptation (*cf. 1st UPR cycle recommendation 66.82 on international cooperation for climate change adaptation*)

11. ESCAP has recently embarked on a programme to assist Kiribati in combatting the enormous environmental and social pressures generated by climate change. The Pacific Climate Change and Migration (PCCM) Project is an EU-funded joint ESCAP, ILO and UNDP programme which aims to build climate change resilience through improving adaptive capacity, using migration as an adaptive strategy for vulnerable communities. Kiribati is one of three Pacific countries participating in the project and the Government has confirmed its support and interest.^{xii} In line with this project's objectives, **ESCAP recommends that Kiribati addresses the special needs of persons with disabilities, in compliance with CRPD obligation, to ensure their protection and safety in situations of risk, including natural disasters and humanitarian emergencies.**^{xiii}

IV CAPACITY BUILDING AND TECHNICAL ASSISTANCE

12. Disability has been a priority area of work for ESCAP since the commencement of the first Asia Pacific Decade of Persons with Disabilities 1993-2002, and ESCAP has played a pivotal role in developing two key strategies for the Asia-Pacific region: the Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific (BMF)^{xiv} and the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific^{xv}, which succeeded the BMF in 2012, and is aligned to the CRPD.
13. Both the BMF and Incheon Strategy were adopted by the Kiribati Government in 2002 and 2012 respectively, alongside the Pacific Regional Strategy on Disability in 2010.^{xvi}
14. Using the BMF and its seven priority areas for action as a policy guide, ESCAP provided technical assistance to the Government for the development of its first draft national disability policy in 2007 and 2010, including two rounds of national consultations. In 2012, ESCAP provided technical support to the senior official and Ministerial delegation from Kiribati attending the High-level Meeting on Disability organized by ESCAP in Incheon, which led to the adoption of the Incheon Strategy.^{xvii}

15. The Incheon Strategy has 10 priority areas and provides Kiribati with a comprehensive set of disability-inclusive development goals, targets and indicators, on which to guide the finalization and implementation of its national disability policy during the 2013-2023 decade. Along with other Pacific Island Governments, Kiribati has recognized the continuing relevance of the BMF and the Incheon Strategy “as tools to guide national policies and strategies and to assist in implementing the CRPD.”^{xviii}
16. Kiribati shares a seat with Samoa in the Working Group on the Asian and Pacific Decade of Persons with Disabilities, 2013-2022. The tenure of Working Group members is five years, with the possibility of extension for another five years. Samoa holds the seat for the first 2.5 years and Kiribati for the next 2.5 years.^{xix}
17. ESCAP remains willing to continue to provide capacity-building and technical assistance to the Government in the future.^{xx}

ⁱ For more information about the Convention on the Rights of Persons with Disabilities and its Optional Protocol, see www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx.

ⁱⁱ Kiribati Constitution, see www.paclii.org/ki/legis/consol_act/cok257/.

ⁱⁱⁱ Education Act 2013, No 12 of 2013, section 12 (2).

^{iv} Education Act 2013, No 12 of 2013, sections 19 (1), (2) and (3).

^v Employment (Amendment) Act 2008, Sections 75A, 75B and 75C
http://www.paclii.org/ki/legis/num_act/ea2008229/.

^{vi} Forum Disability Ministers’ Meeting, Port Moresby, PNG, 3-4 October 2012, Outcomes Document.
http://www.forumsec.org.fj/resources/uploads/attachments/documents/2012FDMM_Outcomes.pdf

^{vii} KDP 2012-2015 pages 18-19.

^{viii} KPD 2012-2015 pages 27, 83 & 100.

^{ix} Pacific Islands Forum Secretariat (2013) PRSD Tracking Report - Measuring Progress on the Implementation of the Pacific Regional Strategy on Disability. A report prepared by the Disability Coordination Office, PIFS, Suva.

^x Ibid.

^{xi} Ibid.

^{xii} Pacific Climate Change and Migration Newsletter May 2014.

^{xiii} Article 11, CRPD.

^{xiv} ESCAP Commission resolution 59/3 of 4 Sept 2003.

^{xv} ESCAP Commission resolution 69/13 of 1 May 2013.

^{xvi} Ministerial Declaration on the Asian and Pacific Decade of Persons with Disabilities, 2013-2022; 2nd Forum Disability Ministers’ Meeting, Port Moresby, PNG, 3-4 October 2012, Outcomes Document.

^{xvii} High Level Intergovernmental meeting on the Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons 2003-2012, ESCAP Commission resolution 66/11 of 19 May 2010.

^{xviii} Forum Disability Ministers’ Meeting, Port Moresby, PNG, 3-4 October 2012, Outcomes Document.

^{xix} Report of the 69th ESCAP Commission Session, ESCAP Annual Report 24 May- 1 May 2013, para 188, page 124.

^{xx} For more information about ESCAP’s work and technical cooperation, see <http://www.unescap.org/EPOC>.