



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Combined initial, second and third periodic reports  
submitted by Kiribati under article 18 of the Convention,  
due in 2005\***

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\* The present document is being issued without formal editing.



**Acronyms**

AMAK	Aia Mwaea Ainen Kiribati
ATHKL	Almagated Telecom Holdings Kiribati Limited
AUSaid	Australian aid programme
CSO	Civil Society Organisation
ESGBV	Eliminating Sexual and Gender Based Violence
FBO	Faith Based Organisation
KDP	Kiribati Development Plan
KEF	Kiribati Education Fund
KEIP	Kiribati Education Improvement Programme
KFHA	Kiribati Family Health Association
KILGA	Kiribati Islands Local Government Association
KV20	Kiribati 20 year Vision 2016–2036
MoE	Ministry of Education
MHMS	Ministry of Health and Medical Services
MoJ	Ministry of Justice
MIA	Ministry of Internal Affairs
MISA	Ministry of Internal and Social Affairs
MWYS(S)A	Ministry of Women, Youth, (Sports) and Social Affairs
PIF	Pacific Islands Forum Secretariat
SHIP	Kiribati Shared Implementation Plan for ESGBV
SPC	Secretariat for the Pacific Community
UNICEF	United Nations International Children’s Fund
UNDP	United Nations Development Programme
UNFPA	United Nations Family Population Report
UNWOMEN	United Nations Entity for Gender Equality and Empowerment of Women
UNJP	Kiribati UN Joint Plan on ESGBV
WHO	World Health Organisation

## Glossary of Terms

Aia Maea Ainen Kiribati	Kiribati National Women's Umbrella Organisation
Ainen Mataawa	Young sex workers associated with fishing fleet crew
Babairean te utu	Spacing of children as in family planning
Botaki n Unimwane	Traditional Council of Elders
Bwabwai	Giant taro
I-Kiribati	People from Kiribati
Island Councils	Elected every four years, local Government institution on the outer islands
Kainga	Extended family, clan
Karekare	Informal banking organised by women
Maneaba	Traditional meeting house
Maneaba Ni Maungatabu	National Parliament
Te Beretitenti	President
Te Kauoman Ni Beretitenti	Vice President
Utu	Family Unit

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## I. Introduction

1. Traditionally, Kiribati society is predominantly patriarchal with defined gender roles. While cultural practises, norms and values are generally homogeneous and shared throughout the country, the culture in Kiribati is complex and diverse with each island having unique ways.<sup>1</sup> This culture is the foundation of the I-Kiribati existence and has served Kiribati well over centuries. Kiribati is known in the Pacific region today as one of the most stable democracies.

2. While the status of women is changing, women are still considered subordinate in their villages and communities governed by the Botaki n Unimwane, a Council of Elders who represent the family (utu) or clan, and by the maneaba or community council.

3. The traditional power and authority of the Botaki n Unimwane remains strong in many parts of Kiribati. Normally, women sit behind their husbands in the maneaba with their role confined to serving food and drinks and cleaning up after her husband has eaten. While this is what the women do at these meetings, it misleads outsiders' interpretation of the full role of women. Any woman who has ideas and comments can contribute through their spouse or other male family member who sits in the traditional decision-making circle, not unlike requesting a Member of Parliament to raise an issue of importance for a certain group. Some islands are more relaxed, giving women opportunities to speak up, while on other islands women cannot openly voice their opinion at these traditional meetings.

4. The role of churches has been instrumental in changing social perceptions about the role of women with a more recent example being the intake of women for pastoral and ministerial work in the Kiribati Protestant Church (KPC) (now split as Kiribati Uniting Church (KUC) and KPC), at the Tangintebu Theological College.

5. Women have taken an active role in nation building and in development dating back to pre-independence primarily through faith based organizations (FBO). The main objective of these early women's organizations was to promote healthier living standards and the wellbeing of families and communities. These early church-run women's organisations include Te Itoi Ni Ngaina, organized by the Catholic women and the Reitan Aine Kiribati (RAK) organized by the KPC.

6. In villages, gender roles are still clearly defined. Women help with the gardening, farming and reef and lagoon fishing, but also have primary responsibility for taking care of the family, cooking and all household duties. Men tend to do heavy jobs outside the home such as ocean fishing, cutting coconut trees for drinking toddy, cleaning the land and participating in the village decision-making.

7. The traditionally expected submissive role of women in the marital relationship is generally accepted by both men and women in traditional Kiribati life. Qualitative research carried out on gender based violence found that women are expected to be obedient, faithful, perform household chores and defer to their husbands wishes and decision including on the number of children in the family.

8. According to the Kiribati Family Health and Support Study (2008), 68% of ever-partnered women aged 15–49 reported having experienced physical or sexual violence, or both, by an intimate partner at some time in their life. The study's findings shocked the nation and resulted in a strong political call and whole of government and nation commitment to eliminate violence against women and girls. The GoK has taken major steps to counter the high level of violence against women including establishing a dedicated Ministry for Women, Youth, Sports and Social

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<sup>1</sup> Cultural Experiences Kiribati (2013).

Affairs (MWYSSA) in 2013 which is, as of 2018, headed by the Vice President. The establishment of the ministry was made possible through an amendment to the Constitution of Kiribati which required a two thirds vote in Parliament reflecting the changing cultural views about the role of women in development and nation building.

9. Reported cases of violence against women and children continue to rise. This may reflect better record keeping and better advocacy by the women's groups which has raised women's confidence to report domestic violence and improved familiarity with the ways to seek help. But the increasing number of reported cases may also be a reflection of a more serious gender based violence situation within the community than was originally reported and assessed through that study.

10. Education and continuous community outreach is one of GoK's key sustainable development priority areas and key to change this GBV endemic. Starting from support to pre-school education, a new policy area was introduced by the current government. New curriculum content initiated under the Kiribati Education Improvement Programme (KEIP) in 2011 highlights the virtue of respectful relationships, peaceful families and gender equality. The Kiribati Development Plan (KDP) 2016–19 prioritises 'gender equity and empowerment of women.'

11. Related to education, Kiribati has achieved gender parity in primary education which is provided free by government for the first nine years of schooling. Gender balance in education is an issue in secondary education with the number of female students outnumbering males. In secondary education, female enrolments ranged from 10% higher in Form One to 60% higher in Form Seven in 2014 (KDP 2016–2019).

12. In recent years more women have acquired professional qualifications and have gained senior positions in the public sphere. While parliament and island councils continue to be dominated by men, recent elections have seen increases in the number of female candidates and the number winning seats.

13. Since 2003 women have held high public offices with the appointment of the first woman Vice President in that year. The first woman Secretary to the Cabinet was appointed in 2003 and this position was held by women from then to 2016 except for a period from 2007–2009. Between 2009 and 2013, four of the 45 elected parliamentarians were women. In 2013, all of Kiribati's three diplomatic missions overseas were headed by women. In 2018, eight of the 15 Permanent Secretaries heading government ministries are women.

14. Changes are happening at a slower pace in informal sectors and traditional settings. The need to strengthen women's economic empowerment is necessary given the relative lack of access to, and control over, economic resources in the form of land and personal property because of traditional ownership norms and laws. Table 1 (appendix) presents gender aggregated statistics on the rates of women in different professional roles of women in Kiribati highlighting the hidden and silent majority whose wellbeing and potential to contribute to nation building has often been excluded.

## II. The Convention

15. Kiribati ratified the CEDAW with no reservations on 17 March 2004. This report represents a combined Initial, First, Second and Third Periodic CEDAW Report. The ratification was historically significant and was applauded as a landmark decision for I-Kiribati women and for Kiribati as a young nation. Because of the strong patriarchal traditions and clearly demarcated gender roles in the traditional Kiribati culture the decision also drew strong negative reactions from some sectors of the public.

16. Because of this since ratification the focus of GoK with our partners from UNWOMEN, United Nations Development Program (UNDP), Secretariat for the Pacific Community (SPC), NGOs, women's organisations and advocacy groups has been on information and advocacy about the CEDAW and enhancing education systems, school curricula, traditional practises and national laws to address issues of discrimination and disadvantage facing women and girls.

