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Draft report of the Working Group on the Universal Periodic Review*

Kiribati

* The annex is being circulated without formal editing, in the language of submission only.

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirty-fifth session from 20 to 31 January 2020. The review of Kiribati was held at the 13th meeting, on 28 January 2020. The delegation of Kiribati was headed by Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Kiribati to the United Nations, Mr. Teburoro Tito. At its 17th meeting, held on 31 January 2020, the Working Group adopted the report on Kiribati.

2. On 14 January 2020, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Kiribati: Eritrea, Marshall Islands and Ukraine.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Kiribati:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/35/KIR/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/35/KIR/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/35/KIR/3).

4. A list of questions prepared in advance by Germany, Portugal, on behalf of Group of Friends on national mechanisms for implementation, reporting and follow-up, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to Kiribati through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation recalled that at the conclusion of the 2015 review, Kiribati had received a total of 115 recommendations, of which 70 had been supported and 45 noted. Kiribati had implemented 65 out of the 70 supported recommendations despite financial constraints, a lack of local capacity and high staff turnover in key ministries and elsewhere.

6. Despite those limitations, the delegation emphasized that Kiribati remained strongly committed to implementing those recommendations and producing the necessary changes and fulfilling its human rights obligations as expressed in its Kiribati Development Vision over a 20-year period, which recognized human rights and good governance as key components for making Kiribati a nation of happy, healthy, peaceful and prosperous people by 2036.

7. From the delegation's perspective, policy achievements over the past five years included the establishment of the Ministry of Justice to oversee human rights policy, compliance and enforcement; completion of the Common Core Document and submission to OHCHR; completion and submission of much of the outstanding reports for the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of Persons with Disabilities; accession to the Convention Against Torture in July 2019; ratification of the two Optional Protocols to the Convention on the Rights of the Child; completion of the National Human Rights Institution

scoping study in September-October 2019; launching of the Kiribati National Disability Policy in 2018; and launching of the Gender Equality and Women's Empowerment Development Policy in 2019.

8. The delegation highlighted the following legislative changes that had occurred since the last review: the Juvenile Justice Act (2015); the Employment and Industrial Relations Code (2015); the Occupational Health and Safety Act (2015); the amendment of the Constitution to establish the Ministry of Justice (2016); the Early Childhood Care and Education Act (2017); the Penal Code (Amendment) Act 2017 to amend the provision of rape and associated sexual assault offences; and the Disaster Risk Management and Climate Change Act (2019).

9. The delegation explained that as far as non-discrimination was concerned, it was often difficult for people not familiar with Kiribati's traditional system to appreciate that a blind push for gender equality in certain fields of human endeavour could upset the delicate balance upon which the fabric of Kiribati's society rested and upon which the peace, harmony and happiness that those people had enjoyed since time immemorial depended. In that light, gender equality in Kiribati was therefore easily accepted in the more modern human activities such as education, employment, commerce but less so in traditional contexts where the roles of males and females were clearly defined and differentiated. However, with the passing of time, the two systems (the traditional and the modern) had interfaced and overlapped more and more in an increasing number of human activities towards gender equality.

10. The delegation said that the Government was promoting gender equality not through a top-down imposition of laws and policies but by supporting the peaceful coexistence of the two systems (the modern for the urban and the traditional for the rural) and encouraging the adoption of a bottom-up approach in the reform of gender-related values and norms in a cautious manner. Using that bottom-up approach, the Government had succeeded in promoting gender equality in the Disaster Risk Management and Climate Change Act of 2019, which mainstreamed the needs of women, children and people with disabilities.

11. It was hoped that using the same approach, the existing gender inequality over citizenship and land ownership would be eliminated once people realized and agreed that the cultural contexts in which such inequalities had once been justified had changed under the impact of industrialization and globalization.

12. The delegation was pleased to report that the rights of new-borns to citizenship had been addressed with the posting of two Civil Registry staff in the Obstetric Ward for overseeing registration of newborns at the main hospitals and the introduction of a similar requirement for all medical assistants in the outer islands.

13. With regard to the rights of LGBTIQ persons, the delegation stated that the question was becoming an emerging issue which the Government was seriously studying in the face of much cultural resistance and which the latter believed could be best handled through a cautious bottom-up approach.

14. As for prohibition of slavery and trafficking, the delegation noted that even though slavery and trafficking were not yet a serious problem in Kiribati, underlying elements of human exploitation leading to slavery and trafficking of girls and young women in the sex industry did exist and continued to grow with the influence from outside. The Government therefore planned to strengthen legal measures in the Penal Code and in other related laws, not only to combat those activities but to also to tackle their root causes, one of which was prostitution. As part of the Government's efforts to combat prostitution and trafficking, foreign vessels were checked before entering or leaving port by boarding parties made up of representatives from the relevant government ministries.

15. The delegation reported that in support of the rights to safe drinking water and sanitation, the Government had undertaken various projects and programmes to ensure that essential safe drinking water and sanitation were readily available and sustained. Those included the Kiribati Outer Island Food and Water Project (KOIFAWP) supporting members of farming and gardening associations through training on the various aspects of farming and vegetable gardening and through other forms of assistance. The water (and sanitation) needs of the urban population in Tarawa comprising more than half of the national population (130,000) had been well catered for by a State-owned enterprise named the Public Utilities Board. A number of externally funded projects had enabled the upgrading and expansion of the water and sewerage systems built in the 1980s. A GCF-funded project was underway to increase the supply of fresh and clean water for South Tarawa, where more than half of the population resided.

