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Summary of stakeholders' submissions on Kiribati*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 9 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. Joint Submission 1 (JS1) noted that Kiribati had yet to ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.⁴

3. Centre for Global Nonkilling (CGNK) and JS1 recommended that Kiribati ratify the International Covenant on Civil and Political Rights (ICCPR).⁵ CGNK also recommended that Kiribati ratify the second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.⁶

4. JS1 recommended that Kiribati ratify the International Covenant on Economic, Social and Cultural Rights.⁷

5. JS1 recommended that Kiribati ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁸

6. CGNK recommended that Kiribati ratify the International Convention for the Protection of All Persons from Enforced Disappearance.⁹

7. CGNK recommended that Kiribati ratify the Convention on the Prevention and Punishment of the Crime of Genocide.¹⁰

* The present document is being issued without formal editing.



8. Joint Submission 3 (JS3) recommended that Kiribati invite the Special Rapporteur on the situation of human rights defenders to the country.¹¹

B. National human rights framework

Constitutional and legislative framework

9. European Centre for Law and Justice noted that the Penal Code of Kiribati strictly prohibited abortion.¹²

C. Promotion and protection of human rights

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

Equality and non-discrimination

10. JS1 stated that sexual conduct between consenting adult males remained a crime in Kiribati.¹³ In this regard, JS1 recommended that Kiribati decriminalize consensual same-sex sexual activity between adult men by repealing Sections 153 to 155 of the Penal Code; and immediately release and commute the sentences of anyone convicted of consensual same-sex sexual activity between adult men and expunge their criminal records related to consensual same-sex sexual activity between adult men.¹⁴

Administration of justice, including impunity, and the rule of law

11. World Council of Churches (WCC) recommended that the Government of Kiribati should seek the support of the international community, particularly from the Governments of the countries responsible for the nuclear tests in the 1950s and 1960s, in order to: provide an effective remedy to the survivors and their descendants, including a full investigation into the facts of the nuclear tests, provision of information, acknowledging the suffering of the survivors and provide a safe space for them to tell their stories; establish a monument memorializing the suffering caused by the testing, as demanded by the Kiritimati Association of Cancer Patients Affected by the British and American Bomb tests.¹⁵

Fundamental freedoms and the right to participate in public and political life

12. JS3 stated that the Banaban Human Rights Defenders Network faced challenges when attempting to register as a civil society organization, due to policy changes that required new civil society organisations to obtain signatures of all members of Parliament to register.¹⁶ In this regard, JS3 recommended that Kiribati amend policies creating undue restrictions on civil society.¹⁷

13. JS3 also highlighted that the limited rights of *Banabans* to equal participation and political representation outlined in the Kiribati Constitution had been eschewed with the failure of the Government of Kiribati to fulfil the obligations.¹⁸

Right to marriage and family life

14. Center for Family and Human Rights (C-Fam) encouraged Kiribati to continue protecting the natural family and marriage as the fundamental unit of society.¹⁹

Right to an adequate standard of living

15. JS3 noted that while the Government had noted the Kiribati Outer Island Food and Water Project during the previous cycle review, it failed to explain a comprehensive strategy to expand access to health services to all outer islands. It also emphasized that there had been no mention of *Banaba* in the Kiribati Outer Island Food and Water Project, which continued to suffer from a lack of access to clean water and steady food supplies.²⁰

16. JS3 also highlighted the failure of the Government of Kiribati to repair the desalination units it provided to *Banaba*, which had all broken down. *Banabans* were forced to collect rainwater, which risked asbestos contamination.²¹

Right to health

17. C-Fam recommended that Kiribati continue to improve maternal and child health outcomes, including by ensuring adequate nutrition for pregnant women and affordable maternal health care, as well as improving access to hygiene, sanitation, particularly for pregnant women and mothers, with special attention to those in rural and remote areas and for those in low-resource settings.²²

18. JS1 stated that the Kiribati 20-Year Vision (2016–2036) consultation draft did not include as a goal or strategic priority the development of a comprehensive sexuality education or family life education programme available to students throughout Kiribati's educational system and additionally lacked any integration of the specific needs of LGBTIQ+ people.²³ In this regard, JS1 recommended that Kiribati: include as strategic priorities in the next national Development Plan the goal of educating Kiribati's youth on LGBTIQ+ individuals' sexual health and needs and improving the mental and emotional health of LGBTIQ+ individuals; and take active steps to ensure that LGBTIQ+ individuals had access to sexual and reproductive health services.²⁴

19. Joint Submission 2 (JS2) expressed concern about reports of the abuse of alcoholic beverages among the population and the consequences that this behaviour had on the population, emphasizing that such abuse, in addition to harming the health of those who consumed it, also harmed society through the increase in violence that was generated, whether within or outside the family environment.²⁵