### **Article 1 and 2: Definition of Discrimination and Obligations to Eliminate Discrimination against Women**

17. The Constitution Chapter II Action 15(3) contains an anti-discrimination clause and provides a definition for discrimination citing sex as a prohibited basis for discrimination. The Constitution guarantees the rights and freedoms of all citizens, subject to the rights and freedoms of others and the public interest. In 2007 the Constitution was analysed for CEDAW compliance with technical assistance from UNWOMEN and UNDP and while it was assessed to guarantee men and women equality before the law, the Constitution does not guarantee equal benefits or outcomes as required by CEDAW.

18. Black Thursday was introduced by GoK in 2009 as part of 16 days of Activism. GoK determined that the Kiribati Public Service should wear black every Thursday to remind workers and community of the prevalence of GBV and the need for all to act urgently, individually and collectively, to eliminate it. This practice has been observed by all government workers as well as employees of private companies, churches and CSOs since that time. The annual national commemoration and celebration of White Ribbon Day each 25 November followed by the 16 days of Activism also provides an opportunity to advocate for action to eliminate discrimination against women. This has occurred in collaboration with FBO, CSOs and women's organisations.

19. One of the first initiatives post ratification was to remove the gender discriminatory corroboration rule in rape cases. There had been an attempt before ratification to use the unratified CEDAW Convention and the Constitution in the case of the Republic of Kiribati v Timiti & Robuti in 2003. This case was the first attempt for a lawyer in a Pacific Island Court to use CEDAW to challenge discriminatory law.<sup>2</sup> As a result of advocacy and lobbying by women's groups, government, and NGO partners and with the assistance of the Pacific Regional Human Rights Resource Team (RRRT), CEDAW was ratified by Kiribati and the corroboration rule was removed not long after the ratification. Ratification of CEDAW enabled the process to change the corroboration rule to progress more efficiently than it would otherwise have done.

20. Section 11 of the Evidence Act 2003 abolished the requirement for corroboration or independent evidence, when the Court is asked to rely on the evidence of accomplices in any criminal case, or of complainants in sexual offence cases. The abolition of the rule allows a Court to convict without such corroboration though the Court is entitled to treat the evidence with caution. Sections 13 and 14 of the Act give some protection to primarily female and younger witnesses in sexual offence cases, where they are called on to give evidence about what happened to them, or what they saw happen to another. There is a greater frequency of these kinds of serious case before the Court.

21. According to a statement by the former Attorney General "We have now outgrown certain attitudes to women and young witnesses in sexual offence cases that would allow wide questioning about matters outside the actual offending, which questioning would not be permitted in other cases. This brings Kiribati law into line

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<sup>2</sup> Pacific Human Rights Law Digest – Volume 1.

with other leading Commonwealth law that seeks to avoid perpetuating discriminatory treatment of women”<sup>3</sup>

22. To assist the public’s understanding of CEDAW, the Convention was translated into the I-Kiribati language. A workshop was conducted in 2005 to translate, and raise awareness about, the CEDAW. The translated version has been used for national awareness raising on the Family Law and CEDAW and has been used for awareness programmes via workshops, radio programmes and in drama and songs funded by RRRT.

23. Several attempts were made to change the Constitution before Kiribati ratified CEDAW and two further attempts were made in 2014. The desired changes spearheaded by the National Council of Women were to include sex as a protected ground in discrimination and remove discriminatory provisions. Changing the Constitution requires a two thirds majority of the voting members of Parliament and none of these attempts were successful.

24. One area in which Kiribati has made significant progress is the area of implementing strategies to address sexual and gender based violence. In 2010 the GoK endorsed the Elimination of Sexual and Gender Based Violence (ESGBV) Policy and National Action Plan (2011–2021). This led to a range of developments including the passing of Te Rau N Te Mwenga 2014 (Family Peace Act), male advocacy programmes, adolescent girls’ initiatives; and work with key line ministries and CSO’s in mainstreaming GBV and building their capacity to respond.

25. In 1995, after the Beijing Conference for Women government made a commitment to the full implementation of CEDAW and developing a new refreshed Women’s Development Policy to create an enabling environment for gender mainstreaming, economic empowerment, building stronger informed families, improving women’s leadership and political participation and eliminating sexual and gender based violence. Because this was a relatively new area at the time and due to lack of data and the need for more consultations the draft first Women’s Development Policy policy was not completed though some recommended actions were implemented. Work has continued through to 2018 on consulting and revising the (now named) Gender Equality and Women’s Development Policy.

26. The GoK has made progress in meeting its obligations to incorporate human rights principles into national legislation. Legislation passed by the Parliament in the reporting period includes the Children, Young Persons and Family Welfare Act 2013, Education Act 2013, the amendment to the Constitution to establish the Ministry for Women (MWYSSA), Juvenile Justice Act and Te Rau n te Mwenga Act 2014. In 2015, the Employment and Industrial Relations Code (EIRC) was introduced requiring all employers to provide equal employment opportunities and equal pay and prohibiting direct and indirect discrimination on gender grounds. It also prohibits sexual harassment in the work place.

27. The focus on gender issues is relatively new in Kiribati. Because of this, not much attention had been given to compiling gender aggregated data to support well informed decision making and policy formulation. Kiribati undertook a gender stocktake exercise in September 2013 with the assistance of the Secretariat of the Pacific Community (SPC). One of the key recommendations from that exercise was to build and strengthen capacity for gender data collection and analysis for effective reporting, accountability and to better monitor the effectiveness of gender mainstreaming. While there has been improvement in the past five years (through gender statistics and data base and analysis training to the National Statistics Office

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<sup>3</sup> Titabu Tabane (Attorney General, Office of the Attorney General).

(NSO) and Women's Division and other relevant key staff from SPC) this remains work in progress and major gaps were highlighted in compiling data for this report.

### **Article 3: Guarantee of Basic Human Rights and Fundamental Freedoms**

28. Strong progress has been in the employment sector. In 2015, females were 51% of the national public service compared to 44% males. In 2017, 44% of the workforce were female and 38% male. 18% of positions were vacant and had not been filled. Table 2 (Appendix) provides details of vacancy and gender in 2017.

29. The number of women in decision making positions in government has increased over the past ten years. Some examples are in the highest civil service positions including the Head of the Civil Service (Secretary to the Cabinet) and Permanent Secretary in government ministries. Until recently, Kiribati's foreign missions were all headed by females including the 2015 established Mission to the UN in New York. Even though the national parliament is dominated by males, in recent years more women are joining politics. Table 3 (Appendix) outlines leadership positions by gender from 2009–2013 and Table 4 shows the number of women in leadership positions in ministries in 2017.

30. Gender parity has increasingly become the norm in the composition of decision making bodies such as Boards of Public Companies, appointment of Commissioners to the Public Service Commission and interview panels for civil service recruitment. In the private sector, more women have become successful owners of private companies owning some of the largest most successful businesses.

31. Gender sensitisation and mainstreaming has become entrenched and evident in most government processes. The National Population and Housing Census 2015 (Census) included indicators to measure women's economic activities and rate awareness on the major principles of the Te Rau n te Mwenga Act 2012.

32. Strengthening Institutional Measures and Coordination of Mainstreaming of gender equality and GBV, GoK recognizes the necessity to put more focus on mainstreaming gender equality and addressing gender-based violence in a whole of government manner however MWYSSA has primary responsibility for addressing gender equality and SGBV. The Women's Development Division (WDD) within MWYSSA has the role of coordinating a whole-of-government policy and practice to support implementation of the SGBV National Plan.

33. Work to integrate policy implementation across services and justice responses to SGBV is governed through an ESGBV Taskforce, chaired by the Secretary of MWYSSA and including senior representatives from line ministries and community organisations. WDD also chairs SafeNet the coordination and implementation mechanism for integrated service delivery to victim/survivors of SGBV. An Essential Services Project is coordinated within WDD to work with Government and NGO ESGBV frontline services providers in improving their services through resourcing and building their capacities.

34. The KDP 2016–2019 has gender equity as one of its guiding principles and KV20, which outlines the government's vision for the next twenty years highlights the need for gender to be mainstreamed in government policies, plans, budgets, and programmes.

