



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

#### SUMMARY RECORD OF THE 1166th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,  
on Wednesday, 13 September 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 4) (continued)

Initial report of Kiribati (CRC/C/KIR/1; CRC/C/KIR/Q/1 and Add.1)

1. At the invitation of the Chairperson, Mr. Lambourne, Ms. Rikare, Ms. Taoaba and Mr. Tiban (Kiribati) took places at the Committee table.
2. Ms. TAOABA (Kiribati) said that children and young people had a special position in the culture of Kiribati. According to preliminary data from the 2005 census, 49 per cent of its 92,533 inhabitants were under 20. The urban population was growing faster than the rural population, mainly because of internal migration. Population density on the main island of South Tarawa, which had a land area of only 14 square kilometres, ranged from 1,986 per square kilometre in the Te Inainano urban area to over 7,000 per square kilometre - greater than that of Singapore or Hong Kong - on Betio Islet. The concentration of population on South Tarawa had put considerable strain on infrastructure, and the great distances between the various islands, most of which had small populations, made the delivery of services difficult and expensive.
3. Kiribati had a strong traditional culture based on relationships within and between groups, with well-defined structures and systems. Such structures and systems upheld many of the values and principles that were at the core of the Convention on the Rights of the Child. The basic social and economic unit was the extended family, and that collective responsibility extended to the village and local community level, where children were taught their role and position in each of those groups.
4. While traditionally children did not have a voice in decision-making or many opportunities to express their views, there was a growing acceptance of the need to give children a stronger voice in the community. Traditional culture was being eroded in urban areas where, owing in part to the absence of the extended family and village community support structures, increasing numbers of children were facing hardship.
5. Despite the challenges in the delivery of such services as basic health care, the general health of children was improving. Considerable resources had been allocated to public health campaigns and programmes that focused on maternal and child health. A programme for immunization against measles and rubella had been organized in cooperation with the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and other development partners. With the help of the European Union, her Government was improving medical services in rural areas; it was also working with traditional birth attendants to improve traditional childbirth practices.
6. As traditional support structures weakened in urban areas, disparities between socio-economic groups, urban and rural areas, girls and boys and the various islands were increasing. Her Government was implementing policies to address those issues, including the reinvigoration of the Kiribati National Advisory Committee on Children. The National Advisory

Committee comprised representatives from government ministries, non-governmental organizations (NGOs) and churches as well as young people. Its terms of reference included coordination and monitoring of the implementation of the Convention and some advocacy activities.

7. Education indicators in Kiribati were generally sound when compared to other developing countries. While access to education was very good, the quality of education still needed to be improved. More informal and non-formal education programmes were necessary in order to cater for the growing number of early school leavers and prepare them for employment in the private and public sectors.

8. The Ministry of Education, Youth and Sports had introduced projects aimed at improving children's values, skills and knowledge so that they could contribute to the development of Kiribati. There were also new initiatives from the Police Service and the Social Welfare Division of the Ministry of Internal and Social Affairs to help young people participate actively in society.

9. She thanked UNICEF for its invaluable assistance and for making it possible for her delegation to meet with the Committee.

10. Mr. ZERMATTEN (Country Rapporteur) said that the situation of children in Kiribati was aggravated by the great distances between islands, which made it difficult to ensure uniform awareness and implementation of the Convention, and by the population density on the main island. More than half the population lived in poverty, and high unemployment made employment prospects for young people bleak. The largest employer was the civil service, which provided approximately 8,000 jobs. While Kiribati's traditional culture, which placed emphasis on family and community ties, could be a source of stability for young people, it could also pose an obstacle to change and be a source of conflict between customary law and practices and statute law. Moreover, there was no strong human rights culture; the State party had ratified only the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

11. He welcomed such initiatives as the National Youth Policy and Action Plan 2001-2005, the National Plan of Action 2006-2008, plans in the field of health, the establishment of the Kiribati National Advisory Committee on Children, the creation of a family assistance and sexual offences unit in the Police Service, and the organization of a seminar on the rights of the child in the capital, Bairiki, in August 2006. New legislation included the Marriage Ordinance, which raised the legal age for marriage to 18, the Evidence Act 2003, which allowed children under 14 to testify, and the Education Ordinance, which made school attendance obligatory for children between the ages of 6 to 14. There were plans to amend the Liquor Ordinance in order to include provisions on the consumption of alcohol by persons under the age of 21.