20. WCC recommended that the Government of Kiribati should seek the support of the international community, particularly from the Governments of the countries responsible for the nuclear tests in the 1950s and 1960s, in order to: comprehensively assess, monitor and respond to the continuing violations of the human rights – particularly the right to health – of survivors, especially on Kiritimati; conduct a study into the potential inter-generational health effects of the children and grandchildren of the survivors; and provide victim-assistance in the form of health care provision, psycho-social support, socio-economic inclusion, support for victim's advocacy associations and risk education.²⁶

Right to education

21. Broken Chalk stated that the distances between islands in Kiribati led to transportation difficulties, making it challenging for students to attend school, especially for those in remote areas.²⁷ It also noted that the geographical placement policy successfully raised enrolment rates across regions, ensuring that primary and junior secondary schools were relatively accessible. However, disparities remained in senior secondary education, primarily due to the concentration of opportunities in South Tarawa.²⁸

22. Broken Chalk also stated that the limited capacity of Kiribati senior secondary schools, which provided only 22 per cent of student placements, posed a barrier to equitable education. The remaining 78 per cent of students attended mission schools, highlighting gaps in geographic distribution and access.²⁹ It further stated that Kiribati's rural schools faced additional difficulties such as delays in resource delivery, non-permanent infrastructure, and multi-grade teaching, which did not occur in South Tarawa.³⁰

23. Broken Chalk noted that there was a cultural and linguistic disconnect. Students primarily speaking I-Kiribati at home faced a significant language barrier when transitioning to English tasks. This gap could lead to disengagement and lower academic performance. Limited teaching resources exacerbated the problem. The majority of schools in Kiribati were unable to provide adequate textbooks or English language materials, often relying on outdated resources.³¹

24. Broken Chalk recommended that Kiribati: increase investment in rural and outer Kiribati islands to ensure that all students could access quality education, regardless of location or socio-economic status; increase investment in reliable and affordable

transportation options for students residing on outer islands, alongside increased educational investment in those areas including subsidizing transportation costs, enhancing maritime and air transport schedules, and investing in weather-resilient transport solutions to minimize absenteeism due to weather conditions; continue investment in digital infrastructure and remote learning, which would allow students in outer islands to continue education when physical resources, transportation, and teaching were not available; expand teacher training initiatives focused on English as a second language methodologies and provide teachers with the skills and strategies needed to effectively teach English; and achieve greater economic equality and resource distribution across the country, including equal distribution of textbooks, learning materials, and equal economic and job opportunities for parents.³²

25. JS2 similarly recommended that Kiribati: facilitate training for the unemployed, especially in traditional jobs; increase the public transport and the school buses to facilitate mobility and travel to educational resources; establish specialized centres for the learning and use of English, accessible to the entire population, especially in poorer or more remote sectors of the country; implement more educational programmes that supported school dropouts to return to the education system and/or complete their studies as adults; and facilitate training courses for adults to help them get a better job.³³

26. JS2 also recommended that Kiribati: provide education in schools and families to prevent early pregnancies; and facilitate and ensure access to education for pregnant girls.³⁴

27. Broken Chalk recommended that Kiribati strengthen data collection and monitoring systems to track and record education outcomes that could inform future policy and consider the success of educational improvement efforts.³⁵

Development, the environment, and business and human rights

28. JS2 highlighted that the consequences of climate change could be easily seen everywhere in Kiribati. These consequences also had a direct impact on the lives of many people. Rising sea levels led to the forced displacement of some populations, which entailed the loss of traditions, languages, dialects, and cultures, in addition to the economic difficulties caused by such forced displacement.³⁶ In this regard, JS2 recommended that Kiribati: plant vegetation to prevent shoreline erosion (mangroves) and construct sea walls; involve the United Nations in concrete climate change measures; and establish a joint action plan, between Kiribati and the United Nations with concrete measures, timing, and allocated resources to ensure the culture and identity of the Kiribati people.³⁷

29. Broken Chalk encouraged the Government of Kiribati to adopt a more ambitious target of achieving net zero carbon emissions by 2030. In this regard, Broken Chalk stated that while the current climate policy targeted 2050, accelerating this timeline would align Kiribati with science-based climate action advice, protecting the right to education by reducing the adverse effects of climate change on school infrastructure and resources, as well as safeguarding all areas of Kiribati's economic and social life.³⁸

30. Broken Chalk advocated for continued prioritization of climate-resilient infrastructure in Kiribati schools, particularly in rural areas where these adaptations were less common, including building more climate-adapted classrooms, improving facilities in vulnerable regions, and ensuring that all children, particularly those in remote areas had access to climate resilient education.³⁹