16. With regard to the right to sound health, the delegation was pleased to report that basic medical care and services in Kiribati were free, but people were entitled to choose a paid medical service in private hospitals which the Government encouraged and supported. At the same time, a large percentage of the population used traditional cures and practices to keep themselves healthy. The Government continued to encourage those traditional healing practices and at the same time improve modern medical services in all hospitals and clinics. To curb the apparent high mortality and morbidity of newborns and mothers, the following measures were being undertaken: appointment of trained midwives in all outer island clinics. With the support of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, many medical officers, midwives and nurses had been trained and equipped with the required skills and know-how aimed at reducing the mortality and morbidity of newborns and mothers.

17. The delegation underscored that education was an essential ingredient for human empowerment, which fuelled all development, be it at the personal, family, community or national level. That was why the Government had invested much of its resources in education, as reflected by the fact that education expenditure accounted for more than 20% of the total national budget. Under such ambitious investment, education was free and compulsory for the first six years of primary schooling. It was also free but voluntary for the next three years of junior secondary and once again free and voluntary for the remaining three years of senior secondary for those who had passed the required entry standard for admission into the limited number of places in the senior forms, most of which were run by the larger churches whose teaching costs and developmental activities were heavily subsidized and supported by the Government.

18. The delegation was pleased to report that, with the enactment of the Early Childhood Care Education Act 2017, the education of young children was supported by the Government from the age of 4, which prepared them for primary education commencing at the age of six. Moreover, the Inclusive Education Policy 2017 provided data that showed more girls in school than boys, attributable mainly to the shift in cultural norms and attitudes of parents encouraging their daughters to participate fully in education. For example, pregnant girls were now allowed and encouraged to attend school under Section 4(2) of the Education Act 2013. On top of all those efforts to combat and eliminate gender discrimination, the delegation informed the Council members that 54% of all Government positions were now held by women and most of the top administrative and senior positions were also held by women, a trend which provided clear evidence of the huge strides made with regard to gender equality in Kiribati over the past few decades. Various key activities had been undertaken to further reduce discrimination against women. The delegation noted for example that the Employment and Industrial Relation Code 2015 had helped to create more women-friendly workplaces and to reduce gender discrimination and sexual harassment. The Strengthening Peaceful Villages Kiribati (SPVK) Project was progressing into its second phase in mobilizing women, girls, men and boys to promote respectful relationships and gender

equality at village levels. Discrimination against women over land ownership and citizenship for their foreign spouses had been addressed in a number of constitutional amendments which had failed in the past but had left “seeds” for ongoing debates that could hopefully and eventually lead to the passing of such constitutional amendments. An annual celebration of the White Ribbon Day coinciding with International Women’s Day preceded by 16 days of public awareness-building and campaigns through radio and roadshows, etc. all aimed at cultivating the right mind-set to reduce discrimination against women. Finally, the establishment of the “Kiribati Men Behavioural Change” group created space for men in the group talking to other men with an aim to change the mind-set of men to be less violent and to use non-violent means to express themselves.

19. The delegation explained that while the participation of women at the administrative and professional level in Government was higher than men, their participation in political leadership had been very low. That had much to do with the cultural mind-sets of women, who were themselves generally reluctant to enter the political arena or even vote for their fellow women folk who were standing for election to the national parliament or a local council. The number of women running in parliamentary elections had always been very low but there had been a gradual shift in that mind-set, as reflected by the increasing number of women contesting parliamentary and local council elections over the years. To help boost the courage of women to enter the political arena, the Women’s Development Division had convened a national workshop in October of last year and had organized a one-day mock parliament session involving women delegates from every island and giving them a feel of what it meant to be a member of Parliament. Plans called for the session to become an annual event.

20. As far as gender-based violence was concerned, the delegation referred to reports that Kiribati was among the few countries where gender-based violence was excessively high, although many people in Kiribati believed that the survey from which that information had been obtained had not been properly conducted and had therefore failed to correctly reflect the reality on the ground. Regardless of the accuracy or lack thereof of that alarming rate of gender violence, the Government was nevertheless committed to doing everything in its power to introduce reforms aimed at reducing and eliminating gender-based violence.

21. The delegation reported that the implementation plan of the Family Peace Act had been developed in 2017. As part of the plan, community outreach to the outer islands including South Tarawa had been carried out to clarify that the law had not been made to punish men but rather to promote family peace and wellbeing, thus removing the negative attitudes of men towards such a law.

22. One new development noted by the delegation was the Kiribati Women and Children Support Centre (KWSCS). That body had been established in 2017 with the core task of protecting victims of domestic violence, in accordance with the provisions of the Family Peace Act through provision of counselling services and legal guidance and assistance for women, girls and children, as well as court services for survivors, accompaniment to the police and medical services where needed. Although based in the urban area, the Centre was also available for women and girls from the outer islands. The needs of women and girls in the outer islands were met by the Assistant Social Welfare Officers attached to the island councils. In addition, the client support fund managed by the KWSCS was available for emergency needs of survivors extending from paying for immediate needs of survivors including food and clothing to evacuation of a survivor away from the perpetrator (often husbands) by paying for boat or air fares.

B. Interactive dialogue and responses by the State under review

23. During the interactive dialogue, 51 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

24. Mexico acknowledged the progress made by Kiribati, including the adoption of the National Disability Policy, the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the adoption of the Disaster Risk Management and Climate Change Act 2019.

25. Montenegro encouraged Kiribati to: use international support to enhance implementation of human rights obligations; adopt a more comprehensive national legislation; and improve its institutional framework and capacity. It recognized the need for more active engagement in ratifying core human rights instruments. It expressed concern about high levels of gender-based, domestic and sexual violence, early pregnancies and gender inequality, and very low level of women participation in public and political life.

