

Universal Periodic Review (35th session, January – February 2020)
Contribution of UNESCO

Kiribati

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not State Party	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	12/05/2000 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	02/01/2018 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Constitution of Kiribati of 1979**¹ does not enshrine the right to education. However, Article 11 protects freedom of conscience and at subsection 2 provides that “Every religious community shall be entitled, at its own expenses, to establish and maintain places of education and to manage any place of education which it wholly maintains.” Article 15 protects from discrimination and states that “(3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description. (4) Subsection (1) of this section shall not apply to any law so far as that law makes provision - (b) with respect to person who are not citizens of Kiribati; (e) whereby persons of any such description as is mentioned in the preceding subsection may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.”

2. The **Education Act 2013**² in its Article 11 (1) states that “Every child of compulsory school age is entitled to free enrolment and free education at a primary or junior secondary school”. This is limited by Article 11 (2): “The Minister, acting upon the advice of the Cabinet, may approve a school to impose a fee or charge to be paid in respect of a child of compulsory school age at a primary or junior secondary school receiving education year 1 to year 9. A child cannot be refused enrolment at a school on the basis of his or her sex, religion, race or disability (Article 12 (2)).

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of expression is guaranteed under Section 12 of the Constitution of Kiribati (1980), with an exception to matters concerning, among others, public safety, public order, public morality, an individual’s reputation, and the courts.³

Newspapers are required to register with the government under the Newspaper Registration Act (1988). Under the 2004 amendment of the Act, the government is granted the power to terminate the publication of newspapers that face complaints.⁴

¹ <http://www.parliament.gov.ki/content/constitution>

² http://www.paclii.org/cgi-bin/sinodisp/ki/legis/num_act/ea2013104/ea2013104.html?stem=&synonyms=&query=education%20act

³ <http://www.parliament.gov.ki/content/constitution-kiribati>

⁴ <http://www.parliament.gov.ki/acts/2004/NewspaperRegistration%28Amendment%29Act.pdf>

4. Defamation is a criminal offence under Article 184 of the Penal Code of Kiribati (1965, amended in 1977).⁵ Under Article 187, any publication of defamatory matter concerning a person is considered unlawful. Any violation against such offences may be punished with a fine up to A\$200 (approximately US\$180), or a prison term of up to 12 months.⁶

5. A freedom of information law does not currently exist in the country.

Implementation of legislation:

6. The Communications Commission of Kiribati is charged with implementing and enforcing the provisions of the Act Telecommunication Act (2013), including the granting and management of licenses. All members of the Board of the Commission are appointed by the Government.⁷

Safety of Journalists:

7. UNESCO has recorded no killings of journalists in Kiribati since systematic reporting began in 2008.

III. Review and specific recommendations

A. Education

9. During the last UPR cycle, Kiribati received recommendations to strengthen access to education, pursue inclusive education for all including children with disabilities, girls and pregnant or young mothers, raise education standards and conduct education and awareness-raising campaigns on topics such as domestic violence and child prostitution.

Policy framework:

Following the launch of the SDGs in 2015, the Government drew up the Kiribati Development Plan (KDP) 2016 – 2019 and a national set of indicators.⁸ The Kiribati government also formulated a 20-year vision, covering the period up to 2036, the Kiribati Vision 20 (or KV20).⁹ The KDP broadly aligns to the 2030 Agenda. Education and skills training are a focus for both.

⁵ http://www.wipo.int/wipolex/en/text.jsp?file_id=195858

⁶ http://www.paclii.org/ki/legis/consol_act/pc66/

⁷ <http://www.cck.ki/>

⁸ <http://www.mfed.gov.ki/sites/default/files/Kiribati%20Development%20Plan%202016%20-%202019.pdf>

⁹ <http://www.mfed.gov.ki/sites/default/files/KIRIBATI%2020-YEAR%20VISION%202016-2036%20.pdf>

Access to Education:

- The education system of Kiribati is made up of pre-school, primary school (years 1 – 6) and junior secondary school (“JSS”, years 7 – 9). Senior secondary school (“SSS”) lasts four years (years 10 - 13).
- Kiribati has 9 years of free and compulsory education, encompassing the primary and JSS components of schooling.¹⁰ Since 2016, the Education (Amendment) Act 2016¹¹ and the Free Education policy extends free education to all students who have passed their exams in years 10 – 12 of SSS. Free education includes free basic school materials such as exercise books, pencils, pens and free transport.¹²
- Kiribati has achieved 100% gross enrolment at primary age, or 97% primary adjusted net enrolment rate.¹³
- The progression rate from year 5 to year 6 decreased from 89% to 74% between 2014 - 2016, suggesting that a large minority of children do not receive basic education to the end of primary school, despite it being free and compulsory.¹⁴ One reason for this drop in survival rate may be due to a common but unreliable belief that by year 5 minimum levels of numeracy and literacy have been achieved.¹⁵
- All islands have access to both primary schools and JSS, and at district-level, at least one SSS is available for continued secondary education.¹⁶ In reality, the more senior and specialized education opportunities are located in the urban concentration of South Tarawa,¹⁷ requiring students to move if they want to progress after JSS.