31. Joint Submission 4 (JS4) also recommended that Kiribati develop a comprehensive legal and policy framework that addressed climate-induced displacement and protected the nationality rights of its citizens by ensuring that any discussions or policies explicitly considered the implications of climate change on nationality rights, access to services and risk of statelessness.⁴⁰

32. WCC recommended that the Government of Kiribati should seek the support of the international community, particularly from the Governments of the countries responsible for the nuclear tests in the 1950s and 1960s, in order to: survey and remediate the contaminated environments on Kiritimati and Malden Islands; and facilitate radiation risk education on Kiritimati.⁴¹

33. JS3 highlighted that attempts to re-mine *Banaba* by an Australian mining company, Centrex, without free, prior, and informed consent while manipulating the few legal protections for *Banaban* rights had given rise to the mobilization of human rights defenders in Kiribati.⁴² In this regard, JS3 recommended that Kiribati train all Government officials and law enforcement on human rights to prevent arbitrary arrests, unlawful detention, of human rights defenders and retaliatory civil actions against them.⁴³

2. Rights of specific persons or groups

Women

34. JS4 emphasized that effectively, I-Kiribati women citizens did not have equal rights with I-Kiribati men with regard to conferring nationality on children born in wedlock, whether in Kiribati or overseas. Furthermore, I-Kiribati women did not have equal rights as I-Kiribati men to confer their nationality on their foreign spouse. While foreign women married to I-Kiribati men could acquire Kiribati citizenship, the law was silent on the right of foreign men married to I-Kiribati women to do the same.⁴⁴

35. JS4 stressed that by undermining women's status as equal citizens and their equality within the family, gender discrimination in the nationality law of Kiribati contributed to a primary root cause of gender-based violence. Given the alarming rates of gender-based violence in the country and the Government's commitment to combating gender-based violence, nationality law reform to uphold gender equality should be prioritized as part of efforts to comprehensively address gender-based violence.⁴⁵

Children

36. JS4 stated that gender discrimination in Kiribati's nationality law could result in a wide range of human rights violations. Children, including those adopted, were at heightened risk of statelessness when they could not acquire their non-citizen parent's nationality. Children might also face a lack of access to public healthcare, education and other public services, unemployment and poverty, social alienation, and psychological damage.⁴⁶

Minorities

37. JS3 stated that the Government of Kiribati continued to neglect its obligations to ensure an adequate standard of living on *Banaba*. Without rehabilitation, *Banaba* remained reliant on imported food and water. Phosphate mining had devastated and removed most of *Banaba*'s fertile soil, and had destroyed hundreds of drought-resistant coconut and pandanus trees.⁴⁷

Lesbian, gay, bisexual, transgender and intersex persons

38. JS1 stated that LGBTIQ+ individuals in Kiribati lived in a hostile, and sometimes deadly, environment, facing threats of physical violence, persecution, and discrimination based on sexual orientation, gender identity, and gender expression. Widespread stigmatization of LGBTIQ+ individuals hindered the reporting of violence, persecution, and discrimination against them, and officials in Kiribati failed to respond to such incidents when they occurred. The absence of consideration for LGBTIQ+ people in policy and lawmaking further hindered reporting and awareness of the serious threats LGBTIQ+ individuals faced in Kiribati.⁴⁸

39. JS1 also stated that the invisibility of LGBTIQ+ people from the policy space in Kiribati might perpetuate and contribute to the social stigma and lack of access to government services that LGBTIQ+ people faced in Kiribati and discouraged reporting and investigation of instances of State and non-State actor violence and abuse against LGBTIQ+ people in Kiribati.⁴⁹

40. JS1 recommended that Kiribati: draft and adopt legislation in consultation with LGBTIQ+ organizations that permitted transgender individuals to change their legal gender; adopt legislation to ban discrimination against all minority groups, including members, real or suspected, of the LGBTIQ+ community; introduce and implement policy measures aimed at improving the health and wellbeing of LGBTIQ+ individuals in consultation with

LGBTIQ+ organizations; carry out prompt, impartial, effective, and transparent investigations of all attacks on LGBTIQ+ individuals and their community and prosecute perpetrators of such attacks; create, fund, and implement public education campaigns meant to improve the public's opinion of the LGBTIQ+ community with the goal of preventing discrimination, harassment, and violence toward LGBTIQ+ individuals in consultation with LGBTIQ+ organizations; and adopt comprehensive hate crimes and hate speech laws that included hate crimes and hate speech based on sexual orientation, gender identity, and gender expression.⁵⁰

Stateless persons

41. JS4 stated that stateless persons were at an increased risk of arbitrary arrest and indefinite detention, discrimination and marginalization and faced barriers to accessing formal employment and justice.⁵¹

