Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Kiribati - 8th Session - 2010
3rd May, 3pm to 6pm

National Report
20. As with most Pacific Island states, Kiribati has not ratified most of the international conventions. The only two that have been ratified i.e. CRC and CEDAW have yet to be fully incorporated into Kiribati legislation. Full implementation is an ongoing and progressive process, delayed principally by resource and capacity constraints, amongst other factors. However, efforts are in progress to align national laws with CRC and CEDAW. For example, a Child Protection Legislative Reform project with UNICEF is currently in train overseen by the Attorney-General’s Office while another project operating under the title “Changing Laws: Protecting Women and Family which is a collaboration between MISA and SPC /RRRT has amongst it’s key objectives, legislative reform to facilitate CEDAW compliance.

30. A separate Juvenile Court facility is incorporated within the judicial system. This is targeted at affording separate and specialized treatment for juvenile offenders outside of the mainstream courts. There is also in place a non legislative Court Diversion scheme to provide for community based rather than formal criminal sanction against first offenders. Workshops and training of Magistrates and police officers on juvenile justice is a government priority. These programmes reflect the Government’s wider commitment to ensure the constitutional rights for a fair trial are meaningful and further confirm the Government’s commitment to human rights and social justice values.

32. The Government provides compulsory and free primary schools. There needs to be a system of checks to ensure that all children are allowed to go to school. Legislation provides that parents can be taken to court and charged if proved that they purposely hold their children from school. Due to financial constraints, some families may prefer boys go to school whilst girls are ‘educated’ at home. This practice is fast becoming extinct and education statistics have shown higher number of girls obtaining scholarships in past years. Primary, Secondary, Junior Secondary Schools (JSS) and Tertiary Institutions are highly subsidized by Government through provision of Teacher salaries, free equipment and other teaching materials.

39. The decline in the standards of quality education is visible especially in the standard of written and spoken English; the key prerequisite for University entrance. Lack of training and up-skilling for teachers exists, primarily due to lack of finance and resource persons. There is a definite need for revision of the school curriculum, a need for a decentralized education system and an acute need to upgrade school facilities for schools. All these requirements translate into more funding needed in this area. Government is moving to create employment opportunities such as vocational schools, alternative employment opportunities i.e. gardening, mechanic schools etc.

42. The Government acknowledges that legislative reforms are long overdue for the Penal Code and other laws directly or indirectly impacting on the rights and interests of children. Infrastructural development (juvenile detention facilities, schools, medical services etc) are urgently required for full implantation of the CRC. Again, resource and capacity constraints pose significant hurdles to overcome. The Child Protection Legislative reform commenced in January 2010.

48. A report on Kiribati Family and Support Study is being finalized (December 2009) and will include results of the WHO/VAW survey which includes statistics on the incidence of violence. The project is also a situational analysis of child abuse cases. The Kiribati National Advisory Council for Children is presently looking at the implementation of the CRC concluding comments. UNICEF has been instrumental in the signing of another MOU between MISA and MOH guaranteeing registration of all new births. Recently an agreement between Government and UNICEF has been concluded. The project will look into reform of all legislation concerning children. The
22. CRC was also concerned at the reported increase in commercial sexual exploitation of children.53 In 2009, UNICEF highlighted the

4. In 2006, CRC expressed concern that there was no specific legislation to protect the rights of the child and that domestic law,
including customary law, was not in full compliance with the principles and provisions of the Convention and was frequently not
implemented, particularly in remote areas. It recommended that Kiribati take effective measures to harmonize its domestic legislation,
which includes customary law, with the provisions and principles of the Convention on the Rights of the Child.16

5. UNICEF recommended in 2009 that Kiribati create a Child Protection Act that empowers Government agencies to undertake crisis
intervention, with provision for judicial review of actions. It also recommended amending the 1977 Death and Fire Inquiries Act to
provide for the mandatory investigation of all child deaths.17

7. In 2009, UNICEF highlighted the establishment of a Kiribati National Advisory Committee on Children (KNACC).20 CRC
welcomed the establishment of the KNACC, but regretted the scarcity of human and financial resources allocated to it, which did not
allow it to effectively carry out its work.21

8. UNICEF indicated that the Government endorsed the Kiribati Development Plan 2008–2011, which identified six key policy areas:
human resource development, economic growth and poverty reduction, health, environment, governance and infrastructure.22

9. In 2006, CRC recommended that Kiribati strengthen its efforts to adopt and implement a National Plan of Action which covers all
areas under the Convention on the Rights of the Child.23 It also recommended expanding its programmes to sensitize children and
parents about the Convention, and ensuring that the Convention and related domestic legislation form an integral part of education and
training of professional groups working with and for children.24