26. Nepal commended Kiribati for its leadership to address climate change and disaster risk management for the Pacific Islands Region, considering important to support Kiribati's endeavours to build climate change resilience and adaptive capacities. It praised policies on access to quality and inclusive education, and on gender mainstreaming in policies. It encouraged Kiribati to continue addressing the structural barriers faced by women, children, and marginalized and vulnerable groups.

27. New Zealand commended Kiribati for its commitments to establishing a national human rights institution as well as towards good governance and combatting corruption. It encouraged Kiribati to continue to empower media as a vehicle for transparency and public access to information.

28. The Philippines acknowledged consultations undertaken on the Disaster Risk Management and Climate Change Act (2019), which streamlines the needs of women, children, and persons with disabilities. It further praised Kiribati's efforts in mainstreaming gender equality in national policies.

29. Portugal welcomed efforts to implement accepted UPR recommendations and the recent submission of three overdue reports to the Treaty Bodies.

30. Senegal congratulated Kiribati on the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention for the Safeguarding of the Intangible Cultural Heritage. It praised Kiribati's efforts to ensure food security, cultivable soil, and access to safe-drinking water, as well as measures against climate change.

31. Serbia commended Kiribati for its serious approach to UPR commitments, and welcomed measures to provide drinking water and sanitation, and to eliminate human trafficking.

32. Seychelles commended Kiribati for efforts on human rights, whilst addressing the acute consequences of climate change, and the adoption of the Family Peace Act 2014, criminalizing domestic violence, and the development of a related implementation plan.

33. Slovenia appreciated the establishment of Kiribati National Human Rights Taskforce but noted the absence of a long-term plan to ratify all core international human rights instruments. It considered insufficient the Sexual Reproductive Health Rights programme, since teenage pregnancy remained very high. It called on Kiribati to include in the Constitution the freedom from discrimination based on sexual orientation and gender identity, as previously recommended.

34. Timor-Leste noted Kiribati's efforts to increase resilience to extreme weather events and natural disasters. It applauded Kiribati for leading the Coalition of Low-Lying Atoll Nations on Climate Change and the Alliance of Small Island States, while hoping that the international community would increase its assistance to small island States.

35. Tunisia commended Kiribati for its efforts to promote human rights, and the institutional and legal support to combat gender-based violence and to promote inclusive education.

36. With regard to the acceptance of international norms, the delegation reported that during the third review, Kiribati had progressed further by acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, making a total of four ratified conventions. The prospect of ratifying other human rights conventions in the future would depend primarily on the combined fulfilment of three criteria. Firstly, the urgings of the global community to bring all its members on board to combat a serious threat facing all humanity. Secondly, the ability of a country to afford the costs involved in the performance of its obligations on a sustainable basis. Thirdly, whether the convention in question reflected an existing need of a significant portion of the population.

37. In the delegation's view, the Kiribati National Human Rights Task Force, set up in 2014, was the closest form of an NHRI for the country. Initially under the coordination of the Ministry of Women, Youth and Social Affairs, in 2018 it had been transferred to the then newly-established Ministry of Justice. Its core functions included: the overseeing and coordination of the implementation of the Government's obligations under the conventions, to which Kiribati was party; and overseeing of the drafting of progress reports regarding implementation. The secretariat to the Task Force was the Human Rights Division of the Ministry of Justice.

38. In the area of non-discrimination, the delegation explained on the establishment of an association, called the Boutokaan Inaomataia ao Mauriia Binabinaine Association (BIMBA), initially consisting of gay persons with membership open to all other gay and lesbian persons. While the Government supported their freedom of association to pursue happiness in their own way, it considered that the country was not yet ready to decriminalize homosexuality or allow same-sex relationships.

39. Ukraine noted the ratification of Optional Protocols to the Convention on the Right of Child and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It recognized steps in the field of disaster risk management and Kiribati's leadership in the sphere of climate change, including through the Coalition of Low-Lying Atoll Nations on Climate Change and the Alliance of Small Island States.

40. The United Kingdom of Great Britain and Northern Ireland welcomed Kiribati's engagement with the UN human rights system, despite capacity constraints. It commended Kiribati for recent ratifications of human rights treaties, while encouraging Kiribati to reduce the reporting backlog. While noting efforts to prevent gender-based violence, it considered them inadequate. It welcomed working with Kiribati on scoping a National Human Rights Institution via the South Pacific Community's Pacific Commonwealth Equalities Programme.

41. The United States of America commended Kiribati on its July 2019 accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

42. Uruguay welcomed Kiribati's efforts to address the problem of violence against children, adolescents and women. Uruguay congratulated Kiribati for the approval and development of the National Action Plan (2011–2021) to combat sexual and gender-based violence, as well as for the adoption of the Gender Equality and Women Development Policy (2019–2022).

43. Vanuatu applauded Kiribati for expanding the scope of the draft act on disaster risk management and climate change to include the needs and priorities of vulnerable populations such as women and young people. It welcomed the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the recognition of gender equality by putting in place the Gender Equality and Women Development Policy in 2019 and the launch of the National Development Plan 2016–2019.

44. The Bolivarian Republic of Venezuela welcomed Kiribati's strategies in disaster risk management and in the protection of its population from climate change impacts. It appreciated Kiribati's progress in the areas of drinking water and sanitation, as well as its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It further noted Kiribati's National Disability Policy, Reproductive, and Maternal Health Programme.

45. Algeria welcomed the implementation of the Western Pacific Multi-Country Integrated HIV/TB Programme by Kiribati's Ministry of Health. It also welcomed the implementation of the Reproduction Maternal New-born Child and Adolescent Health Programme aimed at supporting the improvement and extension of health services in order to fill gaps and increase access to quality healthcare.