35. MWYSSA through an ESGBV project worked with the Ministry of Education's (MoE) Curriculum Development and Resource Centre (CDRC) and the Kiribati Education Fund (KEF) to incorporate gender equality and the elimination of GBV into curriculum developed under education reforms commenced in 2011. The purpose is to teach young children non-discriminatory behaviour and loving and caring values from an early age and to assist them to build respectful relationships in school. The

Moral Education Curriculum was introduced into year seven in 2018 and will move into year eight from 2019. Gender equity has been mainstreamed into the development of teaching aids and children's reading books. The intention is to effect behavioural changes to reinforce gender equity and positive attitudes in the future leaders of Kiribati. This recognises that teaching in the classrooms can be a powerful primary prevention tool to eliminate discrimination against women.

36. Prior to becoming party to CEDAW, a two-person Women's Unit was responsible for the advancement of women within government and oversight and implementation of priorities from the Beijing Platform for Action. In the late 1990s the unit was moved from government and transferred to community based Aia Mwaea Ainen Kiribati (AMAK) the national women's umbrella organization. This was seen necessary to channel more government funds to programmes addressing women's issues. AMAK operated as a semi-autonomous organisation and was able to grow and address priorities and programmes developed and set by women's organisations. In 2009, the Women's unit was upgraded to a Women's Division and in 2014 it became part of the new Ministry for Women now known as Ministry for Women, Youth, Sports and Social Affairs. MWYSSA also has the portfolio responsibility for people with disabilities, elderly people, youth, NGO's and social welfare programmes.

37. Within MWYSSA the Women's Development Division (WDD) had 14 staff in November 2017 with the inclusion of four project staff to run the four year Strengthening Peaceful Villages (SPV) programme. The WDD has a broad mandate that includes strategies to eliminate SGBV and empower women economically using mainstream resources. The bulk of the funds funding WDD's gender programmes have been from the Australian Government through Dfat. Legal Literacy programmes on Family Law and CEDAW awareness in the community in the capital South Tarawa and outer islands was pursued by the national women's machinery through funding by the RRRT from Fiji. Through this programme many women in women groups, social workers and teachers were trained in basic human rights, legal literacy and family law or community paralegal training. One of the sustainable impacts was that more than 20 trained Social Welfare Officers (SWO) were placed on all island councils to work with communities in counselling, legal literacy and human rights trainings and programmes in their respective islands.

38. Capacity building and empowerment programmes such as leadership skills training at the community level to address the need for more women in decision-making positions and to increase the presence of women in formal decision-making bodies.

39. A Women in Politics group was formed to encourage, lobby and support women to run for parliament and to take part in election processes.

40. The 2017 report from the Kiribati Police Services noted an increase in reports received from women who have been abused by their spouse or partners and noted reports in 2017 to be the highest received to that time. A 2015 SafeNet report recorded 258 women reported abused by their spouse with physical abuse being the most common form of abuse at 57% of incidences. This demonstrates greater understanding by women about their rights and to report the abuse and know that there is protection from the government.

41. Following the Family Health and Support Study 2008 which raised the national urgency to address the elimination of violence against women the GoK developed and enacted a number of laws, policies and plans mainstreaming and supporting efforts to address SGBV including:

- A specific project for ESGBV to address and coordinate ESGBV programmes nationally;

- A National Policy and Action Plan (NAP) to Eliminate Sexual and Gender Based Violence 2011–2021;
  - The Children, Young People and Family Welfare Policy 2013;
  - A Gender Access and Equality Policy and Implementation Plan 2013–2016 produced by the Ministry of Employment and Human Resources (MEHR), adopting a rights-based approach and aiming to address sexual harassment in workplaces and training institutions.
- In 2012 the Committee against Violence against Women (CAVAW) was formed to respond to and eliminate SGBV. The committee comprised representatives from government ministries as well as NGO's, FBO and CSOs. Member organizations played a direct role in the delivery of services to victims of violence. In 2013 the CAVAW changed to SafeNet and this committee was established on all outer islands in Kiribati. Under SafeNet a Case Management Review Committee was set up to work on long due and urgent cases. An Essential Services Programme (ESP) has been implemented through the ESGBV project and SafeNet to support ESGBV frontline service providers to improve their responses to survivors of domestic violence;
- In 2010 WDD coordinated an Adolescent Girls Initiative (AGI) programme with UN agencies with adolescent girls and boys on programmes focusing on improving their education, health, leadership, protection from SGBV and collection of data. This was done through national awareness programmes and through a rally. AGI has now been absorbed by the Youth Division and incorporated into the National Youth Policy;
- The Ministry of Health and Medical Services (MHMS), with support from UNFPA, included SGBV into the Health Strategic Plan and established a SGBV Unit. They set up a Family Health Clinic in 2017 to provide counselling and first hand medical services for domestic violence survivors;
- The Kiribati Police Service (KPS) established a Domestic Violence and Sexual Offences (DVSO) Unit in 2004. They have improved their services through regular training on human rights, domestic violence, Te Rau n te Mwenga Act, inclusion of domestic violence in the KPS training curriculum and setting up a Comfort Lounge for people who have experienced domestic violence;
- Ongoing progress in working with NGO's such as the KFHA and Crisis Centre, to set up or provide shelter and counselling services for survivors and improved services through planning consultations, seeking funds and provision of training;
- The mainstreaming of gender, disability and social inclusion in the MoE priorities under the Kiribati Education Facility (KEF);
- The Children, Young Persons and Family Welfare Act was approved in 2013 with the main objectives focused on the support, care, development, protection and wellbeing of children and young people;
- The Education Act was enacted in 2013. Section 41 prohibits the disciplining of a student because she is pregnant or is a parent;
- Te Rau n te Mwenga Act 2014 criminalizes domestic violence. An implementation plan for the Te Rau n te Mwenga Act is also in place guiding key service providers on their roles in implementing the act;
- The first Women's Mock Parliament to be held in the Pacific was held in Kiribati in August 2011. Women from Tarawa and outer islands were given training on electoral and political processes and given practical training and experience of

becoming parliamentarians. The result of training funded by UNDP, was the increase in numbers of women running for Parliament and especially the local council elections;

- 2013 Gender Stocktake by Pacific Island Forum Secretariat (PIFs);
- MWYSSA was established in October 2014;
- Gender in Local Government training programmes were conducted by local government and the WDD to encourage women to participate in local government elections resulting in an increased number of female councillors;
- 2013 Pacific Women Shaping Pacific Development Plan for Kiribati- (DFAT regional funding initiative) participated in consultations and progressed through to Cabinet endorsement;
- In October 2015, a one-week training on women in leadership was conducted on South Tarawa and then followed by the same training in November to women on Kiritimati Island;
- In October 2017 a training workshop was conducted by the Kiribati Island Local Government Association (KILGA) for female mayors and local councillors to raise their awareness on the Human Rights Conventions, their new leadership roles and to encourage more females to run for local government and parliament;
- The Kiribati Police Services has taken measures to increase female intake. In the 2017 graduation they had a 50/5 male/female ratio.

42. The government in 2014 set up the Kiribati Human Rights Taskforce (KNHRTF) to monitor and progress human rights convention reporting. The KNHRTF comprises senior officials and the Human Rights Division has increased its staffing to consist of a SPC Country Focal Officer and three other staff working on reporting, monitoring and implementation of human rights reports.

#### **Article 4: Acceleration of Equality between Men and Women**

43. The Kiribati Constitution has a general exception to protection against discrimination which states “whereby persons of any such description as is mentioned in the preceding subsection may be subjected to any disability or restriction or may be accorded any privilege or advantage which have regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonable justifiable in a democratic society”.<sup>4</sup>

44. While Kiribati has provisions to make temporary affirmative action in line with the requirements of Article 4 of the Constitution, no existing temporary measures aimed at accelerating the equality of men and women have been taken. There have been discussions on the matter by government, parliament and CSOs. For example during Question Time in a 2009 Parliament sessions, Mr Ieremia Tabai, the first President of Kiribati, asked government whether it had plans to have more women represented in Parliament; the government replied that it was prepared to consider options that may enhance the level of representation of women in Parliament.<sup>5</sup> In the following year, Mr Teburoro Tito, also a former President, raised a motion requesting the government consider taking steps to increase the number of women parliamentarians in Kiribati. The motion was carried by the whole Parliament.