16. UNICEF indicated that girls were more vulnerable to sexual abuse and exploitation because they were raised to be “subservient to
male discipline and control”. In addition, girls risked victimization and discrimination as a result of reporting a case of sexual abuse.37
In 2006, CRC was concerned at reports that victims of rape were often shunned by their community.38

17. CRC was further concerned at reports of persistent discrimination experienced by children from economically disadvantaged
families and recommended that Kiribati intensify its efforts to prevent and eliminate all forms of de facto discrimination against them.39

20. In 2006, CRC was concerned at the high number of cases of violence and child abuse.47 UNICEF highlighted that child sexual
abuse was common and of serious concern, adding that most reported cases of child rape involved close relatives.48 While welcoming
the establishment of a Family Assistance and Sexual Offences Unit in the Kiribati Police Service, CRC was concerned at the lack of
comprehensive measures to address this serious phenomenon. It recommended that Kiribati take all necessary measures to prevent and
address violence against children and child abuse, including by establishing an effective mechanism to receive, monitor and investigate
reports of child abuse and neglect; developing and implementing preventive measures, including awareness-raising campaigns to combat
all forms of violence against children; providing victims with adequate protection, as well as psychological support, recovery and social
reintegration assistance; and ensuring that all perpetrators of sexual and other forms of child abuse are brought to justice.49

21. In 2009, UNICEF noted that there was no regulation of traditional practices identified as being harmful to children. UNICEF added
that corporal punishment was not explicitly prohibited and was available in law as a criminal penalty for boys.50 It recommended the
removal of corporal punishment provisions in the 1977 Magistrates Court Act.51 In 2006, CRC expressed concern that corporal
punishment was widely practised in the home and schools, and used as a disciplinary measure in alternative care settings. It added that
under article 226 of the Penal Code, “reasonable punishment” was permitted in penal institutions and by order of island councils. CRC
recommended that Kiribati amend all relevant legislation, in particular article 226 of the Penal Code, to ensure that corporal punishment
is explicitly prohibited in the family, schools, penal institutions, alternative care settings and as a traditional form of sentencing. It also
recommended taking effective measures – including public awareness campaigns – to promote positive, participatory and non-violent
forms of discipline.52

22. CRC was also concerned at the reported increase in commercial sexual exploitation of children.53 In 2009, UNICEF highlighted the
also concerned, inter alia, about the increasing rates among young people of attempted suicides, sexually transmitted infections (STIs).

The 2009 United Nations Statistics Division source indicated that the mortality rate for children under-five per 1,000 live births was 63 in Kiribati. This indicates that the country is unlikely to meet the Millennium Development Goals on reducing child mortality and improving maternal health by 2015.

A severe malnutrition among children is a significant issue. UNICEF highlighted that the relatively high infant and child death rates reflect the fact that Kiribati ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development. It also recommended that these children are provided with rehabilitative and reintegration services, as well as, where possible and when in the best interests of the child, services for reconciliation with their families.

In 2006, CRC was concerned at reports that a number of children were selling goods in the street and were homeless. It recommended, inter alia, that Kiribati ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development. It also recommended that these children are provided with rehabilitative and reintegration services, as well as, where possible and when in the best interests of the child, services for reconciliation with their families.

UNICEF noted with concern that there was no specific legislation on juvenile justice and that persons between 16 and 18 years of age were detained with adults. The lack of adequate alternatives for pretrial and other forms of detention, the lack of guarantees for due process and the poor living conditions faced by children detained in police stations or prisons were also issues of concern. CRC urged Kiribati to ensure the full implementation of juvenile justice standards and recommended, inter alia, that it develop specific and appropriate legislation on juvenile justice; ensure that due process is guaranteed; develop and implement alternatives to pretrial and other forms of detention; and when detained, ensure that persons under 18 are not detained with adults.

UNICEF recommended the creation of a comprehensive Young Offenders Act.

CRC noted that collective living arrangements in Kiribati offered solutions for the care of children by the extended family. However, it was concerned that the best interests of the child were not a priority in decision-making processes. CRC recommended that Kiribati systematically apply criteria based on the best interests of the child and develop informal family-based alternative care solutions.

CRC was also concerned that the absence of monitoring and regulations may result in illegal domestic or intercountry adoptions. It recommended that Kiribati strengthen its efforts to ensure that all children are registered at birth and take measures to promote the importance of birth registration, including through awareness- raising initiatives and access to free and effective registration technology in government offices. In 2009, UNICEF indicated that birth registration was free within 12 months of the child’s birth and that later registrations would incur fees. It added that, according to the law, every child must be registered within 10 days of his or her birth.