46. Argentina congratulated Kiribati on its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

47. Australia commended Kiribati on its efforts to strengthen human rights, including development of a *National Youth Policy*, *National Disability Policy*, and *National Policy on Gender Equality and Women's Development*. It acknowledged Kiribati's progress in expanding access to essential services, particularly education and health. It also commended Kiribati for the steps taken to reduce violence against women and girls, but noted that this remained a significant challenge within the existing criminal justice framework.

48. Bahamas congratulated Kiribati on efforts in the areas of mitigation, adaptation and resilience building, including through the Climate Change Act 2019, which had mainstreamed the rights of women, children and persons with disabilities. It also welcomed Kiribati's efforts in addressing gender-based violence, including the Family Peace Act and the Shared Implementation Plan for the Policy to Eliminate Sexual and Gender Based Violence.

49. Brazil commended Kiribati for the National Disability Policy and Action Plan 2018-2021 and the Inclusive Education Policy and encouraged Kiribati to fully implement them. It also encouraged Kiribati to continue its efforts to implement the Family Peace Act, which criminalized domestic violence, and to provide residents living both in urban and rural areas, including in outer islands, with safe drinking water and sanitation.

50. Canada commended Kiribati for launching the Pacific Partnership to End Violence against Women and Girls Program in June 2019, as well as establishing the Kiribati Women and Children Support Centre in January 2018. It urged Kiribati to sign and ratify core international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

51. Chile welcomed Kiribati's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and urged Kiribati to implement the Convention in its legislation, by criminalizing torture and adopting measures to prevent it. It remained concerned about the prevalence of sexual abuse against children and child labour, despite the existence of legislation criminalizing such conducts, as well as the persistence of gender stereotypes that halt women's political and economic participation.

52. China welcomed Kiribati's active actions in response to climate change, as well as its efforts to develop education and health, and to promote gender equality. It called on the international community to provide constructive assistance to Kiribati, considering the many challenges Kiribati faced in the promotion and protection of human rights.

53. Cuba congratulated Kiribati on its efforts in combatting gender inequality and violence against women.

54. Denmark congratulated Kiribati for its efforts to combat domestic violence but noted that violence and discrimination targeted at members of the LGBTI community remained a concern. It also commended Kiribati for efforts in reducing maternal mortality. It remained however concerned about the prevalence of sexually transmitted infections and teenage pregnancies.

55. In the field of freedom of expression and opinion, the delegation reported that Kiribati had experienced border control issues and that the flow and entry of foreigners had become hard to detect. Concerns had arisen some three years previously when certain foreigners visiting as tourists had been found to be in breach of their permits and had ended up making a documentary on Kiribati, in which it had been falsely reported that the country was sinking under the rising waters of climate change. Those acts of disrespect for the country's sovereignty had prompted the Government to tighten laws for visiting film-makers, leading in the process to the classification of all journalists and reporters as potential film-makers. The Government was however reviewing those regulations and would soon be in a position to distinguish clearly between filmmakers and normal media journalists and reporters.

56. With regard to gender-based violence, the delegation was pleased to inform the Human Rights Council that, following the enactment of the Family Peace Act in December 2014, there had been continuous prosecution of domestic violence cases and a fair number of convictions secured. Case records of the Social Welfare Division for 2018 and 2019 revealed 22 cases of domestic violence that had been prosecuted and had led to conviction. The Kiribati Women and Children Support Centre had recorded two successful prosecutions of child abuse cases and 123 cases of domestic violence and sexual abuse received. One new measure consisted of cooperation with the Support Centre for the provision of counselling for domestic violence survivors. One continuous programme to combat gender-based violence was the Elimination of Sexual and Gender-based Violence in Kiribati: Policy and Action Plan 2011-2021, which would be improved and extended beyond 2021.

57. Fiji congratulated Kiribati for its ongoing efforts in addressing its development, climate change and human rights challenges and called on States and the international community to assist Kiribati in its efforts.

58. France welcomed Kiribati's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but remained concerned about the human rights situation in the country.

59. Georgia noted the creation of the SAFENET Case Management Review Committee and the Kiribati Women and Children Support Centre to better address the cases of gender-based violence. It also commended Kiribati for the steps taken to ensure gender equality and to launch the Gender Equality and Women Development Policy.

60. Germany welcomed Kiribati's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2019 and the adoption of the Kiribati National Disability Policy in 2018.

61. Haiti recognized that climate change was a monumental challenge for the Government of Kiribati. It also recognized the determination of Kiribati to fight against the negative effects of rising sea levels in order to save their properties and preserve their unique culture.

62. Honduras congratulated Kiribati for its progress and the results obtained in the implementation of the recommendations received in the previous UPR cycles, in particular, the drafting of a new law on disaster risk management and climate change. It reiterated its support for all Kiribati's actions to effectively implement the recommendations received in the present and previous cycles.

63. Iceland welcomed Kiribati's efforts to address the high prevalence of violence against women. It was also encouraged by the opening of the Kiribati Women and Children Support Centre in 2018.

64. India mentioned that as a nation of low-lying islands climate change and the resultant sea-level rise posed a greater challenge to Kiribati. It commended Kiribati for the measures taken to mitigate climate change, and adaptation plans, including initiating a coalition of nations most vulnerable to climate change.

65. Indonesia congratulated Kiribati for acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2019. It, as a member of the Convention against Torture Initiative, stood ready to explore avenues to assist the Government of Kiribati in the implementation of the Convention against Torture, if deemed helpful. It also took note with appreciation of the Inclusive Education Policy 2017, which encouraged for the participation of disadvantaged children and girls in education.

66. Iraq welcomed the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2019 and the development of the Shared Implementation Plan for the Policy to Eliminate Sexual and Gender Based Violence.