12. The State party should consider withdrawing its reservations to articles 24, 26 and 28 of the Convention as soon as possible, make efforts to bring its legislation into line with the Convention, and ratify other international human rights instruments pertaining to children. He urged the State party to ratify the optional protocols to the Convention.

13. He requested additional information about the National Plan of Action 2006-2008 and about the new role of the Kiribati National Advisory Committee on Children in coordinating implementation of the Convention. The delegation should provide information about the financial and human resources allocated to the National Advisory Committee. He asked whether civil servants, judges and the police received training in children's human rights.

14. The State party should make every effort to obtain reliable data about the current situation of the education and health sectors. It should provide more information on the status and rights of children in cases of divorce, and on any conflict between the tradition of granting custody to the father. He requested information on formal legal provisions relating to the best interests of the child and on the right of children to be heard.

15. Ms. VUKOVIC-SAHOVIC asked whether birth registration, which was free for the first year following a child's birth, was compulsory and whether failure to register a birth was an offence. The requirement that a birth should be registered before a child could attend school might pose an obstacle to enrolment, especially if failure to register the birth within the prescribed time limit constituted an offence. In that regard, she asked whether the State party had considered using new technologies to facilitate registration. She requested clarification on the inheritance rights of adopted children and their legal status if they were taken outside Kiribati by their adoptive parents. She wondered whether there were any guarantees to protect children's right to privacy both in housing and in legal and administrative proceedings. Since Kiribati was still a very traditional society and most children's organizations seemed to be church-based, she requested more information on children's right to organize groups and associations outside the churches, for example privately or in schools.

16. Mr. PARFITT welcomed the fact that NGOs were represented in the Kiribati National Advisory Committee on Children. Nevertheless, according to information that he had received, the National Advisory Committee had not been very active in promoting children's rights. He asked whether groups such as the Kiribati Association of Non-Governmental Organizations had been active in promoting children's rights and whether they had been consulted during preparation of the initial report. He also asked whether the State party had considered establishing an independent institution, such as an ombudsman, to monitor implementation of the Convention.

17. Ms. ALUOCH wished to know the status of the National Youth Policy and Action Plan, which defined youth as "young men and women between 15 and 30 years of age", and a pre-youth group as "both boys and girls between 6- and 15-years-old".

18. She pointed out that the system whereby the age for giving evidence in criminal courts was determined by a magistrate was satisfactory only if judicial officers were adequately trained.

19. She asked at what age children could join associations. She wondered whether children could seek medical assistance without parental consent and, if so, at what age.

20. Mr. LIWSKI said that he would welcome information on the application of article 37 of the Convention.

21. He noted that, in 2006, 25.4 per cent of the budget had been allocated to health, and 17.8 per cent to education. In that connection, he wished to know what percentage of the gross domestic product (GDP) those figures represented and whether the Government had the financial resources to execute those budgets. He wondered whether the external debt burden was an obstacle to ensuring the availability of funds for the health and education budgets, and whether those budgets corresponded to the targets that had been set for those areas.

22. Ms. KHATTAB requested information on discrimination against girls and on the status of girls in society, especially since the Committee had received reports that violence against women, especially girls, was prevalent in Kiribati. She noted that abortion was not available, even though many girls allegedly engaged in commercial sex with foreigners. There was also the problem of drug and alcohol abuse. It should also be borne in mind that poor parenting skills resulted in the transfer of violence from one generation to the next. Sex abuse occasionally took the form of bullying and led to high levels of teenage pregnancy. Research in one hospital had indicated that girls as young as 6 had been raped, and that such cases went unreported. In Kiribati, violence against children appeared to be passed over in silence. Given the Government's limited resources, women were increasingly looking to NGOs for support. The country's legal framework did not appear to protect girls or boys from abuse. She wished to know what measures the Government was taking in the light of all those problems.