42. JS3 expressed concern that while there were legal protections for *Banaban* citizenship in Kiribati, there were no consistent processes for such *Banaban* citizenship applications, and there was no reference to their implementation in the Immigration Act. Furthermore, many immigration officials were unfamiliar with the specific provisions related to *Banaban* citizenship.⁵² In this regard, JS3 recommended that Kiribati align the Immigration Act with constitutional provisions that safeguarded *Banaban* citizenship and establish a special immigration category for *Banaban* that provided expedited residency and work permits, reducing bureaucratic barriers.⁵³

43. JS4 also noted that Kiribati's geographical dispersion, consisting of 33 islands spread over a vast distance, posed challenges for capturing all births within the country. Children of unwed mothers also had a lower rate of registration, due to the stigmatization of unwed pregnancy and single mothers.⁵⁴ In this regard, JS4 recommended that Kiribati continue efforts to register the births of all children, particularly by ensuring that children of unmarried parents, those whose father's identity was unknown, and those born outside of hospitals were properly registered. This should include initiatives to eliminate the stigmatization faced by children of unmarried parents and their mothers.⁵⁵

Notes

¹ A/HRC/44/15, A/HRC/44/15/Add.1, and A/HRC/44/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

Broken Chalk	Broken Chalk, Amsterdam (Netherlands (Kingdom of The));
C-Fam	Center for Family and Human Rights, New York (United States of America);
CGNK	Centre for Global Nonkilling, Geneva (Switzerland);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
WCC	World Council of Churches, Geneva (Switzerland).

Joint submissions:

JS1	Joint submission 1 submitted by: The Advocates for Human Rights, Minnesota (United States of America); Boutokaan Inaomataia ao Mauriia Binabinaine Association (BIMBA) (Kiribati);
JS2	Joint submission 2 submitted by: Edmund Rice International (ERI), Geneva (Switzerland); Marist International Solidarity Foundation (FMSI), Rome (Italy); Marist Brothers Star of the Sea Province; Mascot NSW (Australia);
JS3	Joint submission 3 submitted by: Banaban Human Rights Defenders Network (BHRDN), Rabi Island (Fiji); International Center for Advocates Against Discrimination (ICAAD), New York (United States of America);
JS4	Joint submission 4 submitted by: Nationality For All (NFA);

Statelessness and Dignified Citizenship Coalition - Asia Pacific (SDCC - AP); Global Campaign for Equal Nationality Rights (GCENR).

³ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

⁴ JS1, paras. 9 and 11.

⁵ CGNK, pages 3–4; JS1, para. 40.

⁶ CGNK, pages 3–4.

⁷ JS1, para. 40.

⁸ JS1, para. 40.

⁹ CGNK, page 5.

¹⁰ CGNK, page 3.

¹¹ JS3, para. 25.

¹² ECLJ, para. 5.

¹³ JS1, para. 15.

¹⁴ JS1, para. 40.

¹⁵ WCC, page 3.

¹⁶ JS3, para. 18.

¹⁷ JS3, para. 24.

¹⁸ JS3, para. 13.

¹⁹ C-Fam, page 5.

²⁰ JS3, para. 9.

²¹ JS3, para. 11.

²² C-Fam, page 5.

²³ JS1, para. 38.

²⁴ JS1, para. 40.

²⁵ JS2, para. 40.

²⁶ WCC, page 3.

²⁷ Broken Chalk, para. 12.

²⁸ Broken Chalk, para. 13.

²⁹ Broken Chalk, para. 14.

³⁰ Broken Chalk, para. 15.

³¹ Broken Chalk, paras. 17–18.

³² Broken Chalk, paras. 29–32 and 35.

³³ JS2, para. 35.

³⁴ JS2, para. 43.

- ³⁵ Broken Chalk, para. 37.
 - ³⁶ JS2, para. 10.
 - ³⁷ JS2, para. 26.
 - ³⁸ Broken Chalk, para. 34.
 - ³⁹ Broken Chalk, para. 33.
 - ⁴⁰ JS4, Recommendation IV on page 13.
 - ⁴¹ WCC, page 3.
 - ⁴² JS3, para. 16.
 - ⁴³ JS3, para. 27.
 - ⁴⁴ JS4, paras. 17–18.
 - ⁴⁵ JS4, para. 33.
 - ⁴⁶ JS4, para. 30.
 - ⁴⁷ JS3, para. 4.
 - ⁴⁸ JS1, para. 4.
 - ⁴⁹ JS1, para. 26.
 - ⁵⁰ JS1, para. 40.
 - ⁵¹ JS4, para. 30.
 - ⁵² JS3, para. 8.
 - ⁵³ JS3, para. 23.
 - ⁵⁴ JS4, paras. 38–39.
 - ⁵⁵ JS4, Recommendation V on page 13.
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