



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Kiribati and welcome the constructive engagement of your Government during the 35th session of the UPR Working Group in January 2020.

As the final outcome report on the review of Kiribati has been recently adopted by the Human Rights Council at its 45th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Kiribati – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 51 delegations and the presentation made and responses provided by the delegation of Kiribati. I have also considered the actions taken by the Government of Kiribati to implement the 70 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome Kiribati's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2019. I trust that the workshop held on 18 August 2020 and the follow-up workshop envisaged in early 2021 on the Convention against Torture and the Committee against Torture (CAT) for members of the Kiribati Human Rights Task Force supported by my Office in the Pacific and the Regional Rights Resource Team of the Secretariat of the Pacific Community (RRRT/SPC) will contribute to the preparation of Kiribati's initial report to CAT and look forward to its submission. I also welcome the Family Peace Act 2014 and other steps aimed at protecting victims of sexual harassment, in particular women and girls.

I further welcome the Employment Industrial Relation Code (EIRC) 2015 that prohibits direct and indirect discrimination, the worst forms of child labour for prostitution, and the production of child sex abuse materials. Moreover, I appreciate Kiribati's legislative efforts on issues such as climate change and disaster risk management, and encourage the protection of the rights of women, children and persons with disabilities in national plans to address climate change and natural disasters. I am also encouraged by the recent efforts made by the Government of Kiribati to seek guidance from my Office in the Pacific on ways to implement the UPR recommendations, and encourage Kiribati to pursue its efforts to establish the National Human Rights Institution in compliance with the Paris Principles and seek support and technical assistance from my Office, relevant UN agencies and regional partners.

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His Excellency
Mr. Taneti MAAMAU
President and Minister of Foreign Affairs and Immigration
Kiribati



I encourage Kiribati to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Kiribati to make further efforts to strengthen its national mechanism for comprehensive reporting and follow-up (the Kiribati National Human Rights Taskforce) in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. In this regard, your Government's authorities in charge of sustainable development may wish to avail themselves of technical support and cooperation by my Office and other stakeholders. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Kiribati to consider submitting a mid-term report on follow-up to the third cycle of the review, by the end of 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office, including my Regional Office in the Pacific, may assist Kiribati in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: His Excellency
Mr. Teburoro TITO
Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Kiribati to the United Nations
Kiribati

Mr. Sanaka SAMARASINHA
Resident Coordinator, UN Multi-Country Office Fiji
Republic of Fiji



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- Acceding to and fully aligning national legislation with all the obligations under the Rome Statute of the International Criminal Court.

National human rights framework

- Strengthening and providing adequate resources to the national Human Rights Task Force so that it can function effectively as a National Mechanism for Implementation, Reporting and Follow-up to facilitate systematic reporting and follow-up to recommendations from United Nations human rights mechanisms.
- Establishing an independent national or regional human rights institution in accordance with the Paris Principles and ensuring that it has a specific mandate and adequate human, technical and financial resources to effectively promote and protect human rights in the country.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Incorporating a comprehensive definition of discrimination into the national legal framework to pave the way for achieving the equality of vulnerable groups in social, political, economic and cultural fields.

Development, the environment, and business and human rights

- Intensifying efforts to pursue its climate change adaptation and mitigation measures, by adopting 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.
- Taking measures to address the impact of climate change, specifically on women's access to resources and livelihoods to ensure that they are not disproportionately affected.

B. Civil and political rights

Fundamental freedoms

- Ensuring the enjoyment of the right to freedom of opinion and expression, including by journalists.

Prohibition of all forms of slavery

- Establishing mechanisms to monitor the implementation of the Penal Code and enforcing the law against those who facilitate and benefit from the exploitation of girls and young

women in prostitution, including ship's captains and bar and hotel owners, and criminalizing domestic trafficking in persons.

Right to family life

- Adopting a family law to uphold equality in marriage and family relations, including with regard to child custody and the equal rights of women and men in relation to ownership and inheritance of land and other marital property.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Strengthening the support for working women with children, by significantly increasing their payment during maternity leave, eliminating any restrictions on women's choice when they take maternity leave, providing nursing spaces and day-care centres, and introducing paid paternity leave.
- Introducing a complaint mechanism for cases of unequal pay for work of equal value, preferential treatment of men over women, and sexual harassment in the workplace.

Right to social security

- Ensuring access for women in the informal sector to the social security system and developing coordinated social protection and compensation programmes for those women.

Right to an adequate standard of living

- Continuing to consolidate, with international support and cooperation, the implementation of social protection programmes aimed at improving the well-being and quality of life of its people.

Right to health

- Conducting awareness-raising activities for the general population and target groups, in particular religious and community leaders and politicians, aimed at combating the negative impact of traditional or religious narratives on women's sexual and reproductive health and rights.
- Continuing to give priority to the right to health and implementing effective measures aimed at expanding access and improving the quality of health care services throughout the country.
- Revising the Family Life Education curriculum to bring it in line with the updated UN Technical Guidelines on Sexuality Education and ensuring the necessary resources and training for its full and effective implementation in schools.

Right to education

- Continuing to strengthen educational policies to guarantee quality education for all.
- In line with target 4.3 of the Sustainable Development Goals, ensuring equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.



D. Rights of specific persons or groups

Women

- Strengthening efforts to incorporate into the Constitution or other legislation a comprehensive definition of discrimination against women and girls in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.
- Continuing efforts to promote gender equality, including through the adoption of temporary special measures, such as statutory quotas for the representation of women in the parliament and the Government, and to achieve substantive equality of women and men in all areas in which women are underrepresented or disadvantaged.
- Preventing and combatting all forms of violence against women and girls, through the effective enforcement of the *Te Rau N Te Mwenga* Act and ensuring that domestic legislation specifically define and criminalize marital rape.
- Improving the handling of domestic and sexual violence cases, by allocating more resources to the Domestic Violence and Sexual Offence Unit of the Kiribati Police Service and the judiciary system, and ensuring the availability of safe spaces for victims and survivors of sexual and gender-based violence throughout the country.
- Enhancing the participation of women in community resilience, political leadership as well as employment in the formal sector.
- Ensuring that women have equal rights to land use, ownership and inheritance, by amending the Native Lands Ordinance, and repealing discriminatory customary law provisions on women's access to land.

Children

- Taking 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.

Persons with disabilities

- Continuing efforts to protect the rights of persons with disabilities and guarantee their full integration in society.
- Developing an implementation plan to effectively implement the Kiribati National Disability Policy.