23. She wished to know whether children with disabilities were discriminated against and whether their parents reported that they had a child with a disability or simply ignored the problem.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

24. Mr. LAMBOURNE (Kiribati) said that, while the previous Government had considered withdrawing some of its reservations to the Convention, it had not done so. The new Government had not yet addressed the issue. With regard to the compatibility of domestic legislation with the Convention, he said that the Government was currently working with UNICEF on a comprehensive review of all legislation. The report, which was due before the end of the year, would be submitted to the Cabinet for approval, and it was expected that substantial amendments to existing legislation and new legislation would be adopted.

25. Ms. ALUOCH wished to know the current status of the Convention in domestic law.

26. Mr. LAMBOURNE (Kiribati) said that, although the Convention had not been incorporated into domestic law, it could be invoked by the courts in interpreting ambiguities in domestic legislation. However, where there was a direct conflict between the Convention and domestic legislation, the latter prevailed.

27. He was not in a position to say whether the Government planned to sign the optional protocols to the Convention in the near future.

28. Mr. FILALI asked in what cases the Convention was used as the basis for resolving legal disputes.

29. Mr. LAMBOURNE (Kiribati) said that, since the Convention had not yet been invoked in legal proceedings, any such situations were hypothetical. Parties to legal proceedings could use the Convention to support their legal arguments, although it did not have the same status as domestic legislation. The Convention would be invoked by the courts only if there were two possible interpretations of a domestic law, in which case the court's duty was to favour the interpretation that was consistent with the Convention.

30. Kiribati was currently participating in a regional judicial education project, which included a core component on the various international human rights instruments.

31. While Kiribati was not a party to many of the other human rights treaties, it respected the principles contained in those instruments. The Constitution guaranteed most of the fundamental human rights.

32. Legislation required that decisions in custody proceedings should be based on the principle of the best interests of the child. However, there was a degree of overlap with traditional views of custody, which usually favoured the rights of the father. In certain cases, it appeared that customary practice prevailed over the principle of the best interests of the child. It was anticipated that, following the comprehensive review of Kiribati's legislation, it would be recommended that the concept of the "best interests of the child" should be taken into account in the custody legislation.

33. The vast majority of adoptions concluded in the country were customary adoptions within the extended family, without the involvement of the courts. For example, if a couple was unable to have children, it was not uncommon for a member of the family to bear a child for the couple. From a legal point of view, the effect of customary adoption differed from "Western" adoption in that the child simply acquired a second set of parents and also acquired the right to inherit from the adoptive parents while retaining the right to inherit from the natural parents. There was no limit to the number of adoptive parents the child could have. The customary adoption process had occasionally been used as a means of sharing wealth within an extended family.

34. Mr. FILALI asked whether customary adoption complied with customary law or substantive law. He wished to know what would happen to a child in the event of a family dispute between the natural and adoptive parents following the adoption, and who was responsible for deciding what was in the child's best interests.

35. Mr. LAMBOURNE (Kiribati) said that the courts were rarely involved in cases of customary adoption, except to register adoptions in order to ensure that adopted children had the same inheritance rights as biological children. However, as family break-ups had become increasingly common, a growing number of families in dispute over customary adoption applied to the courts for settlement. While, in theory, the aim was to safeguard the best interests of the child, the law was currently applied in an ad hoc fashion. The Government expected the legislative review to address that issue.

