



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the combined initial, second and third periodic reports of Kiribati*

Visibility of the Convention and the Committee's general recommendations

1. Please provide updated information on measures taken to give sufficient visibility to the Convention and the Committee's general recommendations among women and to ensure that women, and women's organizations and women's advocacy groups, in the State party are aware of their rights under the Convention and related remedies. Please also indicate whether training activities on the Convention are regularly provided to judges, prosecutors and lawyers to enable them to directly apply the Convention or to interpret domestic legislation in accordance with the Convention, as well as to police officers and other law enforcement professionals.

Constitutional, legislative and institutional framework

2. Please provide information on the measures taken to fully incorporate the provisions of the Convention into national law and to revise national and customary law that are inconsistent with the provisions of the Convention. Please indicate whether the Convention is directly applicable within the national legal order and specify whether it can be invoked by individuals in court proceedings. Please provide examples of any cases in national courts in which the provisions of the Convention have been invoked.

3. In accordance with the State party's obligations under articles 1 and 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on the measures taken or envisaged to amend the Constitution and adopt comprehensive anti-discrimination legislation to guarantee the substantive equality of women and men, to define and prohibit direct and indirect discrimination in the public and private spheres and to protect women who face intersecting forms of discrimination, including rural women, women living in the outer islands, women with disabilities, low-income women and lesbian, bisexual and transgender women.

Access to justice

4. Please provide information on the following: (a) the existing legal aid scheme; (b) the measures taken to provide legal assistance to women to facilitate their access

* Adopted by the pre-sessional working group for the seventy-fifth session (25 and 26 July 2019).



to justice, in particular low-income women and women living in the outer islands and in relation to gender-based violence, including domestic and sexual violence; and (c) training for members of the judiciary, magistrates, prosecutors, lawyers and law enforcement officials on women's rights. Please also indicate whether women living in the outer islands have access to courts, including through mobile courts or local indigenous courts.

National machinery for the advancement of women

5. Please provide information on the results of the gender access and equality policy and implementation plan for the period 2013–2016 referred to in paragraph 41 of the report of the State party (CEDAW/C/KIR/1-3)¹ and the progress achieved in adopting the gender equality and women's development policy (para. 25). Please clarify whether the Women's Development Division of the Ministry of Women, Youth, Sports and Social Affairs is the institution that is mandated to monitor the realization of women's rights in the State party and provide information on the impact that its work has had in accelerating the advancement of women in the State party (para. 32). Please also inform the Committee about any gender-responsive budgeting activities.

National human rights institution

6. Please update the Committee on the progress achieved, since the establishment of the national human rights task force (para. 42), to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Temporary special measures

7. It is indicated that there are no existing temporary measures aimed at accelerating the equality of men and women (para. 44). Please indicate whether the State party envisages adopting temporary special measures, including statutory quotas for decision-making and appointed positions, scholarships and incentives for employers to recruit women, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the realization of the substantive equality of women and men, including for the most vulnerable groups of women.

Discriminatory gender stereotypes and harmful practices

8. Please provide information on the measures taken to develop a comprehensive policy to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men within the family and society, in particular targeting social and cultural patterns that lead to discriminatory stereotyping. Please also provide updated information on the role of the Women's Development Division of the Ministry of Women, Youth, Sports and Social Affairs in implementing such measures, including raising awareness of the negative impact of discriminatory stereotypes on the enjoyment by women of their rights. Please also inform the Committee on capacity-building programmes for the staff of the Division and other bodies and entities working on women's rights on eliminating stereotypical perceptions and attitudes regarding the roles of women and men in the family and in society.

¹ Unless otherwise indicated, paragraph numbers refer to the combined initial, second and third periodic reports of the State party.

Gender-based violence against women

9. Information before the Committee indicates that the State party has one of the highest rates of gender-based violence in the region. Please provide information on the following: (a) the challenges and successes encountered in, as well as the resources allocated for, the implementation of the national policy and action plan to eliminate sexual and gender-based violence for the period 2011–2021; and (b) the measures taken to raise public awareness of gender-based violence and the impact of such measures, such as the Black Thursday initiative and White Ribbon Day (para. 18). With reference to the State party's report submitted in the context of the second cycle of the universal periodic review process, please provide information on the progress to expand the definition of rape (A/HRC/WG.6/21/KIR/1, para. 46). Please also provide statistical data on the following: (a) the cases of gender-based violence against women reported to the police; (b) the number of cases, disaggregated by age and type of offence, brought to court; and (c) the number of prosecutions and convictions resulting therefrom.