45. While government welcomes and actively promotes the participation of women in all aspects of life and has committed to this in KV20, it is still considering options

<sup>4</sup> Constitution of Kiribati S15(4)(e).

<sup>5</sup> Maneaba Ni Maungatabu, 2009, Journal of the Seventh meeting of ninth Parliament.

for affirmative action to accelerate equality between women and men in institutions where there are elections such as in parliament, and island councils.

#### **Article 5: Sex Roles and Stereotyping**

46. Kiribati is a patriarchal society with a strong vibrant culture and a traditional community heritage based on peaceful co-existence. Like all societies, the culture shapes norms and values that touch on all aspects of community life and the role of the individual in that community including to defined gender roles. Because of our strong cultural patriarchal heritage, obligations under Article 5 are the most difficult for Kiribati to meet. Certain customs and practices are in direct contravention to CEDAW including the gender role stereotyping, the expectation for wives to defer to their husbands and female members of the family to defer to the male members of the family, the exclusion of women from decision making in the traditional setting, the traditional norms governing ownership of property and land; and the formerly accepted notion that it is appropriate for a husband to discipline his wife by physical beating.

47. While there had been previous efforts to change these cultural practices, three events accelerated reform; these were (i) the ratification of CEDAW in 2004, (ii) the findings from the Kiribati Family Health and Support Study 2008; and (iii) the establishment of a dedicated government ministry for women's issues.

48. Government is aware that to change traditional and cultural values related to the role of women, requires long term effort and investment. The pace of change in the villages and communities on the outer islands does not match the developments within government, the formal sector and in private business. Acknowledging that the first classroom where learning begins is the home, government has reached out to communities in the villages and families in their homes to inform them about gender issues.

49. In 2011, the MoE in consultation with stakeholder ministries and major churches conducted community consultations, training and dispatched teams to all outer islands in Kiribati. The early theme of the consultations was 'Our Children: Our Future' highlighting that 'education is everyone's business'. Built into these consultations was the sharing of the statistics on GBV and messages that to break the cycle of violence, it is important for parents and grandparents to raise children in peaceful homes which is their first 'classroom'. It included religious messages from churches on parent responsibility and the importance of respectful relationships, and messages from MHMS on the importance of clean, healthy life styles, breastfeeding and good nutrition (KEIP 2011 Report).

50. This programme continued with a focus on Positive Parenting, sharing positive parenting strategies with communities to assist them to raise children to reach their full potential. The reach out to the communities and messages on Positive Parenting was considered by government to be important as change cannot be achieved or targets met without parents being part of the solution. In 2012 the Community Consultation Teams' programme was declared a flagship programme by major partner AusAID and the leader of the team received a Youth Leadership Award by Queen Elizabeth II in 2016.

51. The national women's machinery aims to better inform people about their basic rights and how it is important to exercise this responsibly and for people to understand and respect other's rights. With the support of regional partners such as SPC RRRT and UNWomen, it carried out national awareness on human rights, how gender is usually defined by culture, and how both men and women can benefit from sharing family responsibilities. In 2013, consultations on the Te Rau n te Mwenga Act took place across Kiribati also including discussions on basic human rights and gender.

52. In 2011 the National Eliminate Sexual and Gender Based Violence Policy and Action Plan 2011–2021 was developed providing the government’s authorising and coordinating platform for all ESGBV projects activities.<sup>6</sup> From this policy two implementation plans were developed to operationalize the ESGBV Policy: (i) the Shared Implementation Plan (SHIP) became the overarching plan and (ii) the United Nation Joint Program. These plans work to improve responses to victims of domestic violence by improving access to support services and to find preventive measures to SGBV in Kiribati.

53. Under the SHIP, which was endorsed by government in November 2014, development of respectful relationship is one of the activities to help prevent violence against women and girls. The ESGBV Project worked with the Sport Division and MoE to integrate respectful relationships through sport and through schools. The program started in July 2015 and targets year eight students in Junior Secondary Schools (JSS).

54. Under the Curriculum Development and Resource Centre (MoE), human rights and gender based violence were integrated into new curriculum for Healthy Living under the education reforms taking place at that time. There are three components of Healthy Living (i) Moral Education, (ii) Physical Education; and (iii) Health Education. Human rights were integrated into year six curriculum while GBV was integrated into other subjects such as English and Kiribati for years three and four. The reason for integrating these topics was to teach children from an early age about respect for others.

55. International Women’s Day and White Ribbon Day are celebrated every year and have become major national events and an opportunity to advocate against violence against women and educate families on the status and rights of women. As part of the 16 Days of Activism 2015, radio awareness programmes were aired about the importance of respectful relationship. As part of the commemoration, the head of the Catholic Church and the Kiribati Uniting Church, two of the largest churches in Kiribati spoke on national radio about the importance of respectful relationships between men and women. Because of the dispersion of the islands, radio is an important way of reaching the public and is used extensively in advocacy programmes in Kiribati.

56. Given the dominance of men in traditional society, a strong role of males in advocacy and in addressing GBV is critical. A Male Advocacy Program has been developed to work with a select team of men who are advocates against violence against women.<sup>7</sup> The program includes training on the importance of sharing responsibilities with their wives in the homes, good parenting skills, good communication between husbands and their wives, and how to raise their children in a peaceful environment. As in the Kiribati culture men mostly discipline the children and use corporal punishment, the men were taught positive parenting and anger management. The program was first launched during the 2013 White Ribbon Day and has been conducted throughout all the Kiribati islands. As of 2018 there are 110 male advocates across Kiribati.

#### **Article 6: Exploitation of Women**

57. Section 16 of the Kiribati Penal Code makes it an offence for anyone to procure or attempt to procure a girl or woman into prostitution. Anyone who operates a brothel may be found guilty of a misdemeanour and be liable for two years imprisonment. It is a criminal offence for parents or any other person having her custody, to sell a girl

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<sup>6</sup> National Approach to ESGBV Policy (2011).

<sup>7</sup> Report on Male Advocate Program (2013).

for prostitution. Defilement of any girl under the age of 13 years is a serious crime which carries punishment of imprisonment for life.

58. The existing law in Kiribati mainly punishes the exploitation of prostitutes and does not make prostitution a criminal offence. The relevant laws against exploitation of young girls and women are under sections 136, 140, 141, 146 of the Kiribati Penal Code and the penalty anyone exploiting women and young girls through prostitution is imprisonment for two years. No section in the Kiribati Penal Code addresses trafficking.

59. Government in partnership with NGOs continues to disseminate awareness of the dangers and related problems of human trafficking and prostitution. While there have been no reported cases trafficking there is a risk related to the foreign fishing vessels. Most at risk are young prostitutes who call themselves ‘Ainen Matawa.’ Fishing and foreign vessels are monitored at entry into port and before exit from port by a government boarding party made up of representatives from the Department of Immigration (DOI), Police Services (KPS), Ministry of Fisheries and Marine Resources (MFMR), and the Ministry of Environment, Lands and Agriculture Development (MELAD).

60. The priority 3 Right to Safety of the Kiribati Family Health Association (KFHA) Youth Work Plan increases awareness programs on reproductive health to the Ainen Matawa as the most at risk population. It also focuses on empowering this group to know their rights and to access information and services to be able to protect themselves from unwanted pregnancy and STI and HIV.

61. The MHMS Strategic Plan 2016–2019 highlights the strengthening of partnerships with the KFHA to expand family planning services and awareness on sexual transmitted disease. The Kiribati Red Cross Society (KRCS) quarterly newsletter in March 2006 reported that KRCS was working to help prevent youth from contracting STI and HIV/AIDs. Volunteers from the KRCS are involved in activities such as drama on HIV/AIDs awareness, visiting nightclubs and distributing free condoms and demonstrating how to use condoms. Some of the larger churches also have youth outreach programmes on ‘twinning’ providing support and positive peer pressure to this at risk group.

#### **Article 7: Participation in Political and Public Life**

62. Section 64 of the Constitution provides an equal right for all I-Kiribati aged 18 and over to vote. Characteristic of old school common law legal drafting the provision uses “he” to describe the voter. Section 54 of the Constitution provides equal eligibility to be a Member of Parliament. There are no provisions in the Constitution or elsewhere to require a minimum quota for women. Graph 1, Table 5 and Table 6 (Appendix) provide information about the participation rates of women in parliament since 1987.