Curriculum:

- An entire curriculum reform has been in progress under the Kiribati Education Improvement Program (KEIP).¹⁸
- The National Curriculum and Assessment Framework establishes the principles that give direction to learning and teaching, intending to focus on child-centred active learning and improving the coherence and relevance of the school experience.¹⁹
- The Te Rau Te Mwenga Act 2014²⁰ introduces a new framework law for the protection of victims of domestic violence. Article 25 (2)(b) lists as a preventative measure “emphasizing human rights, gender equality and the problems of gender-based violence in the education curricula in all

¹⁰ Global Education Monitoring Report, 2019, p. 284. <https://unesdoc.unesco.org/ark:/48223/pf0000265866>

¹¹ http://www.paclii.org/ki/legis/num_act/ea2016184/

¹² Kiribati Voluntary National Review and Kiribati Development Plan Mid-Term Review, 2018, p. 16. http://www.mfed.gov.ki/sites/default/files/Kiribati%20Voluntary%20National%20Review%20and%20Kiribati%20Development%20Plan%20Mid-Term%20Review%202018_0.pdf

¹³ Global Education Monitoring Report, 2019, p. 294.

¹⁴ Kiribati Voluntary National Review, op cit. p. 14.

¹⁵ Education for All 2015 National Review: Kiribati, p. 23. <https://unesdoc.unesco.org/ark:/48223/pf0000231490>

¹⁶ Kiribati Voluntary National Review, op cit. p. 15.

¹⁷ Education for All 2015, op cit. pp. 12 - 13

¹⁸ Kiribati Voluntary National Review, op cit. p. 17.

¹⁹ Education for All 2015, op cit. p. 48.

²⁰ https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=102529&p_classification=01.04

levels of education.” As a result, “moral education which is related to eliminating domestic violence has been included in the school curriculum for Year 3 to 6.”²¹

- Gender equality and sustainable development have low inclusion in curricula, whereas human rights and global citizenship do not feature at all.²²

Gender:

- The Gender Parity Index was 1.04 in 2014 indicating a higher ratio proportion of girls in school than boys.²³
- Health and Family Planning is taught both in primary and JSS, but more specifically at senior secondary levels. There are also radio media programmes promoting awareness of these matters.²⁴

Disabilities:

- The Kiribati Sector Strategic Plan seeks to effectively implement the Inclusive Education Policy, though the Ministry acknowledges that there are challenges in terms of resourcing and managing community perceptions on a mainstreaming policy approach.²⁵
- The Special School is currently the only institution catering for children with disabilities in Kiribati.²⁶

Language:

- The Language in Education Policy replaced English with Te-Kiribati as the language of instruction for the lower primary years, recognizing the importance of starting learning in children’s first language for development of strong fundamentals in literacy and numeracy.²⁷

Early Childhood Care and Education:

- The Early Childhood Care and Education Act 2017 “provides a framework for the regulation of the provision and operation of early childhood care and education to children from 3 years old to under 6 years old”.²⁸

²¹ Kiribati Development Plan 2016 – 2019, p. 13. <http://www.mfed.gov.ki/sites/default/files/Kiribati%20Development%20Plan%202016%20-%202019.pdf>

²² Global Education Monitoring Report, 2019, p. 330.

²³ Kiribati Voluntary National Review, op cit. p. 14.

²⁴ Ibid, p. 18.

²⁵ Information provided by UNESCO Pacific Office

²⁶ Ibid, p. 15.

²⁷ Kiribati Education Improvement Program: Phase III, p. 8. <https://dfat.gov.au/about-us/publications/Documents/kiribati-education-improvement-program-phase3-design-doc.pdf>

²⁸ http://www.paclii.org/ki/legis/num_act/ecccaea2017268/

TVET:

- An intersectoral taskforce led by the Ministry of Education has been formed to look at increasing the scope of curriculum and creating pathways to post-secondary training (particularly TVET) and the world of work, although the significant challenge is in providing TVET training away from the main centres.²⁹

Specific recommendations:

10. Kiribati should be encouraged to:

- Ratify the Convention against Discrimination in Education.
- Build on the new legal framework in the field of early childhood education and progressively guarantee the provision of at least one year of free pre-primary education to all children.
- Investigate and tackle rising dropout rates at primary and JSS level to ensure that all boys and girls enjoy their right to 9 years free and compulsory education.
- Consider expanding the school network to ensure that secondary schools are accessible to students living on outlying islands.
- Increase access to post-secondary education and TVET training that caters to the development needs of Kiribati.
- Increase the inclusion of citizenship education in the curricula, with special attention given to human rights and gender equality.
- Improve access to inclusive, quality education and vocational training programmes for persons with disabilities, and strengthen the capacity of the Kiribati School and Centre for Children with Special Needs as outlined in the Kiribati National Disability Policy and Action Plan 2018 – 2021.³⁰
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.³¹

²⁹ Information provided by UNESCO Pacific Office

³⁰ <https://www.mwysa.gov.ki/downloads-section.raw?view=document&id=4>

³¹ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

B. Freedom of opinion and expression

11. The Government is encouraged to introduce a freedom of information law that is in accordance with international standards.

12. The Government is encouraged to assess the appointment system for the regulator of the communication activities in order to ensure that this body is independent.

13. The Government is encouraged to decriminalize defamation laws and place them within the civil code, in accordance with international standards.

C. Cultural rights

14. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³² and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³³, Kiribati is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Kiribati is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

15. Kiribati is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

16. Kiribati did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Kiribati is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.

³² Periodic Report available at: <https://whc.unesco.org/archive/2012/whc12-36com-10A-en.pdf>

³³ Periodic Report not available.