10. In view of the information before the Committee that 90 per cent of ever-partnered women have experienced at least one form of controlling behaviour from an intimate partner and a correlation between controlling behavior and physical and sexual violence, please provide information on the following: (a) the impact of the Te Rau n te Mwenga Act, as well as the Domestic Violence and Sexual Offences Unit, in combating domestic violence; (b) the number and accessibility of support services and shelters, such as the Women and Children's Support Centre (ibid., para. 104), for women and girls who are victims of violence, in particular in the outer islands, as well as the nature of their funding; (c) the number of protection orders that have been issued since the adoption of the Domestic Violence Act in 2014 and the number of those orders that have been violated, as well as sanctions that have been imposed for violating such orders; (d) the number of calls received through the toll-free hotline for women since its creation; and (e) training activities for personnel of the toll-free hotline to adequately address cases of gender-based violence and domestic violence (ibid., para. 95). Please also indicate how current measures to combat gender-based violence take into account the specific vulnerabilities of women and girls with disabilities.

Trafficking and exploitation of prostitution

11. Please provide information and data on the following: (a) the prevalence of the exploitation of prostitution, in particular of women and girls in the context of foreign fishing vessels; (b) the number of cases investigated and prosecuted and the number of sentences imposed on perpetrators of sexual exploitation of girls; and (c) the access for women and girls engaged in prostitution to contraceptives and sexual and reproductive health services. In view of the lack of legal provisions on trafficking (para. 58), please provide information on the measures taken or envisaged with regard to the following: (a) identifying, protecting and assisting women and girls who are victims of trafficking and the exploitation of prostitution; (b) combating the recruitment of women and girls as sex workers for crew members aboard foreign fishing vessels; and (c) raising public awareness of the risks of trafficking and exploitation of prostitution, in particular among women and girls in vulnerable situations. Please also indicate whether the State party intends to conduct a comprehensive study on the extent and root causes of trafficking in persons and the exploitation of prostitution.

Participation in political and public life

12. It is indicated that, in 2015, there were four women in the national parliament, representing 8.7 per cent of parliamentarians, which was “the highest representation of women in parliament since independence” (para. 63). Please provide information on the steps taken or envisaged to increase the number of women in elected and appointed decision-making bodies and to achieve the equal representation of women in political and public life, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25. Please provide, in particular, information on measures taken or envisaged to introduce a system of quotas and/or other temporary special measures, with a view to reaching a minimum of 30 per cent representation of women in the parliament, and to support women candidates standing for election in the State party.

13. With regard to the participation of women in local decision-making bodies, it is indicated that women hold 10 of the 234 local government positions available, despite the existence of “reserved seats for women on most of the local governments, for example Women Interest Worker” (para. 66). Please provide more information on the Women Interest Worker and other related initiatives, including the reasons why they have not translated into higher participation of women in mayorships, *Botaki n Unimwane* (councils of elders) and island councils. It is also indicated that, in the *maneaba* (community councils): (a) women were traditionally not allowed to speak (para. 68) but could contribute their ideas and comments “through their spouse or other male family member who sits in the traditional decision-making circle” (para. 3); and (b) women can now sit in areas in the *maneaba* traditionally set aside for men, which led to an observation by a male elder that a certain woman sitting in the *maneaba* “almost sounds like a man”, the highest compliment for women in a traditional Kiribati setting” (para. 69). Please specify to what extent that tradition is still being practised, whether all *maneaba* in the State party now allow for women to speak and the impact of programmes aimed at increasing the participation of women in decision-making positions (paras. 38–39 and 41).

Nationality

14. Please provide information on the measures taken or envisaged to amend the Constitution and the Citizenship Act of 1979 to ensure that I-Kiribati women have the same rights as I-Kiribati men regarding the transmission of their nationality to their children and to their spouses of foreign nationality, as well as the inclusion of their children’s names in their passports, in line with the Committee’s general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

Education

15. Please provide information on the measures taken or envisaged with regard to the following: (a) reducing the incidence of early pregnancy; (b) conducting a review of school curricula and textbooks, with a view to removing discriminatory gender stereotypes; (c) encouraging girls to pursue non-traditional courses of study, in particular those in the areas of science, technology, engineering and mathematics; (d) integrating age-appropriate education on sexual and reproductive health and rights for all levels of education into the curricula in the State party; and (e) providing adequate sanitation facilities and sanitary products for girls in schools. Please also provide data on the following: (a) the dropout rate among girls owing to pregnancy and the levels at which it occurs; (b) the number of adolescent mothers who have returned to school after giving birth, since the adoption of the Education Act in 2013,

under which it is prohibited the expel a student because the student is pregnant or is a parent (para. 83); (c) the indirect costs of education that may impede access for women and girls, in particular those living in rural areas and the outer islands, to education; and (d) literacy and primary school completion rates among women and girls with disabilities. Please also inform the Committee of measures taken to guarantee accessible and inclusive education for women and girls with disabilities.

