1. The Committee considered the initial report of Kiribati (CRC/C/KIR/1) at its 1166th and 1168th meetings (see CRC/C/SR.1166 and 1168), held on 13 September 2006, and adopted, at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party’s initial report, which follows the guidelines for reporting, the written replies to its list of issues (CRC/C/KIR/Q/1) and additional information provided. The Committee also notes with appreciation the frank and open dialogue with the high-level delegation of the State party, which allowed for a better understanding of the situation of children in Kiribati.

B. Positive Aspects

3. The Committee welcomes a number of positive developments in the reporting period, including:

   (a) the adoption of the National Youth Policy and Action Plan in 2001;
   (b) the development of the National Plan of Action (2006-2008);
   (c) the establishment of the Kiribati National Advisory Committee on Children (KNACC);
(d) the creation of the Family Assistance and Sexual Offences Unit in the Kiribati Police Service; and


C. Factors and difficulties impeding the implementation of the Convention

4. The Committee acknowledges the challenges faced by the State party, including those resulting from its geographical isolation and extreme vulnerability to natural disasters and external economic forces, leading to its classification as a Least Developed Country. The Committee is also aware of the difficulties resulting from deep-rooted traditions and differences between provisions of domestic legislation and customary law.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation
(arts. 4, 42 and 44, para. 6 of the Convention)

Reservation

5. The Committee regrets that despite the State party’s previous intention to withdraw its reservations to articles 24 (b, c, d, e and f), 26 and 28 (b, c and d) of the Convention, the State party has not yet made a decision regarding this withdrawal.

6. The Committee recommends that the State party take the necessary steps to withdraw its reservations to articles 24, 26 and 28 of the Convention.

Legislation

7. The Committee is concerned that there is no specific legislation to protect the rights of the child and that domestic law, including customary law, is not in full compliance with the principles and provisions of the Convention and is frequently not implemented, particularly in remote areas. The Committee is further concerned that Kiribati has only ratified two of the seven core international human rights treaties.

8. The Committee recommends that the State party undertake effective measures, with the assistance of UNICEF, to harmonize its domestic legislation, which includes customary law, with the provisions and principles of the Convention. The Committee further recommends that the State party consider ratifying other core international human rights treaties, as recommended in the Pacific Plan of Action for Strengthening Regional Cooperation and Integration adopted in October 2005 by the sixteen Leaders of the Pacific Islands Forum.

Coordination

9. The Committee welcomes the creation of KNACC, within the Ministry of Environment and Social Development (MESD), responsible for coordinating and overseeing the implementation of the Convention. However, the Committee regrets the scarcity of human
and financial resources allocated to the KNACC, which does not allow it to effectively carry out its work.

10. The Committee recommends that the State party undertake all necessary measures to ensure that the KNACC can pro-actively perform its role in coordinating and implementing the rights of the child by providing it with sufficient human and financial resources.

Independent monitoring mechanism

11. The Committee is concerned that no independent monitoring mechanism exists to monitor, regularly evaluate or report on implementation of the Convention.

12. The Committee recommends that the State party consider the establishment of a national human rights institution, including a post of Ombudsperson for Children ensuring the provision of adequate human and financial resources to promote and strengthen accessibility for children, and enabling children to submit complaints. The Committee refers the State party to its General Comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The State party is encouraged to seek technical assistance from, among others, UNICEF and the Office of the United Nations High Commissioner for Human Rights Regional Office in Suva, Fiji. The Committee encourages the State party to involve NGOs in its ongoing efforts to monitor implementation of the Convention.

National Plan of Action

13. The Committee welcomes the adoption of the National Youth Policy and Action Plan in 2001 and the recent development of a National Plan of Action (2006-2008). The Committee is concerned that inadequate resources have been allocated for the effective implementation of the National Plan of Action.

14. The Committee recommends that the State party strengthen its efforts to adopt and implement a National Plan of Action which covers all areas under the Convention and takes into account the outcome document “A World Fit for Children” adopted by the United Nations General Assembly at its special session on children held in May 2002.

Data collection

15. The Committee is concerned that there is a lack of systematic and comprehensive data disaggregated by age and sex that would enable analysis of the situation of vulnerable groups of children in the State party.