63. While the laws provide equal opportunities to run for parliament in practice women are underrepresented. In 2015, there were four women members of parliament representing 8.7% of the total members. It was the highest representation of women in parliament since independence and the first time there were three women ministers in Cabinet representing 21% of the total number of Ministers. Graph 2 and Table 7 (Appendix) provide information about the proportion of island councillors in 2015 and the gender split of candidates for 2015 general election.

64. After the Mock Women’s Parliament in 2011 there was an increase in the number of women candidates in the 2011 general election. In 2015, 18 women candidates competed for seats in Parliament compared to 115 male candidates; refer

to Graph 3 for the Percentage of Mayors by sex, 2015 and Table 8 for Island Council/Town Council/Urban Council election results 2012 by gender.

65. In 2017 the head of the civil service, the Secretary to Cabinet, was female. The position has been held by a woman since 2003 except for the period 2007–2009. In 2017 eight of the 15 permanent secretary positions were held by women. The pace of the move toward gender parity in the civil service is also matched in the private sector and in public enterprises. Data in Table 9 and Graph 4 (Appendix) reflect the gender break up in senior government roles in 2009.

66. The trend has not translated into traditional decision-making bodies on the outer islands or to local governments and island councils. Of a total of 234 local government positions available, only ten women were elected. However, two women mayors were elected in the 2012 local government election. While there are reserved seats for women on most of the local governments, for example Women Interest Worker (WIW), local government is still dominated by males.

67. In the public service, Kiribati has made significant improvement in achieving gender parity. Until 1981 only males were included in cadre of officers selected for leadership positions. In 1981, the first woman was admitted to the administrative cadre. In 2004, out a total of 316 senior staff, 123 (38%) were female. By 2015, this increased to 219 of 421 (52%) of the total senior staff are female.

68. The maneaba is central to traditional Kiribati life and where decisions are made on village life. It acts as a community hall, court and sanctuary where matters pertaining to the social, economic and political life of the community are discussed and resolved. Traditionally the decisions are made by the Unimane (male elders) and females are not allowed to speak in the Maneaba. Unimane are also recognized within the local government and local government legislation allocates a special seat for a member of the Unimane association to be ex-officio member of the local government. This is slowly changing and females are becoming a part of the decision making in the maneaba and many of the local government bodies have a representative from the island's Women's Association.

69. Visiting government delegations to the rural outer islands, often led by women, have also paved the way for change in the role of women. These women now sit in areas in the maneaba traditionally set aside for men. During one of these visits in the early 1980s, one of the Unimwane commented "she almost sounds like a man," the highest compliment for woman in a traditional Kiribati setting (Makurita Baaro: unpublished).

70. Kiribati has an active network of civil society organisations that work on issues relevant to women and whose activities focus on promoting gender equality. Women have been well represented in CSOs and a few have headed NGO's such as the Kiribati Association of Non-Government Organisation and the Kiribati Family Health Association (KFHA). Other key active women NGO's include AMAK, the Catholic Women's League, Teitoiningaina Te Toamatoa (Women Living with Disabilities) and Island Council Women's groups.

### **Article 8: International Representation and Participation**

71. There is no provision in the Constitution that prohibiting women from representing GoK at the international level or participating in the work of international organizations. In 2015, Kiribati established an Embassy in Taipei and a Mission in New York, both headed by women. This brought the overseas offices to three as the High Commission in Fiji was established in 2000. Two former High Commissioners at the Kiribati High Commission in Fiji from 2000 to 2005 were men.

Up until late 2017 each head of these three offices was a woman. Table 10 (Appendix) provides data on women in the Kiribati diplomatic service.

72. Women are well represented on national delegations attending international meetings. Women ministers as well as women secretaries have attended UN and other international and regional meetings. Senior women officers also accompany their minister's team to international conferences and meetings. Women in the public service and female parliamentarians, CEOs of public companies and women board directors in different government companies have been engaged in meetings and conferences both regionally and internationally.

73. Women in NGOs actively participate at regional and international meetings and conferences. The KRC and KFHA are active NGOs headed by women. These women have represented their respective organization in meetings and conferences overseas.

#### **Article 9: Nationality and Citizenship**

74. The rights of people of I-Kiribati descent to citizenship is covered under Chapter III of the Constitution. Section 26 states that any foreign woman who marries a Kiribati citizen shall have the right to Kiribati citizenship. However, there is no mention of foreign men marrying Kiribati nationals. This discriminates Kiribati women since their husbands are not allowed to become Kiribati citizens, so they may be forced to leave their home country and to reside with their spouse in their country. Section 21 of the Constitution provides the circumstances by which persons of Kiribati descent born outside Kiribati can become a citizen if his father is a citizen. The interpretation of "a person of I-Kiribati descent" in section 29 includes only fathers and not mothers "...neither he, his father nor his father's father ..." This means that any child of an I-Kiribati woman and foreign father does not qualify as a person of I-Kiribati descent and needs to go through the procedures of the Citizenship Commission to gain Kiribati citizenship and passport.

75. The Citizenship Act 1979 also limits citizenship by naturalization by any child or wife by requiring that the father or husband be the applicant for their citizenship.<sup>8</sup> In regard to obtaining a passport, all citizens have equal right to obtain a passport.<sup>9</sup> However, the particulars of a wife and children may be in the husbands' passport.<sup>10</sup> Women citizens who marry a non-Kiribati citizen cannot include their children in their passport. The Citizenship Act is silent on dual citizenship so those I-Kiribati who hold foreign passports and are able to hold a Kiribati passport and under the Passport Act 2013 will be issued with a passport straight away.

76. Several attempts have been made to change the discriminatory provisions in the Constitution. The most recent national constitutional review, a proposal by AMAK to have this provision changed and give foreign males marrying Kiribati women a right to citizenship was not accepted by most who attended the review.

#### **Article 10: Education**

77. In 2015 adopting a human-rights based approach and responding to the international conventions, including the CEDAW, CRC and CRPD, Kiribati developed an Inclusive Education Policy to support the Education Act and ensure all school aged I-Kiribati have full access to relevant education and, where possible, in their local school. The policy outlines the rights of all children to access quality

<sup>8</sup> Section 7(3).

<sup>9</sup> Section 7 Kiribati Passport Act.

<sup>10</sup> Section 4(1) of the Passport Act Regulations 1980.

education, the roles of those responsible for delivering education and describes strategies to deliver inclusive education.

78. Formal and compulsory education commences in primary school at age six through to age 15. Primary school education is free as is the first three years of secondary education. It is also free for those who pass a screening examination to Form Four.

79. To address affordability issues by parents for their children's education GoK provided the School Fee Support Scheme for students in Forms Four, Five and Six in SSS who have lost both or either parent. A committee is responsible for organizing this scheme and includes representatives from different organizations and ministries including AMAK, church leaders, MHMS, MELAD, MoE and MWYSSA which is the lead agency for this scheme. Table 20 (Appendix) demonstrates the number of students from Form Four to Form Six funded under the Scheme.

80. Government extended its support to make education free to Junior Secondary Schools (JSS), also providing free essential school materials such as exercise books, pencils, pens and transport. Since 2016 the no-fee policy was extended to all students who have passed to go into higher forms. Government provides school buses for each island along with sufficient operation cost/support to cover for fuel and servicing of the buses.

81. Education in Kiribati comprises of primary, junior high, senior high school/secondary, combined junior and high school/secondary, vocational (post-secondary), tertiary, and pre-school which since 2016/17 receives government support. All primary schools are government-owned and run, while the secondary and pre-schools as well as a few vocation/post-secondary institutions are owned and run by churches, the government and island councils. Government provides a contribution to church schools paying salaries for a certain number of teachers and supporting training of teachers to achieve qualifications through scholarship awards and in-country upgrading teacher programs. The universal JSS program started in 1998 with four schools established on different islands. By 2002 all islands had one JSS and primary school students on each island are absorbed into that school system. JSS starts from Form One and finishes at Form Three after which time students may sit exams to get places in the senior system. For equitable distribution and accessibility, government ensures all 23 islands have at least one primary school and JSS depending on the population.