67. Ireland commended Kiribati for its leadership on climate change issues, in particular its initiation of the Coalition of Low-Lying Atoll Nations on Climate Change. It encouraged continued leadership on this global challenge. It also recognized that Kiribati was one of the countries most affected by climate change facing growing threats to basic human rights to food and water security. It welcomed Kiribati's accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the two Optional Protocols to the Convention on the Rights of the Child. It further encouraged Kiribati to extend a standing invitation to all UN special procedures.

68. Israel noted the establishment of the National Human Rights Task Force, which was part of the Ministry of Justice. It also noted Kiribati's efforts to mitigate the human rights implications of climate change, including the implementation of the "Whole Island Approach" to address the full range of vulnerabilities on eight islands. It further noted Kiribati's careful consideration of ways to promote women's rights and gender equality against the backdrop of entrenched traditions and sensitivities.

69. Spain acknowledged efforts in the promotion and protection of human rights.

70. Japan appreciated the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2019 and the restructuring of the National Human Rights Taskforce aimed at increasing its capacity. It noted challenges facing Kiribati, including those related to the rights of women, children and vulnerable groups such as persons affected by leprosy.

71. Latvia noted measures taken in the field of promotion and protection of human rights since the previous review encouraging Kiribati to make further efforts in fulfilling its human rights obligations and commitments.

72. Luxembourg welcomed the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the establishment of the Kiribati Women and Children Support Centre.

73. Malaysia welcomed measures taken to promote healthcare services for women. In this regard, it noted the significant drop in maternal mortality thanks to an increase in skilled birth attendants. It encouraged Kiribati to continue strengthening measures to ensure equal access to health services.

74. The Maldives commended Kiribati for its commitment to addressing the impacts of climate change, in particular its efforts to implement adaptation and mitigation projects. It also welcomed the adoption of the Disaster Risk Management and Climate Change Act of 2019 and the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

75. Marshall Islands was pleased to note policies instituted that defined and prohibited the harassment of women, prohibited domestic violence against both women and men, and discrimination based on gender, as well as required equal pay for equal work. It was also encouraged by Kiribati's commitment to mitigating the effects of climate change. It highlighted that the Government focused on addressing child statelessness in the face of climate change and protecting the industries of communities most affected by climate change.

76. The Netherlands commended Kiribati for the accession to the Rome Statute of the International Criminal Court. It remained concerned about high level of domestic, sexual and gender-based violence, as well as about persistent stigmatization of the LGBTI community.

77. Solomon Islands thanked Kiribati for its engagement with the UPR, the Human Rights Council and other international mechanisms. It welcomed the ratification of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the incorporation of human rights principles into national legislation; plans on equality, sexual and gender-based violence, persons with disabilities, and children; and the Climate Change and Disaster Risk Management Plan.

78. Niger welcomed the progress achieved in the field of corruption, the implementation of previous recommendations, and the adoption of Climate Change and Disaster Risk Management Plan.

79. In its concluding remarks, the delegation responded to some of the issues raised during the interactive dialogue and provide clarifications. Firstly, with regard to the issue of nationality and citizenship rights for women and their children, the Ministry of Justice and UNICEF were working on a project intended to lead to draft legislation to ensure that the children of Kiribati women were not discriminated against. Secondly, as for a concern expressed regarding tuberculosis, the Government planned to set up a new ward in the central hospital on Christmas Island for TB patients. Thirdly, regarding sexual education in schools, a plan was being developed under the Gender Equality and Women Development Policy 2019–2012 with a view to creating a school curriculum on sexual and reproductive rights. Lastly, concerning the Penal Code as it related to corporal punishment, the delegation highlighted that that issue had been taken care of in the amendment to the Children, Young People and Family Welfare Act of 2013, but needed to be reflected in the Penal Code.

II. Conclusions and/or recommendations

80. The following recommendations will be examined by Kiribati, which will provide responses in due time, but no later than the forty-fourth session of the Human Rights Council.

80.1 Sign and ratify the core international human rights instruments, to which Kiribati is not yet a party, in particular the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty (Italy);

- 80.2 **Ratify core human rights treaties and conventions, in particular the International Covenant on Civil and Political Rights and its Second Optional Protocol (Ukraine);/Accede to core human rights international instruments, particularly the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty (Mexico);**
- 80.3 **Take steps, to sign and ratify core international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Indonesia);**
- 80.4 **Consider ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Nepal);/Consider becoming Party of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (India);**
- 80.5 **Accede to international human rights instruments, to which it is not yet a party, and seek continuing support from the technical and financial partners in order to strengthen its capacities in the field of human rights (Niger);**
- 80.6 **Sign and ratify the International Covenant on Civil and Political Rights (Spain);**
- 80.7 **Ratify the International Covenant on Civil and Political Rights (Honduras); (Vanuatu); (Bahamas); (France); (Solomon Islands); (Seychelles);**
- 80.8 **Ratify the International Covenant on Civil and Political Rights and its Optional Protocols (Germany);**
- 80.9 **Sign and ratify the International Covenant on Economic, Social and Cultural Rights (Spain);**
- 80.10 **Ratify the International Covenant on Economic, Social and Cultural Rights (Vanuatu); (Bahamas); (France); (Germany); (Honduras); (Luxembourg); (Solomon Islands); (Seychelles);**
- 80.11 **Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (Senegal);**
- 80.12 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Montenegro);**
- 80.13 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**
- 80.14 **Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Senegal);**
- 80.15 **Sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Spain);**
- 80.16 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Germany);**
- 80.17 **Accede to and fully align national legislation with all the obligations under the Rome Statute of the International Criminal Court (Latvia);**
- 80.18 **Consider acceding to the priority Conventions of the International Labour Organization in the area of governance, particularly: 081 (labour**

inspection), 122 (employment policies), 129 (labour inspection in agriculture) and Convention 189 on domestic workers (Uruguay);