16. The Committee recommends that the State party undertake measures to develop a systematic and comprehensive collection of disaggregated data in compliance with the Convention, which should be used for the development, implementation and monitoring of policies and programmes for children.
Resources for children

17. The Committee notes that the State party accords significant resources to the health and education sectors. Nevertheless, the Committee is concerned about the economic difficulties that the State party encounters in allocating more resources to children and families.

18. The Committee recommends that the State party strengthen its efforts to significantly increase the proportion of the budget allocated to the realization of children’s rights to the “maximum extent…of available resources,” including through international cooperation, giving special attention to children belonging to economically disadvantaged groups. The State party should ensure that international cooperation in its various forms also supports activities to implement the Convention.

Dissemination of the Convention

19. The Committee is concerned that the Convention does not form an integral part of domestic law which could lead to a conflict between domestic law and the provisions of the Convention. The Committee is also concerned that no apparent efforts have been undertaken by the State party to disseminate the Convention or to make the Convention known to relevant stakeholders, including children and their parents and professionals working with children.

20. The Committee recommends that the State party:

   (a) initiate the process of incorporating the Convention into its domestic law;

   (b) take steps to disseminate the Convention, including through the use of the radio as well as child-friendly materials and school curricula in primary and secondary schools;

   (c) expand its programmes to sensitize children and parents about the Convention; and

   (d) ensure that the Convention and related domestic legislation is made an integral part of education and training of professional groups working with and for children, including judges, lawyers, teachers and social workers, to firmly establish in Kiribati a legal culture that is supportive of the rights of the child.

Cooperation with civil society

21. The Committee welcomes the participation of non-governmental organizations in the work of the National Advisory Committee on Children (KNACC) and the creation of the Kiribati Association of Non-Governmental Associations (KANGO). However, the Committee notes that there are few associations that are active on issues related to the rights of the child.

22. The Committee recommends that the State party take measures that can facilitate the creation of non-governmental organizations (NGOs) working on the rights of the child and their active involvement in KANGO.
2. Definition of the child  
(art. 1 of the Convention)

23. The Committee is concerned that there is no single definition of a child in Kiribati and that the various definitions of youth have led to practical contradictions and confusion.

24. The Committee recommends that the State party amend all relevant legislation to remove sources of confusion and harmonize the definition of the child, taking into account the provisions of the Convention.

3. General principles  
(arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

25. The Committee welcomes the indication by the State party that the gender gap in school enrolment has decreased, yet is concerned at reports of persistent discrimination experienced by children from economically disadvantaged families.

26. In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of de facto discrimination against children from economically disadvantaged families.

27. The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account General Comment No. 1 on article 29 (1) of the Convention (aims of education).

Best interests of the child

28. The Committee is concerned that the principle of the best interests of the child is not given adequate attention in national legislation and policies and that awareness of its significance is low among the population.

29. The Committee recommends that the State party take measures to raise awareness of the meaning and practical application of the principle of the best interests of the child and ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures.

Respect for the views of the child

30. The Committee welcomes the efforts of the State party to promote and implement the right of children to express their views and actively participate at various levels of society. However, the Committee is concerned at the persistence of traditional attitudes in the State party which limit children’s rights to participate and to express their views.

31. The Committee recommends that the State party take into account the recommendations adopted on the Committee’s day of general discussion on the right of the child to be heard in September 2006, and undertake measures, including:
(a) strengthening its efforts to promote within the family, communities, schools and other institutions respect for the views of children, especially girls, and facilitating their participation in all matters affecting them;

(b) strengthening national awareness-raising campaigns to change traditional attitudes that limit children’s right to participation; and

(c) regularly reviewing the extent to which children’s views are taken into consideration, including their impact on relevant policies and programmes.

4. Civil rights and freedoms
(arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Birth registration

32. The Committee is concerned that birth registration does not occur as a systematic procedure and that a large number of children in the State party are not registered.

33. The Committee recommends that the State party strengthen its efforts to ensure that all children are registered at birth to ensure the full enjoyment of their rights. The Committee also recommends that the State party undertake measures to promote the importance of birth registration for all children, including through awareness raising initiatives and ensuring access to free and effective registration technology in Government offices.