In 2006, CRC expressed concern that registration at birth was not a systematic procedure and that a large number of children were not registered. It recommended that Kiribati strengthen its efforts to ensure that all children are registered at birth and take measures to promote the importance of birth registration, including through awareness-raising initiatives and access to free and effective registration technology in government offices.

In 2009, UNICEF recommended the establishment of a Family Law Act and an Adoption Act.

CRC was concerned that large numbers of families lived in economic hardship, near or below the level of subsistence, especially in South Tarawa, and suffered from the effects of overcrowding and limited economic opportunities. It recommended that Kiribati, inter alia, ensure that financial support is provided to families living under restricted economic conditions; schools assist families, particularly disadvantaged families, with regard to childcare and education, and families are provided with adequate and affordable housing.

According to the 2002 CCA, the rapid growth of South Tarawa, and the population decline in most outer islands was placing tremendous pressures on the former and making delivery of services to the latter increasingly difficult, expensive and inefficient. In addition, the fragile environment of South Tarawa was deteriorating due to increasing overcrowding, limited legal access to land and poor waste management and pollution control.

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In 2006, CRC was concerned at reports of high rates of infant and child mortality, acute respiratory infection and diarrhoea, and severe malnutrition among children. UNICEF highlighted that the relatively high infant and child death rates reflect the fact that children in Kiribati still die from readily preventable causes, even though the rates have decreased in the past two decades. It added that Kiribati is unlikely to meet the Millennium Development Goals on reducing child mortality and improving maternal health by 2015.

A 2009 United Nations Statistics Division source indicated that the mortality rate for children under-five per 1,000 live births was 63 in 2007.

UNICEF also highlighted that there was no strategy in place to eliminate the worst forms of child labour and recommended the establishment of a comprehensive child labour policy.

UNICEF recommended the creation of a comprehensive Young Offenders Act.

In 2006, CRC was further concerned at reports that a number of children were selling goods in the street and were homeless. It recommended, inter alia, that Kiribati ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development. It also recommended that these children are provided with rehabilitative and reintegration services, as well as, where possible and when in the best interests of the child, services for reconciliation with their families.

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and teenage pregnancies. It recommended that Kiribati formulate a rights-based plan of action for the protection of all children, and particularly adolescents, from the dangers of drugs and harmful substances; develop recovery and social reintegration services for child victims of substance abuse; strengthen reproductive health education for adolescents; and provide teenage pregnant girls with the necessary assistance and access to health care and education.

50. In the 2003–2007 UNDAF, it was indicated that Kiribati has compulsory education from ages 6 to 14.108 It highlighted that, on the outer islands, provision of schooling was difficult and costly because of poor communications and transport and the expense of servicing small, remote schools. It also noted that the quality of education was low throughout the country due to a shortage of resources within schools and poor physical facilities.109 In 2009, UNICEF stated that, while much progress had been made in increasing access to school, there were concerns regarding the quality of education.110 It recommended the review and reform of the 1977 Education Act.

51. In 2006, CRC noted, inter alia, that the cost of education was often prohibitive and that the absence of training required for teachers was leading to low-quality teaching and disparities in preschool education. The insufficient bilingual education in English and I-Kiribati was also a cause of concern for CRC, as it negatively impacts access to higher education, which is only available in English in neighbouring countries. CRC also regretted that, aside from informal vocational training provided by national NGOs, there were no vocational or educational opportunities within or outside the formal school system. It recommended that Kiribati increase budgetary allocation to ensure access to free primary and quality education in all regions and improve the physical infrastructure of educational facilities; strengthen its efforts to bridge the gaps in the availability of education throughout the country, including the availability of school materials; strengthen vocational programmes for children, including those who do not attend regular school; improve the training and recruitment of teachers; and facilitate the use of new technology, including e-learning and blended learning.

52. In 2003–2007 UNDAF, it was stressed that Kiribati is highly vulnerable to external economic and environmental events, and is among the countries expected to suffer the greatest impact of climate change, including extensive land mass submersion in the worst-case scenario. Similar observations were made by UNHCR and UNICEF in 2009 and CRC in 2006.

53. UNICEF highlighted that the Broadcasting and Publications Authority broadcasts regular programmes on children’s rights and child abuse. UNICEF also highlighted programmes providing reproductive health information, services, commodities and life skills training alongside youth activities and youth drop-in-centres.

54. In the 2003–2007 UNDAF, it was stressed that Kiribati is highly vulnerable to external economic and environmental events, and is among the countries expected to suffer the greatest impact of climate change, including extensive land mass submersion in the worst-case scenario.

55. CRC also referred to difficulties resulting from deep-rooted traditions and the differences between provisions of domestic legislation and customary law, as a factor impeding the implementation of the Convention.