36. Mr. ZERMATTEN asked whether customary practice placed any limits on who could adopt a child. It would be useful to have additional information on intercountry adoptions, and an indication of whether the Government intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
37. Mr. PARFITT asked whether there was any customary dispute settlement mechanism available as an alternative to applying to the courts.
38. Mr. LIWSKI asked whether the tradition of sharing wealth was weakening, as indicated in paragraph 12 of the initial report.
39. Mr. LAMBOURNE (Kiribati) said that, in customary adoption cases, it was extremely rare for adoptive parents not to come from the child's extended family. All parties involved, including family elders, had to agree before a customary adoption could proceed.
40. Kiribati had not ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, since there had been very few such cases. The law governing non-customary adoptions provided that a couple applying to adopt a Kiribati child had to reside in the country for at least six months prior to the adoption; that dissuaded most people from seeking to adopt children from Kiribati.
41. Families trying to settle disputes over customary adoption often used traditional dispute settlement mechanisms and applied to the courts only if those mechanisms failed. However, since the traditional mechanisms usually decided in favour of the father's family, mothers tended to have recourse to the courts.
42. The forces of globalization had introduced the concept of accumulation of individual wealth, which was foreign to traditional values in Kiribati. As a result, the tradition of sharing wealth with one's extended family had been weakened.
43. There was no legislation that addressed the right to privacy. In fact, little privacy was afforded to any member of the population.
44. There were currently insufficient resources to allow for the establishment of a human rights institution or ombudsman to monitor the implementation of the Convention. However, free legal advice was available to any member of the public who had a grievance against the Government.
45. Different laws established different age-limits for criminal responsibility, which was a source of confusion. That situation was the result of the ad hoc development of Kiribati's legislation over many years. The problem would be dealt with in the legislative review.
46. While corporal punishment was a sentencing option available to magistrates, it was rarely applied. The Government was aware of the need to amend the relevant legislation to bring it into line with the provisions of the Convention.

47. The CHAIRPERSON asked whether any campaigns had been carried out to raise public awareness of non-violent methods of discipline.

48. Mr. LAMBOURNE (Kiribati) said that it was difficult to ensure communication between all the islands. The Internet was used to transmit educational radio broadcasts to islands in the east of the archipelago, and government agencies used that means to raise awareness of the need to register births. It would, however, be difficult to change traditional views on corporal punishment in the family.

49. The budget expenditure figures for health and education contained in the written replies provided an accurate reflection of government spending in those areas. The percentages compared favourably with those of other countries in the region.

50. Abortion was prohibited in all circumstances except when the mother's life would be in danger if the pregnancy continued. There had been no prosecutions for performing abortions in Kiribati.

51. Ms. TAOABA (Kiribati) said that the Kiribati National Advisory Committee on Children had not functioned well in previous years since it had been under the direction of several ministries, none of which had taken full responsibility for the Committee. Measures had been taken to remedy that situation by allocating specific tasks in the plan of action to specific staff members. The Committee had held several workshops on the provisions of the Convention on the Rights of the Child to raise awareness among the public, parliamentarians, NGOs and children. Steps were being taken to increase the Committee's budget.

52. Efforts were under way to improve the birth registration rate. Government staff had been appointed to the outer islands to aid councils in registering births, marriages and deaths, and traditional birth attendants were being encouraged to promote birth registration. Parents of babies registered later than 10 days after the birth had to pay a small fine. Weekly radio broadcasts announced the need to register births and the penalties for non-registration. It was not true, however, that unregistered children were not allowed to attend primary school.

53. Mr. TIBAN (Kiribati) said that Kiribati had joined a health matrix network funded by the international community in order to improve the quality of the health and education data collection systems.

54. One problem with protecting children, particularly girls, was the culture of silence that surrounded abuses such as rape. Families tended to conceal such incidents for fear of reprisals, and the police and health professionals were often reluctant to give evidence. The police force had established special units for the protection of young people and for the prevention of domestic violence.

55. Mr. ZERMATTEN requested further details on the situation of children with disabilities. In particular, he asked how many children with disabilities there were and what measures were being taken to ensure that they had equal access to education and that they were integrated in society. He wished to have additional information on environmental education in the State party.



56. The information contained in paragraphs 175 to 177 of the initial report was confusing: different laws seemed to set different age-limits for criminal liability. In paragraph 178, a distinction was made between “young” and “juvenile” offenders. The delegation should provide clarification. He wondered what progress had been made in establishing specialized juvenile courts. Even in the absence of such courts, it would be useful to provide training for judges, public prosecutors, and other lawyers and police officers.