Corporal punishment

34. The Committee is concerned that corporal punishment is not explicitly prohibited, is still widely practiced in the home, schools and is used as a disciplinary measure in alternative care settings. The Committee is also concerned that under article 226 of the Penal Code, “reasonable punishment” is permitted in penal institutions and by order of Island Councils.

35. The Committee recommends that the State party, taking into account its General Comment No. 8 (2006) on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment:

(a) 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; and

(b) take effective measures, including through public awareness campaigns involving children and traditional leaders, to promote positive, participatory and non-violent forms of discipline as an alternative to corporal punishment at all levels of society, and to effectively implement the law prohibiting corporal punishment.

Violence, abuse and neglect

36. The Committee is concerned at the high number of reported cases of violence and child abuse, including sexual abuse and reports that victims of rape are often shunned from their community. While the Committee welcomes the establishment of a Family Assistance and
Sexual Offences Unit in the Kiribati Police Service, it is concerned at the lack of comprehensive measures taken to address this serious phenomenon.

37. The Committee recommends that the State party take all necessary measures to prevent and address violence and abuse of children, including by:

   (a) establishing an effective mechanism to receive, monitor and investigate reports of cases of child abuse and neglect;

   (b) developing and implementing preventive measures, including awareness-raising campaigns involving children and traditional leaders, to combat all forms of violence;

   (c) ensuring that appropriate data on abuse and neglect of children is gathered and disaggregated by age and sex; and

   (d) offering victims adequate protection, as well as psychological support, recovery and social reintegration assistance and ensuring that perpetrators of sexual and other forms of child abuse of children are brought to justice.

38. In the context of the Secretary-General’s in-depth study on the question of violence against children, the Committee acknowledges with appreciation the participation of the State party in the Regional Consultation for East Asia and the Pacific held in Thailand from 14 to 16 June 2005 and in the Pacific Consultation on Addressing Violence against Children held in Fiji from 26 to 28 September 2005. The Committee recommends that the State party use the outcome of these regional consultations in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse. In addition, the Committee would like to draw the States party’s attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations as well as setting-specific recommendations contained in this report.

5. Family environment and alternative care
   (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Children deprived of their family environment

39. The Committee notes that collective living arrangements in Kiribati offer solutions for the care of children by the extended family. However, the Committee is concerned that the best interests of the child are not a priority in decision-making processes.

40. The Committee recommends that the State party systematically apply criteria based on the best interests of the child and develop informal family-based alternative care solutions. The State party is encouraged to seek technical assistance in this regard from, among others, UNICEF.
Adoption

41. The Committee notes the practice of “informal adoption,” but is concerned that in some cases, the best interests of the child are not fully respected. The Committee is further concerned that the absence of monitoring and regulations may result in illegal domestic or intercountry adoption.

42. The Committee recommends that the State party:

   (a) take appropriate measures to ensure that the best interests of the child are fully respected in the practice of so-called “informal adoption”;

   (b) strengthen its efforts to prevent illegal adoptions and ensure that its legislation and practice on national and intercountry adoptions is brought into line with the Convention, and ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993; and

   (c) establish effective mechanisms to review, monitor and follow up adoption of children.

6. Basic health and welfare
(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

43. While noting that children with mental and physical disabilities are protected from discrimination under section 15 of the Constitution, the Committee notes with concern that the resources available for these children are inadequate. The Committee is concerned, in particular, that schooling is not possible for all children with disabilities, especially in remote areas, and that possibilities for inclusion of children with disabilities have not been explored.

44. The Committee recommends that the State party take all necessary measures, taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69):

   (a) to address all forms of discrimination, including social discrimination and discrimination against children with disabilities in remote areas, giving due consideration to implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex); and

   (b) pursue efforts to provide equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within regular schools.

Basic health and welfare

45. The Committee notes that the State party has taken steps to adopt national health plans and welcomes the efforts made by the State party in the areas of maternal and child health, and to ensure broad-based immunization for all children in Kiribati. The Committee also welcomes steps taken to develop sanitation and public health education programmes and to
establish solid waste disposal facilities, however, the Committee is concerned that access to these sewage disposal facilities and to clean water is restricted. The Committee is further concerned at reports of high rates of infant and child mortality, acute respiratory infection and diarrhoea, and severe malnutrition among children.