80.19 **Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the ILO (Honduras);**

80.20 **Ratify the Convention against Discrimination in Education (Algeria);**

80.21 **Consider the extension of a standing invitation to all special procedures mandate holders of the Human Rights Council (Latvia);**

80.22 **Issue a standing invitation to accept all UN Special Procedures (Marshall Islands);**

80.23 **Extend a standing invitation to the Special Procedures of the Human Rights Council (Chile);**

80.24 **Issue a standing invitation to Special Procedures and effectively implement their recommendations (Ukraine);**

80.25 **Cooperate with UN agencies, as well as with regional bodies, with regard to capacity building, training and exchange of human rights expertise (Serbia);**

80.26 **Consider establishing a National Mechanism for Implementation, Reporting and Follow-up (Bahamas);**

80.27 **Establish a national mechanism to facilitate systematic reporting and follow-up to recommendations from United Nations human rights mechanisms (Spain);**

80.28 **Accelerate the establishment of a national human rights institution (Iraq);**

80.29 **Establish a national human rights institution that complies with the Paris Principles (Ukraine);/Establish a national institution for human rights in accordance with the Paris Principles (Solomon Islands);/Establish a national human rights institution in accordance with the Paris Principles (Serbia);**

80.30 **Establish a National Human Rights Institution in a timely manner and in line with the Paris Principles, using expertise from regional and UN bodies as necessary (United Kingdom of Great Britain and Northern Ireland);**

80.31 **Strengthen the independence of the National Human Rights Task Force so that it complies with the Paris Principles (Germany);**

80.32 **Continue measures to establish a national human rights institution in line with the Paris Principles, including in collaboration with other States (Indonesia);**

80.33 **Incorporate a comprehensive definition of discrimination into the national legal framework to pave the way to achieving the equality of vulnerable groups in social, political, economic and cultural fields (Ukraine);**

80.34 **Intensify efforts to eliminate all forms of discrimination, including through broadening the definition of discrimination in the Constitution to align it fully with the Universal Declaration of Human Rights and core international human rights treaties (Ireland);**

80.35 **Involve community leaders and persons affected by leprosy in planning and decision-making relating to leprosy issues (Japan);**

- 80.36 Take concrete measures to tackle stigma and discrimination against persons affected by leprosy and members of their families, including through awareness raising campaigns (Portugal);
- 80.37 Include in the legislation a provision prohibiting discrimination based on sexual orientation and gender identity, as well as amend article 153 of the Criminal Code, which criminalizes consensual sexual relations between persons of the same sex (Mexico);
- 80.38 Decriminalize consensual sexual relations between adults of the same sex (Italy);/Decriminalize homosexuality and consensual sexual relations between adults of the same sex (Germany); (Timor-Leste);/Decriminalize homosexuality and consensual same-sex relations between adults (Netherlands);/ Decriminalize sexual relations between consenting adults of the same sex and continue to combat gender-based violence (France);/Decriminalize LGBTI conduct or status and combat violence against LGBTI persons (United States of America);
- 80.39 Decriminalize consensual sexual relations between adults of the same sex and amend their discrimination provisions to include sexual orientation and gender identity (Denmark);/Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (Iceland);
- 80.40 Decriminalize homosexuality and consensual sexual relations between adults of the same sex; consider including in the Constitution provisions guaranteeing freedom from discrimination based on sexual orientation and gender equality; and take specific measures, including awareness-raising campaigns, to prevent and punish discrimination, hate speech and violence against LGBTI persons (Portugal);
- 80.41 Repeal from its national legislation the norms that sanction consensual relations between people of the same sex and take measures to combat the acts of discrimination and violence against LGBTIQ people, guaranteeing the investigation and sanction of such acts (Argentina);
- 80.42 Repeal sections 153-155 of the Penal Code and decriminalize all forms of consensual sexual relations between adults, including between adults of the same sex (Australia);/Decriminalize consensual sexual relations between adults of the same sex by amending sections 153, 154 and 155 of the Penal Code (Canada);
- 80.43 Adopt measures to decriminalize consensual sexual relations between adults of the same sex (Chile);
- 80.44 Address the human rights impacts of nuclear testing by monitoring, assessing, and responding to continuing rights issues (Marshall Islands);
- 80.45 Intensify efforts to secure support and assistance from the international community in pursuing its climate change adaptation and mitigation plans (Vanuatu);
- 80.46 Continue to promote sustainable economic and social development, and to strengthen the capacities of responding to climate change and natural disasters (China);
- 80.47 Adopt a comprehensive, gender-responsive and disability-inclusive approach to climate change adaptation and mitigation policies, consistent with

the UNFCCC and Sendai Framework for Disaster Risk Reduction, to address the economic, cultural and social impacts and challenges that climate change presents, for the full and effective enjoyment of human rights for all (Fiji);

80.48 Ensure that a human rights approach as reflected in the Preamble of the Paris Agreement, is also reflected in Kiribati's 2020 submission of the reviewed Nationally Determined Contributions (Fiji);

80.49 Work with national non-governmental organizations, particularly NGOs led by women, when formulating and implementing mitigation and adaptation plans to combat climate change (Haiti);

80.50 Continue taking efforts to secure support and assistance from the international community in pursuing climate change adaptation and mitigation plans (India);

80.51 Intensify efforts aimed at receiving support and assistance from the international community in order to implement plans on adaptation to climate change and mitigation effects (Spain);

80.52 Enact the bill on Disaster Risk Management and Climate Change to strengthen the existing legal framework, and allocate sufficient resources for its effective implementation (Spain);