57. According to the written replies, no child had been sentenced to a period of imprisonment during 2004 or 2005 or kept in pretrial detention. He therefore wished to know how children who committed offences such as those listed in table 18 of the written replies were punished.

58. Mr. PARFITT said that, as traditional culture in urban areas eroded, there was growing evidence that more and more children faced material hardship. He asked whether financial assistance was given to families living below the poverty line and whether there were programmes to provide affordable housing, to ensure that children from poor families attended school, and to alleviate unemployment among young people, especially school dropouts.

59. Young people needed sports and other programmes to keep them occupied, and it was his impression that there was too little for young people to do on many of the islands of Kiribati.

60. Mr. POLLAR said that, according to the written replies, no children had been deprived of a family environment or separated from their parents. He wondered how that tallied with the growing difficulties with regard to parental guidance and responsibility described in paragraphs 99 to 102 of the report. In that connection, he wished to know what provision was made for single-parent or disadvantaged families that had no extended family to rely on. He asked what the procedure was for reuniting children with their parents in the event of separation, whether inside or outside the country.

61. He welcomed the fact that Kiribati had no standing army. He wished to know the minimum age for conscription, given that the army might be called to serve in situations outside the country.

62. Ms. SMITH said that, although primary and secondary education were increasingly available, it appeared that certain problems, such as rather low retention rates and high levels of truancy, persisted. Paragraph 161 of the report referred to “a generation of young people who feel marginalized and frustrated”. In that connection, she asked what the goal of the education system was and what plans existed for its future development. She requested further information about Kiribati Teachers’ College and the number of student teachers. She wondered whether the shortage of teachers and facilities was simply due to a lack of resources. She asked whether schools were located within easy reach of the pupils and whether school facilities were adequate.

63. It was regrettable that education in English was being discontinued, since that would be a handicap for young people who wished to attend university. The delegation should confirm that only the churches provided secondary education and rural training centres in some areas. The delegation should clarify the information contained in paragraphs 165 and 166 of the report. In a country where fishing was central to the people’s way of life, greater attention should be paid to

training in that area. The Government should devote more attention to electronic learning or, failing that, radio learning. She asked whether the Teachers' College was currently providing training in preschool education.

64. Mr. LIWSKI asked what organizational model Kiribati had adopted for its health system. According to the written replies, there were only two paediatricians and some 90 child-health nurses in the country. He wondered whether it would be possible to find some way of harmonizing traditional health practices and modern medicine.

65. He noted that the Asian Development Bank was supporting a major environmental health and sanitation project in South Tarawa, and he asked whether the Government had considered reviving the sanitation project begun in 1987 in cooperation with Australia. He wondered whether the Government had plans to dissuade the population from using the ocean as a toilet.

66. While he noted that the incidence of HIV/AIDS was low, he was concerned that adolescents were at risk. He hoped that Kiribati was making full use of the assistance provided by UNICEF and WHO. He requested further information about measures to assist children with disabilities. The delegation should indicate whether there were any rehabilitation centres for such children.

67. Ms. VUCKOVIC-SAHOVIC (Country Rapporteur) said that there was some confusion in the report between the exploitation and the abuse of children. A clear distinction should be drawn between sexual exploitation and abuse, the difference being that the abuse had no economic dimension and could occur in the home or in schools or institutions. She wished to know why the Government was reluctant to ratify the Optional Protocol on the sale of children, child prostitution and child pornography, and what measures it would take to prevent the exploitation of children.

68. Ms. ALUOCH asked why services providing treatment for sexually transmitted diseases and HIV/AIDS were available only in the capital.

69. The CHAIRPERSON urged the Government to establish, in cooperation with NGOs, a 24-hour hotline for reporting domestic violence against children. She requested information on the measures that the Government intended to take to address the issue of violence against girls and women.

The meeting rose at 1 p.m.