82. Gender, disability and social inclusion considerations were mainstreamed into the principles underpinning the Kiribati Education Act 2013. The Act outlines the obligations of others outside the education system stating specifically that education is compulsory and parents are liable for their children's attendance. Section 12(4) states a penalty of not more than \$50.00 for parents who do not enrol their children of compulsory education level and Section 15(2) states that any parent who withholds a child from attending compulsory education will be fined not more than \$50.00. Section 17(a) and Section 17(b) require the school principal to take reasonable steps in directing parents to fulfil their responsibilities in regard to Section 12 before court proceedings are taken.

83. Schools recently had regulations and rules that directly discriminated against girls and women. For example, when a girl became pregnant she would be immediately expelled from school. The baby's father could still attend school. The Education Act 2013 section 41(2) addressed this and states: "The principal, or a body

responsible for disciplinary matters, must not take disciplinary action against a student because the student is pregnant or is a parent”.<sup>11</sup>

84. The education sector is one where gender parity has been achieved. The challenge now is to ensure comparable numbers of boys enter the education system. Table 11a illustrates the enrolled number of primary school students from 2011 to 2014 and Table 11b (Appendix) shows indicators reported for the Intake Ratios for primary school. Both the gross and net intake ratios indicate a slight improvement in trend since 2010, with tendency to a Gender Parity Index (GPI) greater than 1 indicating girls are availing themselves of education services at a greater rate than boys. Tables 12a below and 12b (Appendix) show that by level, as well as by district, female students’ enrolment is consistently higher than that of male students. For example, in 2013 female/male were 3842/3196 and 2014 female/male enrolments were 3617/3171. Enrolments per district show the same pattern.

85. Perceptions about education for girls have changed with parents seeing family benefits in having their daughters educated especially as education is free and more accessible. Table 12.a (below) provides enrolment figures for JSS.

School Level	2011		2012		2013		2014	
	F	M	F	M	F	M	F	M
Form 1	1305	1103	1191	1057	1202	1037	1095	1027
Form 2	1267	1088	1156	1031	1297	1072	1233	972
Form 3	1249	1024	1262	1103	1343	1087	1289	1172
<b>Total</b>	<b>3821</b>	<b>3215</b>	<b>3609</b>	<b>3191</b>	<b>3842</b>	<b>3196</b>	<b>3617</b>	<b>3171</b>
<b>Total F + M</b>		<b>7036</b>		<b>6800</b>		<b>7038</b>		<b>6788</b>

Source: KEMIS DIGEST 2010–2014.

86. As of 2018 there are fourteen registered SSS in Kiribati. Three are run by government and eleven by churches. The purpose of secondary education is to expand knowledge of subjects studied in JSS including literature, science, mathematics, social studies, commerce and other subjects essential for physical and intellectual development and to prepare students for specialized skills training. There are currently eight church owned Combined Secondary Schools (CSS).

87. Places in SSS are allocated on the basis of performance assessed at the end of Form Three (the Junior Secondary Certificate). The results in Table 12b. indicates that more females than males transit to SSS. Education at this level is not compulsory and parents are expected to pay their child’s fees although a school fee subsidy is provided by government to students achieving very high marks. Table 12b shows student enrolment to SSS in the years 2012 to 2015 and it can be seen that the same internal patterns of this data are similar to that of the JSS data with female enrolments markedly higher than those of males. The MoE forwards information about legislative and policy changes to ensure equal access and non-discriminatory practice in faith based schools. There is no follow up or monitoring mechanism in place currently to ensure their compliance.

88. Repetition rates are improving with the highest repetition rates in Grade One and Six with an overall picture of boys repeating a grade more than girls and particularly for Grades One, Three, Four and Six. Table 13a (Appendix) shows the

<sup>11</sup> Education Act 2013.

data for 2013. The repetition rate, together with dropout rates are the determinants of the survival rate. Table 13b (Appendix) provides a record for 2012. The dropout rate in Grades One and Two should be reduced by the introduction of the new language policy that requires a focus on the local language in the initial years of schooling.

89. Tables 13b and 13c Graph 5 (Appendix) reflect the survival rates in primary school. They present a situation of a declining number of children reaching Grades Five and Six – only 72.6% of children who begin Grade One reach Grade 5. Except for in 2012 the survival rate for girls has been better than that for boys. Grade Five is the minimum level of education needed to achieve basic numeracy and literacy.

90. Preschools have traditionally been provided by churches, private and community organisations and there appears to be no coherent structures synthesizing either the definition of appropriate infrastructure standards, curriculum or teacher development. MoE has previously had no formal involvement in Early Childhood Care and Education (ECCE) however since 2016 it has begun to engage the sector and the Education Sector Strategic Plan 2016–2019 commits to identify resources for pre-schools including training and professional development for ECCE teachers, and to develop a new legislative base for ECCE.

91. There are two levels of recognized teacher qualifications in Kiribati (i) Qualified Teachers who have at least the minimum academic qualifications required for giving classes at schools ie Form Five for primary teachers and Form Seven for junior and senior secondary teachers; and (ii) certified teachers who have completed at least the minimum required teacher training being a two year teaching certificate. The 2013–14 data in Tables 14a and 14b (Appendix) show that the number of female teachers exceeds that of male teachers.

92. A number of TVET institutions offer a range of programs for occupational skill development. Most post school education (including TVET) is managed by the Ministry of Employment and Human Resources (MEHR) including Kiribati Institute of Technology (KIT), the Marine Training College (MTC), Fisheries Training Centre (FTC), Kiribati Nursing College (KNC) and the Police Training Centre. The MoE overseas the Kiribati Teachers College. Anecdotal evidence suggests that graduates from these institutions tend to gain immediate employment.

93. The MEHR reports that it is attempting to refine and better target KIT courses by consulting with business and industry about their needs and adjusting courses to ensure more employment opportunities for graduates. This is especially needed in the KIT specialty areas of carpentry, automotive skills, electrical technology, accounting and business. Table 15 (Appendix) presents the number and enrolment of TVET offerings provided by the sector. The very high GPI in JSS and SSS might be due to other educational opportunities for boys. However, while there is an imbalance internally in many of the TVET offerings, there is an overall gender balance across the sector with enrolments showing women moving into trades traditionally associated with males such as carpentry, engineering and plumbing.

94. School graduates seeking a higher education need to qualify for entry to the University of the South Pacific or the Australia Pacific Technical College. Pathways to technical and further education and higher education are only possible in Kiribati for Form Five and Form Six school graduates. This results in a large pool of 15–24 year-old seeking formal or informal sector employment when school access proves to be problematic. Table 16 (Appendix) shows that more females than males have received merit based scholarship awards in the four years 2012–2015.

**Article 11: Employment**

95. Kiribati became a member to the International Labour Organization in 2000 and subsequently ratified the eight fundamental ILO conventions including the Equal Remuneration Convention no. 100. There were two key national labour laws that gave effect to the provisions on employment under the CEDAW being (i) the Employment Ordinance 1977, (ii) the Industrial Relations Code 1998. These laws have been repealed and replaced by the Employment and Industrial Relations Code (EIRC) 2015.

96. Part XII of the Employment and Industrial Relations Code 2015 was inserted to domesticate the principle of prohibiting the discrimination on grounds of race, colour, sex, religion, political, national extraction, social origin, disability and other matters arising from the employment relationship, in particular on this section there is also reference to prohibition of discrimination based on pregnancy. Part XII also makes special provision for the equal remuneration for work of equal value for men and women prohibition of sexual harassment for both men and women in the workforce.

97. Under the EIRC 2015 female employees in the private sector are entitled to a paid maternity leave for a period of 12 consecutive weeks, at least six weeks of which shall be taken immediately after childbirth. The employer shall pay the woman employee an amount for the period of maternity leave of not less than 25% of the remuneration the employee would have earned had she been at work. A woman who returns to her employment after maternity leave shall be appointed to the same or equivalent position she held prior to taking maternity leave, without any loss of salary, wages, benefits or seniority.