46. The Committee recommends that the State party continue to strengthen its efforts to improve the health situation of all children with particular attention paid to the establishment of effective and accessible primary health care services.

Adolescent health

47. The Committee is concerned at reports of an increasing number of children who abuse drugs and consume alcohol and tobacco. The Committee is also concerned about the increasing rates of attempted suicides among young people, sexually transmitted infections (STIs), teenage pregnancies and the absence of programmes related to mental health and reproductive health.

48. The Committee recommends that the State party pay close attention to adolescent health, taking into account the Committee’s General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, the Committee recommends that the State party:

(a) formulate a rights-based plan of action for the protection of all children and particularly adolescents from the dangers of drugs and harmful substances, and involve children in its formulation and implementation;

(b) provide children with accurate and objective information about the harmful consequences of substance abuse;

(c) ensure that children using drugs and harmful substances are treated as victims and not as criminals and develop recovery and social reintegration services for child victims of substance abuse;

(d) strengthen reproductive health education for adolescents, especially in schools, with a view to reducing STIs and the incidence of teenage pregnancies, and to provide teenage pregnant girls with the necessary assistance and access to health care and education; and

(e) continue and strengthen technical cooperation from WHO and UNICEF.

Environmental health

49. The Committee is concerned about traditional practices that have resulted in the multipurpose use of the ocean by a large proportion of the population in Kiribati. In the absence of any practical preventive measures, the Committee is concerned about the ecological dangers of these practices.

50. The Committee recommends that the State party continues to undertake efforts to install an effective system for sewage disposal and conduct a sensitization campaign to promote new practices in the use of water and sanitation. The Committee recommends that the State party seek international technical cooperation in this regard.
HIV/AIDS

51. The Committee is concerned at the increased prevalence of HIV/AIDS among adolescents and the lack of knowledge about the potential for an epidemic in the country. The Committee is also concerned at the absence of awareness-raising and prevention programmes.

52. The Committee recommends that the State party, taking into account the Committee's General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights take action, including:

(a) strengthening efforts to combat the spread of HIV/AIDS, including through awareness-raising campaigns, and the availability of confidential, voluntary testing;

(b) preventing discrimination against children infected with and affected by HIV/AIDS;

(c) ensuring access to child-sensitive and confidential counseling, when such counseling is required by a child;

(d) adopting measures to prevent mother-to-child transmission of HIV and other STIs; and

(e) seeking international assistance from, among others, UNAIDS, UNFPA, UNICEF and WHO.

Standard of living

53. The Committee recognizes that children and their families are severely impacted by the economic vulnerability of Kiribati. It is concerned that large number of families live in economic hardship, near or below the level of subsistence, especially families living in South Tarawa and are suffering the effects of overcrowding and a limited number of economic opportunities. The Committee also takes account of the numbers of job-seeking adolescents and is concerned at the difficulties of the transition from school to the labour market, experienced in particular by children who dropped out before graduation.

54. The Committee recommends that the State party ensure that:

(a) a financial support system is provided to families living under restricted economic conditions and includes the provision of school lunches and educational allowances;

(b) schools assist families, particularly disadvantaged families, with regard to child care and education and providing facilities for special education programmes;

(c) families are provided with adequate and affordable housing; and
(d) youth unemployment is prevented by assisting adolescents who seek an occupation.

7. Education, leisure and cultural activities
   (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

55. The Committee welcomes the reported increase in accessibility to primary and secondary education and a consequential increase in enrolment rates, as well as a decrease in the gender gap. However, the Committee is concerned that the quality of education available to students is decreasing, access to adequate educational facilities for children in remote areas remains limited, the cost of education is often prohibitive, the absence of training required for teachers is leading to low quality teaching and disparities in pre-school education. The insufficient bilingual education in English and I-Kiribati is also a cause of concern as it negatively impacts access to higher education, which is only available in English in neighbouring countries. The Committee regrets that aside from informal vocational training provided by national NGOs, there are no vocational or educational opportunities within or outside the formal school system.