Employment

16. Information before the Committee indicates that the participation of women in the labour force is lower than that of men, and only 2 of every 10 married women with cash earnings decide on how it is spent. Please provide information on the measures taken with regard to the following: (a) improving the rate of employment of women, including through the use of temporary special measures; (b) enforcing the prohibition of discrimination and sexual harassment in the workplace under the Employment and Industrial Relations Code of 2015 (para. 96); (c) establishing available and affordable childcare facilities to allow parents to reconcile work and family life; and (d) improving the level of equal sharing of responsibilities in the home between men and women. Please also clarify the reasons for the lack of collective bargaining agreements in place, including for equal remuneration for women and men, despite legislation that guarantees that right for women (para. 101). Please also provide more information on the gender access and equality policy and implementation plan for the period 2013–2016 of the Ministry of Employment and Human Resources, which was aimed at addressing sexual harassment in the workplace and training institutions (para. 41), including the resources allocated for its implementation and on the results achieved. With regard to maternity leave, please inform the Committee about the following: (a) the extent to which women working in both the public and private sectors are able to take paid maternity leave; (b) the mechanisms in place to monitor the compliance of employers with the Employment and Industrial Relations Code with respect to paid maternity leave; and (c) any measures envisaged to increase the amount of paid maternity leave, which is currently “not less than 25 per cent of the remuneration” of the employee (para. 97).

Health

17. Please indicate the measures in place with regard to addressing the high levels of maternal anaemia and non-communicable diseases, including diabetes and obesity (para. 118) and improving access for women and girls, in particular those living in rural areas and the outer islands, to safe water and proper sanitation. In view of the prohibition of family planning and the use of contraceptives by the church (para. 117) and the low rate of contraceptive use (para. 115) in the State party, please provide information on the measures taken or envisaged with regard to the following: (a) conducting awareness-raising aimed at combating the negative influence of traditional or religious considerations on the exercise of women’s sexual and reproductive health rights; and (b) improving the provision of sexual and reproductive health information and services, in particular affordable modern methods of contraception and family planning services, to women and girls, including those with disabilities. According to information before the Committee, abortion is illegal, except in cases where the life of the pregnant woman is at risk. Please provide information on measures envisaged to legalize abortion in cases of rape, incest, risk to the health of the pregnant woman and severe fetal impairment and on the incidence of unsafe abortion and its impact on women’s health, including maternal mortality.

Economic and social benefits

18. Please provide information on the measures taken or envisaged with regard to the following: (a) ensuring access for women working in the informal sector to social protection schemes; (b) encouraging and supporting women's entrepreneurship, including in the fisheries, agriculture and tourism industries, such as by providing related training (para. 151) and ensuring their access to loan schemes administered by the Development Bank of Kiribati, village banks and the Small Business Development Fund (para. 137); and (c) revising the Registration of Business Names Act of 1988 to remove provisions that discriminate against women and the requirement for female applicants to produce a marriage certificate. Please also inform the Committee about the measures taken to achieve substantive gender equality in sports, including by ensuring access for women and girls to sports facilities and their participation in sporting bodies and organizations.

Women and girls living in the outer islands and other disadvantaged groups of women

19. Please provide concrete examples of social protection schemes in place that are aimed at addressing the disparities faced by women belonging to disadvantaged groups, including women and girls living in the outer islands, rural women, single women, women heads of household and women with disabilities, with regard to justice, economic empowerment programmes and basic social services, including education, health and water and sanitation. Please clarify whether all women over 65 years of age in the State party are benefiting from the Elderly Fund (para. 134). Please provide more information on the specific activities of Women Liaison Officers in the outer islands (paras. 162–163).

Climate change and disaster risk reduction

20. In view of the vulnerability of the State party to the adverse effects of climate change, please provide information on how a gender perspective has been incorporated into the joint implementation plan (para. 179), as well as the national disaster risk management plan and the national framework for climate change and climate change adaptation. Please also provide information on the participation of women in the development, implementation and monitoring of those policies, plans and programmes on climate change and disaster risk reduction, taking into account the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

Marriage and family relations

21. According to information before the Committee, fault-based divorce is practised in the State party and the distribution of property following divorce or separation does not recognize unremunerated domestic work and other non-financial contributions to the marriage. In addition, it is indicated that, under the Native Lands Ordinance, certain land ownership rights granted to men are not extended to women (para. 168). Please inform the Committee of the measures taken or envisaged to remove discriminatory provisions in laws regulating the ownership, inheritance and transfer of property upon the dissolution of a marriage and to guarantee equal rights to women and men in family relations and during and upon dissolution of a marriage, in line with article 16 of the Convention and the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. Please provide information on the legislative measures in place to ensure child support and maintenance payments for children after their parents separate or divorce.

Data collection and analysis

22. Please provide more information on the implementation of recommendations of the gender stocktaking exercise conducted in 2013 with respect to data collection and analysis (para. 27). Please also indicate the specific measures envisaged to strengthen the national system of data collection in all areas covered by the Convention, including the use of measurable indicators to assess trends in the situation of women and progress towards achieving substantive equality between women and men, in particular on gender-based violence against women, early pregnancy, the prevalence of HIV/AIDS and sexually transmitted infections, employment, economic empowerment, including access for women to loans, political participation, women in prostitution and women who are victims of trafficking. In that regard, please provide information on the use of such data as the basis for monitoring the implementation of current and future policy and legislative measures for the advancement of women.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

23. Please indicate whether progress has been made towards the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.