98. The MEHR is not aware of any cases directly related to the discrimination of women in employment and occupation.

99. The public service is the largest formal employer in Kiribati. The remuneration of all public servants is prescribed by the National Conditions of Service (NCS) and applies to both female and male workers equally. Under the salary scales set out in the NCS there is no discrimination between women and men workers. All advertised posts are open to female and male workers and appointments and promotions are based on merit.

100. There is no system of job appraisals in Kiribati for work in the private sector. The Public Service Office prescribes remuneration levels and increments for all public civil servants in accordance with the Staff Performance Appraisal Policy and Procedure. The MEHR has not received complaints from workers in the private sector with respect to any problem of not receiving equal remuneration. The absence of formal complaints regarding equal remuneration does not mean that breaches are existing as MEHR has limited labour market information. The MEHR is working to improve its Labour Market Information Analysis System, including through the collection of data disaggregated by sex.

101. Although there is a right to collective bargaining under the EIRC there are currently no collective bargaining agreements in existence. Therefore equal remuneration for men and women for work of equal value is not currently implemented through collective bargaining agreements.

102. There is no specific issue concerning unpaid women working in family enterprises in Kiribati. There was one allegation by the Kiribati Trade Union Congress in 2005 of forced labour in village community work decided by the mwaneaba. The work was alleged to be performed under the threat of a penalty and with no pay. In this respect, the ILO's Committee of Expert on the Application of the Convention and Recommendation (CEACR) requested the GoK provide information on the exaction

of minor communal services in practice, including the duration of the work carried out and the number of persons concerned, as well as on how consultations of the members of the community concerning the need for such services are carried out. In response, the GoK confirmed there were no written policies/laws in place that governed community services decided under the mwaneaba system. There is no specific duration of communal work as it also depends on the tasks assigned and agreed during the consultation members of the community.

103. Section 121 of the EIRC 2015 was introduced to regulate the issue. It allows for unpaid labour on minor communal works that are reasonably required as part of reasonable and normal communal or civic obligations, provided that members of the community concerned are consulted about the need for such works before any obligation is imposed on a person to undertake the work. In this circumstance the unpaid community work is not considered to be forced labour for the purposes of the Kiribati Constitution and Article 2 of the ILO Forced Labour Convention.

104. There is a large knowledge gap in regard to labour market trends. There has been no labour market survey carried out in Kiribati and no centralized database to coordinate labour market information within the MEHR. The key source of labour market data is from the NSO's five-yearly population census and household income and expenditure survey, which also notes that further labour market surveying is needed. Therefore, little is known about unremunerated activities of women, the skill levels of current women workers, wage rates women being paid for, conditions of employment of women and so forth. Other unknowns include information on the women's contribution to the economic development of the country.

105. There is also a large amount of data that is not collated or aggregated. For example, every inhabited island has a local council which is responsible for the business operation fees of all women's businesses trading on the island. However there has been no collation of information about these or identification of trends about business start-ups or closings, or growth industries. As seen from the previous plan of the MEHR, actioning research through a labour market survey has difficulties. There is other data in Kiribati that could be harnessed and analysed to inform policy development. An information management plan is needed, with a well-resourced program to implement it.

106. The Workmen's Compensation Ordinance 1977 is the primary legislation that provides the compensation framework for employees who have been involved in an accident during the course of employment resulting in death or serious and permanent incapacity. Women are eligible to make claims under this ordinance provided that all procedural requirements under the Act are satisfied.

107. The EIRC 2015 has provisions on Equal Employment Opportunities and mandates all employers to provide for equal employment opportunities by (i) prohibiting direct and indirect discrimination on specific grounds such as sex, race, colour, religion, (ii) prohibiting sexual harassment in employment; and (iii) establishing an obligation on an employer to pay women and men equal remuneration for work of equal value.

108. The MEHR as lead agency overseeing employment relations and labour administration across different sectors of employment is also responsible for labour mobility, licensing private recruiters for seafaring and fishing industries, the Recognized Seasonal Employment Scheme in New Zealand and the Seasonal Workers Programme in Australia.

109. There are four key pieces of legislation which regulate the employment of foreign workers in Kiribati (immigration): they are (i) the Immigration Ordinance 1991 (CAP 41, Revised Edition 1980); (ii) Immigration Amendment Act 1983 (iii)

Immigration Amendment Act 2002 and (iv) the Immigration Regulations. There is currently no national law or regulation on emigration of I-Kiribati.

110. Migration is part of the Kiribati's long-term adaptation strategy and through the Migration with Dignity policy, the GoK is providing relevant and internationally recognized education and training that would ensure that when I-Kiribati people relocate they may do so with dignity as citizens who are skilled and would find jobs. In line with the concept of Migration with Dignity, the government also in 2014 endorsed a Kiribati National Labour Migration Policy that sets out a strategy and action plan for implementation.

111. In 2017, 125 workers were employed in the Australian Seasonal Worker's Program of those 37 were female and 88 were male. Within New Zealand's Recognized Seasonal Employment Scheme of the 198 employed 81 were female and 117 were male.

112. The Kiribati Australia Nursing Initiative (KANI) programme, completed in September 2014, educated 84 young I-Kiribati women and men in nursing at Griffith University in Brisbane. A total of 78 graduated – Bachelor degree in Nursing (63), Social Work (3) or Human Services (1), Diploma of Nursing (4), Diploma of Community Welfare (1) or Certificate III in Aged Care qualifications (6) (Shaw, Edwards and Rimon, 2014), while five withdrew and one continued study post data collection.

#### **Article 12: Health Care and Family Planning**

113. Health is one of the priorities under the Kiribati Development Plan 2016–2019 and the KV20 which highlights that “a healthy population is a productive population” and that good health is a pre-requisite to economic growth, poverty reduction and the realization of the KV20. Health programmes are provided free to all I-Kiribati and the delivery of health services makes no gender distinction. The MHMS oversees the delivery of health services with focus on six priority areas of (i) non-communicable diseases, (ii) population growth, (iii) maternal and mobility, (iv) child morbidity and mortality, (v) health service delivery; and (vi) gender based violence and youth health.

114. Health services are free of charge to all I-Kiribati and working foreigners living in Kiribati. The MHMS operates hospital services, public health services and nursing services from four main hospitals. Two of the hospitals are on South Tarawa and two on the outer islands of North Tabiteuea which serves the Southern District and the Kiritimati Hospital which serves the Line and Phoenix groups. Patients requiring specialised assistance that TCH cannot provide may be recommended for overseas treatment by the Medical Referral Board.

115. Family Planning was traditionally known as spacing of children translated as Babairean te utu. This is now known as Marurungin te Utu (healthy family program). The high population growth remains to be a significant development challenge. The total fertility rate has increased from 2.7 in 2011 to 3.7 in 2016. Between 2005–2010 the adolescent (those aged 15–19 years) fertility rate was 39 per 1000 women which was around the median for the region and reflected the low contraceptive prevalence rate of 36% of women of reproductive age (2000 data). Family planning is therefore an MHMS key priority area 2 with the strategic objectives of increasing access to and use of high quality, comprehensive family planning services, particularly for vulnerable populations including young people and women whose health and wellbeing will be at risk if they become pregnant. There are eight contraceptives methods available and used in the country; they are: Microgynon, Jadell, Depo Provera, condom, vasectomy, tubal ligation, copper intrauterine device; and Billings Method.

116. The MHMS delivers Family Planning services and collects data from 108 sites. These include 100 health clinics (Kiribati and Line and Phoenix), eight special clinics in which the ministry works with NGOs and CSOs. Some Family Planning implemented activities are (i) training for staff capacity building, (ii) awareness program conducted on South Tarawa, (iii) awareness through media and posters; and (iv) outer island outreach programs. Programs are run in partnership with MWYSSA, MoE, KFHA and NGOS and FBO to expand the reach of services and increase the involvement of men. Table 17 (Appendix) outlines the provision of Family Planning outreach programmes to the outer islands.

117. A challenge for population growth relates to church and FBO which prohibit family planning and any contraceptive and sexual reproductive health. The government including in the 'Parliamentary Select Committee on Population Management and Development Report 2015' has advised church leaders to guide their congregations and parents to make family planning decisions on the basis of their individual resource capacity.