80.53 Continue to adopt an inclusive and participatory approach to the implementation of community-based climate adaptation initiatives (Philippines);

80.54 Ensure adequate health services for the entire population, especially during extreme weather events (Luxembourg);

80.55 Consider reinforcement of relevant laws and regulations towards fight against human trafficking (Georgia);

80.56 Criminalize human trafficking in line with international standards, including recognising that human trafficking may occur within State borders (United Kingdom of Great Britain and Northern Ireland);

80.57 Regarding human trafficking, address gaps within its penal code and further work to address human rights in the fisheries sector (Marshall Islands);

80.58 Strengthen policy measures and programmes to combat trafficking in persons (Philippines);

80.59 Ensure the freedom of opinion and expression, including for journalists (Germany);

80.60 Support the institution of the traditional family and the preservation of family values (Haiti);

80.61 Continue to consolidate, with international support and cooperation, the implementation of social protection programmes to improve the well-being and quality of life of its people (Bolivarian Republic of Venezuela);

80.62 Ensure that the Revenue Equalization Reserve Fund, the Kiribati's Sovereign Wealth Fund, plays an active role in lifting the I-Kiribatis out of poverty (Haiti);

80.63 Strengthen its legal and institutional frameworks with respect to the implementation of human rights and the right to water and sanitation (Solomon Islands);

- 80.64 Continue to strengthen measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and the elderly (Timor-Leste);
- 80.65 Accelerate the delivery of quality health services, including to rural areas (Vanuatu);
- 80.66 Continue to strengthen measures to ensure that the entire population has equal access to health services, particularly regarding the needs of children, women and the elderly (Algeria);
- 80.67 Further increase investment in health services in order to better protect the right of health for its people (China);
- 80.68 Continue to give priority to the right to health, and implement effective measures to continue expanding access, as well as improving the quality of health care services throughout its territory (Cuba);
- 80.69 Amend articles 150 and 152 of the Criminal Code with the aim of decriminalizing the voluntary termination of pregnancy in cases of rape, incest, serious malformation of the foetus or risks for the mother's life (Mexico);
- 80.70 Revise the Family Life Education curricula to bring it in line with the updated UN technical guidelines on sexuality education and integrate it into all school curricula, including both in Junior and Senior high schools (Slovenia);
- 80.71 Incorporate a comprehensive approach to sexual and reproductive health in the National Development Plan for 2021–2025, which includes accessible family planning programmes, allowing the reduction of the high level of adolescent pregnancies (Uruguay);
- 80.72 Ensure universal access to sexual and reproductive health and rights is incorporated into the next *National Development Plan for 2021–2025*, consistent with UNFPA technical guidelines (Australia);
- 80.73 Ensure adequate resources are allocated for sexual and reproductive health services, particularly which target adolescents, in order to stem the high incidence of HIV and other sexually transmitted infections among young people (Bahamas);
- 80.74 Ensure comprehensive sexual education in the school curriculum in line with the UN international technical guidelines on sexuality education (Denmark);
- 80.75 Revise the Family Life Education curriculum to bring it in line with the updated UN Technical Guidelines on Sexuality Education and ensure the necessary resources and training for its full and effective implementation in schools (Fiji);
- 80.76 Ensure sexual and reproductive rights and health by implementing sexual health programmes accessible for all and by developing sexual education in school curricula (France);
- 80.77 Revise the Family Life Education curriculum to bring it in line with the updated UN technical guidelines on sexuality education and integrate it into all school curriculums, including both in Junior and Senior high schools (Iceland);

- 80.78 **Revise the Family Life Education curriculum to bring it in line with international guidelines and best practices and integrate it into all school curriculums (Malaysia);**
- 80.79 **Revise the Family Life Education curriculum to bring it in line with the United Nations technical guidelines regarding comprehensive sexuality education and ensure full integration of the curriculum across the school system (Netherlands);**
- 80.80 **Work to improve access to sexual and reproductive services, information, and education (New Zealand);**
- 80.81 **Include support for appropriate sexual and reproductive health and rights programmes and steps to develop comprehensive sexuality education programmes in the sexual and reproductive, information and education efforts (New Zealand);**
- 80.82 **Ensure that appropriate sexual and reproductive health programmes, including family planning, prevention of HIV and other sexually transmitted infections and of teenage pregnancies are available to all, without discrimination, and that they are integrated in the next National Development Plan for 2021/25 with the allocation of sufficient resources (Portugal);**
- 80.83 **Incorporate a comprehensive approach to sexual and reproductive health into the next National Development Plan for 2021–2025, including family planning programmes that are accessible to all, and allocate sufficient resources in the annual budget to ensure effective delivery (Fiji); (Iceland); (Malaysia); (Slovenia);**
- 80.84 **Ensure that appropriate sexual and reproductive health and rights programmes, including family planning programmes accessible to all, are integrated into the next National Development Plan for 2021–2025 (Luxembourg);**
- 80.85 **Continue efforts in order to secure the right to education for all (Tunisia);**
- 80.86 **Continue to strengthen its accurate educational policies to guarantee quality education for all (Bolivarian Republic of Venezuela);**
- 80.87 **Enhance the participation of women in community resilience, political leadership as well as in productive employment (Nepal);**
- 80.88 **Develop policies and programmes for empowerment of women (Iraq);**
- 80.89 **Continue efforts to protect and empower women and children, specifically in the areas of gender and family violence, and maternal and child mortality (New Zealand);**
- 80.90 **Specifically outline measures to reduce family and gender violence, as well as maternal and child mortality in national planning (New Zealand);**
- 80.91 **Amend legal provisions that prevent equal rights between women and men to confer nationality to children and spouses, particularly articles 21 and 22 of the Constitution and the Citizenship Act 1979 (Mexico);**
- 80.92 **Continue efforts to promote gender equality (Tunisia);**
- 80.93 **Eliminate laws that discriminate against women and girls, including the paternal transfer of citizenship to the exclusion of maternal transfer, and take steps to increase women’s economic empowerment by reducing economic**

barriers to women and enhancing protections in policies, laws, regulations and public and private practices to facilitate women's participation in the economy (United States of America);