56. The Committee recommends that the State party undertake measures, inter alia, by:
   
   (a) increasing budgetary allocation to ensure access to free primary and quality education in all regions and to improve the physical infrastructure of educational facilities;

   (b) strengthening efforts to bridge the gaps in the availability of education throughout the country, including the availability of school materials;

   (c) strengthening vocational programmes for children, including those who do not attend regular school;

   (d) improving the training and recruitment of teachers; and

   (e) implementing new technology, including e-learning and blended learning.

8. Special protection measures
   (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Economic exploitation, including child labour

57. The Committee notes with concern that despite a minimum age for labour of 14 years, many children under the age of 14 work, primarily in the informal sector of the economy, either full-time, or outside of school hours.

58. The Committee urges the State to strengthen measures to combat child labour. It recommends that the State party take steps, including:
(a) formulating, in a participatory manner, a strategy and plan of action to prevent child labour and eliminate the worst forms of child labour and to safeguard the rights of children who are legally allowed to work;

(b) strengthening the labour inspectorate to ensure the effective implementation of child labour laws, both in the formal and informal sectors;

(c) considering the ratification of ILO Convention No. 138 regarding Minimum Age for Admission to Employment (1973) and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and

(d) seeking assistance from ILO/IPEC in this respect.

Sexual exploitation

59. The Committee is concerned at the reported increase in commercial sexual exploitation of children in Kiribati.

60. The Committee recommends that the State party undertake measures, including:

(a) conducting a comprehensive study to assess the causes, nature and extent of commercial sexual exploitation of children and young people in Kiribati;

(b) proceeding with plans to amend the Penal Code to make the exploitation and trafficking of children criminal offences;

(c) strengthening measures and adopt multidisciplinary and multisectoral approaches to prevent and combat sexual exploitation of children and adolescents;

(d) undertaking awareness-raising campaigns, particularly for parents and children;

(e) ensuring that children who have been subjected to sexual and economic exploitation are treated as victims and that perpetrators are brought to justice;

(f) providing adequate programmes of assistance and social reintegration for sexually exploited children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children; and

(g) collaborating with NGOs working on these issues and seeking technical assistance from, among others, UNICEF.

Street children

61. The Committee is concerned at reports that a number of children are selling goods in the street and are homeless. In light of the economic difficulties faced in Kiribati, the Committee is concerned that there is no systematic, comprehensive strategy to provide these children with adequate assistance.
62. The Committee recommends that the State party:

(a) undertake a study on the causes and scope of the phenomenon of street children in Kiribati and develop a strategy with the aim of preventing and reducing this phenomenon and protecting children;

(b) ensure that street children and provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development; and

(c) ensure that these children are provided with rehabilitative and reintegration services, including psychosocial assistance for physical, sexual and substance abuse, and where possible, when in the best interests of the child, services for reconciliation with their families.

Administration of juvenile justice

63. The Committee is concerned that there is no specific legislation on juvenile justice, that the juvenile justice system has serious practical shortcomings and that inconsistencies exist between various domestic laws and regulations. The Committee is further concerned that persons between 16 and 18 are detained with adults, at the lack of adequate alternatives for pre-trial and other forms of detention and guarantees for due process, and that children face poor living conditions while detained in police stations or prisons.

64. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), and in light of the Committee’s day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party take steps, including:

(a) developing specific and appropriate legislation on juvenile justice;

(b) ensuring that due process is guaranteed, including the hearing by a judge before deprivation of liberty is carried out;

(c) developing and implementing alternatives to pre-trial and other forms of detention in order to ensure that deprivation of liberty is really a measure of last resort for the shortest time possible, and when detained, ensure that persons under 18 are not detained with adults;

(d) developing and implementing adequate socio-educational programmes and appropriate probation and parole arrangements for juvenile offenders;

(e) developing and implementing responses from the ideas of restorative justice, including mediation, alternative dispute resolution and family conferencing;
strengthening training on the Convention and other relevant standards for those responsible for administering juvenile justice; and

(g) seeking assistance from, inter alia, the United Nations Interagency Panel on Juvenile Justice.


65. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Follow-up and dissemination

Follow-up

66. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to the members of the Parliament for appropriate consideration and further action.

Dissemination

67. The Committee further recommends that the initial report, the written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

68. The Committee invites the State party to submit a consolidated second, third and fourth periodic report by 9 July 2011 (that is 18 months before the due date of the fourth report). This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.