Stakeholder Compilation

2. Joint Submission 1 (JS1) recommended that Kiribati withdraw the reservations to articles 24 b, c, d, e and f, 26 and 28 b, c and d of the Convention on the Rights of the Child (CRC). In addition, (KWAN) urged Kiribati to 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 (OP-CRC-SC).

3. Amnesty International (AI) noted the position of the Kiribati courts that international human rights treaties are only applicable once they have been legislated by Parliament. JS1 highlighted that Kiribati’s implementation of the CRC is still pending effective incorporation of the provisions into domestic legislation.

8. JS1 noted the establishment of the Kiribati National Advisory Committee on Children (KNACC) to oversee the implementation of the CRC. It highlighted that the Committee had faced a number of financial and human resources limitations in the past and urged Kiribati to ensure it is adequately resourced to carry out its work effectively.

9. JS1 recommended that Kiribati take greater steps in promoting human rights education by making known to all citizens their rights as set forth in the Universal Declaration on Human Rights. Noting that many parents were not fully aware of their responsibilities with respect to their children, JS1 further recommended that Kiribati, as part of its obligations under the Convention on the Rights of the Child, take steps to inform rights-holders, parents and other stakeholders of their rights and obligations under the Convention.

11. JS3 noted that whilst Kiribati is a party to CEDAW and CRC, reporting pursuant to ratification of these conventions was delayed. It was recommended that Kiribati enter into partnership with NGOs in the preparation and coordination of reports on human rights conventions.

17. JS3 noted that there was no government school for persons with disabilities. JS1 highlighted that the only school in the country that caters for children with disabilities or special learning needs was supported by the Red Cross. It added that the lack of adequate facilities for these children reflected their lack of attendance at school. JS1 recommended that Kiribati pursue efforts to provide equal educational opportunities for children with disabilities, and take measures to train teachers to educate these children within regular schools.

22. Global Initiative to End All Corporal Punishment of Children (GIEACPC) recommended that Kiribati introduce legislation, as a matter of urgency, to prohibit all corporal punishment of children in the family, home and all other settings, including traditional justice systems.

35. KWAN highlighted that women and children would be most vulnerable to the impacts of climate change because they have limited adaptive capacities due to prevailing social inequalities and ascribed roles. It urged the Government to adhere to the minimum human
JS1 noted that primary and junior secondary education is compulsory and free in Kiribati. According to JS1, the Government is the sole provider of education for primary and junior secondary students. Government and Church schools provide education at senior secondary school level to those selected for further education, subject to payment of fees.

JS1 highlighted that the Government’s commitment to provide education for all children had been re-affirmed in the Ministry of Education’s Strategic Plan for 2008-2011. It recommended the allocation of sufficient resources and overseas aid money to fully implement the goals of the Strategic Plan within the Plan’s time frame.

JS1 expressed concern that enrolments both at junior and senior secondary school levels fell far short of the actual population of children in those age groups. According to JS1, in 2006 the net enrolment ratio at primary level was 96 per cent, while at junior and senior secondary levels was 79 per cent and 34 per cent respectively. JS1 highlighted that the irrelevancy of the curriculum is a major contributor to these low enrolment levels. It also noted that young people who perform poorly or are disinterested in school are likely to drop out, while parents with limited cash resources who cannot see the relevance of formal education for their children’s future are likely to withdraw them from school. JS1 recommended that Kiribati enforce its law of compulsory education for all children of school age with the help of school–family liaison officers, or the like.

JS1 indicated that the quality of education in Kiribati was reportedly low by regional standards. In addition, the curriculum used in schools has not been reviewed for a long time. It focuses on narrow academic pathways linked to traditional jobs and does not encourage vocational and technical skills. According to JS1, a comprehensive overhaul of the school curriculum, particularly at secondary level, is absolutely necessary. Also, curriculum purpose and content need to be reformulated to ensure that students are well prepared to take their place in society as contributing adults and are well equipped for the world of work—whether locally or overseas. JS1 also recommended that Kiribati upgrade the conditions of the schools and make appropriate finances available for this to be done.

JS1 noted that there continue to be many untrained teachers working in schools, which affects the overall quality of education. According to JS1, Kiribati has only one Teachers’ College (KTC) for training and upgrading the teaching profession. Further noted that only 20 per cent of students and 2 per cent of teachers were provided with adequate school furniture (tables, chairs, desks, cupboards, and blackboards). It added that raising literacy and numeracy standards in these conditions was a daunting task. JS1 recommended that Kiribati make every effort to train and employ fully qualified teachers for all the schools, ensuring the provision of sufficient resources for all schools and teachers, which in turn will enhance the education outcomes of the students.

**Final Report and Recommendations - To Follow**