80.94 Modify legislation to allow women to confer their nationality to their children on an equal basis as men, without any form of discrimination (Uruguay);

80.95 Modify national legislation to enable women to pass on Kiribati nationality on an equal basis as men (Argentina);

80.96 Make the necessary amendments in legislation in order to allow women to confer their nationalities to their children on an equal basis as men (Brazil);

80.97 Ensure gender equality, inter alia, by reforming the Citizenship Act 1979 to ensure equal rights for Kiribati women to confer nationality to children and spouses on an equal basis to men (Germany);

80.98 Continue taking measures for effective promotion of gender equality and elimination of discrimination against women (India);

80.99 Revise the Constitution of Kiribati by removing the provisions allowing discrimination against women (Luxembourg);

80.100 Continue to further integrate and mainstream gender equality in national policies (Philippines);

80.101 Enact legislation covering all forms of violence against women (Montenegro);

80.102 Proceed with consideration of strengthening the legal framework towards elimination of violence against women (Georgia);

80.103 Continue to strengthen its legislative, institutional and educational framework to eliminate discrimination and violence against women and girls (Indonesia);

80.104 Enact legislation covering all forms of violence against women (physical, sexual, trafficking, sexual harassment, stalking, psychological and economic) (Ireland);

80.105 Continue to take all necessary measures to address sexual and gender-based violence, including domestic violence and harmful practices such as child, early and forced marriages, as well as to prevent all forms of discrimination against women and girls (Italy);

80.106 Implement the Family Welfare Act 2013 and the National Approach to Eliminating Sexual and Gender-Based Violence Action Plan to improve access to essential services for violence survivors, embed measures to change social norms, and facilitate redress for such crimes (United Kingdom of Great Britain and Northern Ireland);

80.107 Enact legislation to strengthen criminal procedures, police powers and evidence laws relating to all forms of violence against women and girls, and ensure that survivors have access to legal safeguards, including protection orders and civil orders (Australia);

80.108 Implement national media campaigns, training for state officials, and education programmes in all schools to eliminate gender stereotypes and negative social norms that are root causes of gender-based discrimination and violence (Iceland);

- 80.109 Increase its efforts to combat gender-based violence and ensure gender equality through the full implementation of the “Gender Equality and Women Development Policy” (Israel);
- 80.110 Prevent and combat all forms of violence against women and girls, through the effective enforcement of legislation on gender-based violence, and achieve equality for women and girls (Spain);
- 80.111 Strengthen measures to prevent gender-based violence, taking into account the need to address the root causes (Philippines);
- 80.112 Carry out, in full, the *Family Peace Act (2014) Implementation Plan* in order to counter domestic violence and support survivors (Australia);
- 80.113 Strengthen domestic violence laws and improve the handling of domestic and sexual violence cases by allocating more resources to Domestic Violence and Sexual Offence Unit of the Kiribati Police Service and the judiciary system (Canada);
- 80.114 Ensure the effective implementation of the Family Peace Act (Germany);
- 80.115 Take further measures to protect and promote women’s rights, including measures to prevent domestic violence against women (Japan);
- 80.116 Allocate adequate human and financial resources to implement and monitor the 'Family Peace Act' Implementation Plan (Seychelles);
- 80.117 Take concrete measures to encourage women’s political participation and increase the representation of women in parliament, noting that there are currently only three seats held by women and that none are part of the Cabinet (Canada);
- 80.118 Take further measures to prevent child labour and sexual violence on children (Italy);
- 80.119 Criminalize the sex and labour trafficking of children within the country and specify definitions in the Criminal Code for light and hazardous work in order to more clearly define child labour abuses (United States of America);
- 80.120 Take further steps to eliminate sexual exploitation of children and child labour, as well as to prohibit all forms of corporal punishment in all settings, in compliance with international norms and standards on the rights of the child (Brazil);
- 80.121 Investigate, convict and impose stringent penalties against the offenders who exploit or facilitate the commercial sexual exploitation of children and hold accountable all persons responsible, including parents and guardians (Canada);
- 80.122 Intensify the application of existing legislation against sexual exploitation of children and adolescents, including public awareness-raising campaigns to prevent and combat such offenses (Chile);
- 80.123 Develop and implement the Child Labour Policy to protect children against exploitation (Maldives);
- 80.124 Implement domestic legislation that prohibits child labour (Marshall Islands);

80.125 Continue efforts to combat all violence against children by repealing article 226 of the criminal code, which authorizes the administration of "reasonable punishment"(France);

80.126 Continue efforts in order to protect the rights of persons with disabilities and guarantee their full integration in society (Tunisia);

80.127 Continue to strengthen public policies for persons with disabilities and other vulnerable groups (Bolivarian Republic of Venezuela);

80.128 Continue efforts to ensure the well-being of its population, in particular women, children and persons with disabilities, in the design and implementation of its national plans to combat climate change, as well as in plans for risk management of natural disasters and emergency situations (Cuba);

80.129 Develop an implementation plan to effectively implement the Kiribati National Disability Policy (Maldives).

81. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Kiribati was headed by Mr. Teburoro Tito, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Kiribati to the United Nations and composed of the following members:

- Ms. Tebete England, Officer-in-Charge, Ministry of Justice;
 - Ms. Tumai Timeon, Deputy Solicitor General, Office of the Attorney General.
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