118. An increasing number of Kiribati people have acquired non-communicable diseases and a large proportion of the population live with risk factors. Smoking and alcohol present the biggest risks for coronary heart disease, stroke, peripheral vascular disease and cancer. The country health information 2011 states that 70% of men and 50% of women smoke. There is no data on how many women smoke during pregnancy. A 2015 Non Communicable Disease Steps reported (note gender disaggregated data not available at time of reporting):

- 28.1% of the population were diabetic;
- 81.5 % of the population were overweight;
- 99% of the population consumed a diet less than five fruits and vegetables per day;
- 59% of the population smoked;
- 71.8% of men and 49.2% of women drink alcohol.

119. The incidence of NCD is likely to rise as the occurrence of people with more than three risk factors has increased from 79% in 2006 to 83.6% in 2015.<sup>4</sup> This may reverse the trend of increasing life expectancy: life expectancy for females increased from 64 years in 1990 to 70 years in 2010. The increase in number and type of NCD between 2010–2015 is reflected in the data in Table 18. This is attributed to the effects of economic development and modernization with increased reliance on imported processed food particularly rice, noodles and tinned food. With increasing over-crowding there is less space of planting crops in South Tarawa. Generally, gardening for vegetables involves a lot of hard work since the atoll soil is very poor requiring a lot of supplements. The MHMS strategic plan has included focus on strengthening initiatives to reduce the prevalence of risk factors for NCDs.

120. A 2004 study showed high prevalence of Sexually Transmitted Infections (STI) and according to the MHMS strategic plan it is gradually increasing and an approximately 15% of pregnant women are infected. The first HIV positive patient was diagnosed in 1991. Since then, the numbers have increased with the highest number of HIV carriers being I-Kiribati who work as merchant seamen. Between 1991–2017 there were 61 cases of HIV of those 35 are male and 26 female. In 2009, Kiribati confirmed 53 HIV/AIDS cases of which with 12 (6%) were young people. The numbers appear to be falling because the success of awareness programs increasing people's use of protective measures. Graph 9 (Appendix) provides information about the number of HIV cases in Kiribati in the period 1991–2015.

121. Kiribati's national response to HIV/AIDS and other health challenges has been governed by the availability of external funding sources. The MHMS provides in-kind contribution to the national response through the provision of housing, office space and transport to its HIV/AIDS and STI Programme staff, who are paid by projects funds. It also provides staffing for the Prevention of Parent to Child Transmission (PPTCT) program and Youth Friendly Health Services (YFHS).

122. Maternal health in Kiribati is improving. By 2005, the antenatal care coverage rate (the proportion of pregnant women who had at least one visit) was 100%. In 2010, 98% of births were attended by skilled health personnel from the Ante Natal Clinic (ANC).

123. Several areas of health care have been progressed through public health outreach programs:

- Active community outreach program disseminating information to urban populations on the importance of, and how to ensure mothers are healthy;
- High initial immunization coverage (DPT3 99%, measles 90%) although scheduled completion drops significantly;
- Improved maternal care: 66% of women delivered in a health facility, 80% delivered with a skilled attendant and universal availability of antenatal care. In 2010, 98% of births were attended by skilled health personnel;
- Efforts are underway to integrate child health services in a single service point; biannual national child health weeks; postnatal care program with in-home visits for new mothers;
- Model commitment to end open defecation to be presented nationally; community gardens underway to produce nutrient-rich food.

124. There has also been an ongoing training for all maternity ward staff in which they go through 20 hours Mother and Baby Friendly Health Facility Initiative (MBFHI) training course which is the standard recommended for all maternity staff under the Infant and Youth Child Feeding (IYCF) Global Strategy. Under the ILO Maternity Protection Convention the following are considered as rights for mothers:

- 12 weeks maternity leave with pay;
- Free medical attendance for pregnancy and breastfeeding mothers;
- Breastfeeding women have the right to take breastfeeding breaks each day.

125. The GoK has made significant progress in improving the health and wellbeing of women and children. Improving child survival is the third key objective of the MHMS Strategic plan.

126. Common causes of infant mortality and morbidity are perinatal conditions, diarrheal diseases and pneumonia as well as malnutrition, iron and vitamin A deficiency and worm infestation among children which are increasing. Table 19 (Appendix) shows the estimated mortality rates for children aged under five for the period 1991–2011. The infant mortality rate improved to an estimated 52/1000 live births in the 2005 census down from 67/1000 in 1995. Despite the overall high total fertility rate, a comparative analysis shows Kiribati with the highest child mortality rate across Pacific Island countries at five years of age. Government has therefore set a target to work towards the reduction of the under-five mortality rates (per 1000 live births) from 59.1% to 49.1% by 2019. Infant and neonatal mortality levels tend to be highest on the outer islands while post neonatal rates are lower in there. This different rate in urban and rural neonatal mortality rates is considered to be due to the

accessibility of medical services and the higher prevalence of households in the higher wealth quintiles in urban areas.

127. Kiribati has reasonably high levels of immunization. An Expanded Program on Immunization (EPI) was initiated in the early 1980s to protect children against measles, rubella, poliomyelitis, diphtheria, pertussis, tetanus, pneumonia, Hepatitis B, Hib and tuberculosis, and to protect women against maternal tetanus. In 2010 89% of one-year-old children were immunized against measles and 91% received the combined DIP-Hep B-Hib vaccine. In 2005, the antenatal care coverage rate (the proportion of pregnant women who had at least one visit) was 100%. Graph 7 shows the under-five and infant mortality rates dropped significantly during the period 1990–2010. However, this is still the fourth highest under-five mortality rate and fourth highest infant mortality rate in the region. Awareness to parents about the importance of immunizing their children in the prevention of any kind of disease is one main program the MHMS is doing on radio. Every two years health staff visited communities to distribute vitamin C to children under five years of age to help prevent spreading of diseases at these ages and to lower mortality rate.

128. There are programs currently implemented by the MHMS to improve the health of infants such as the Ten Steps to Successful Breastfeeding are evidence-based best practice standards developed by UNICEF and World Health Organization. They are designed to enable improved practice in maternity units to promote, protect and support breastfeeding. Protection of breastfeeding in the non-formal work setting needs to be addressed along with other strategies to provide the mother and newborn child a safe and healthy recovery.

#### **Article 13: Economic and Social Benefits**

129. Women are taking the lead in the private sector in Kiribati. Major businesses are owned by women and graduates of the KIT Certificates in Business and Accounts Administration are dominated by females. The three major garment factories are owned by women and employ women workers. National business records for the period 2005 to 2015 showed that 1971 women had registered a business.

130. Women are being to move into traditionally male trades such as plumbing, carpentry and mechanical engineering. Small scale local produce and fish markets are run by women. The many food stalls around government offices are run by women. Women are going to the capital South Tarawa from nearby islands by boat every day to sell their products.

131. To upskill women to have more economic opportunities and improve the living standard within their families, the Women's Development Division created a specific position for Women's Economic Empowerment (WEE) to coordinate and implement programmes for women on the outer islands on topics such as financial literacy, budgeting, starting your own business, skills training on cooking, sewing, handicraft making, home gardening and enhancement of women economic empowerment. These programmes are conducted in collaboration with different ministries and women's groups.

132. A 2016 government innovative initiative started by MWYSSA was the promotion of the traditional tibuta wear which started with a local Tibuta competition. Known as Mauri Wear it is now compulsory for all government females to wear the traditional Kiribati dress every Friday. Males are required to wear locally made shirts and a local necktie. This has enabled Kiribati women to gain income from their sewing, helped build pride in their own creation and designs and assist maintain our traditional wear.

133. Government social benefits do not differentiate between males and females. Under the Kiribati Provident Act (KPF) (CAP78,) both male and female employees can become a member of the KPF. The Act mentions that employees should contribute 7.5% of their salary and the employer should pay another 7.5%. There are two types of membership (i) the Employee Membership and (ii) the Self-Employed Membership. The KPF Benefit can be withdrawn after the member reaches the age of 45 years, is about to leave or has left Kiribati with no intention of returning, is physically or mentally incapacitated from engaging in any further employment and has not been employed in six months and faced financial hardships. The total number of members in 2016 was 48,980 of whom 29,914 were male and 19,066 were female.

134. The Elderly Fund was established in 2004 to provide social protection for all elderly people from the age of 65. Those aged 65 to 69 years old receive \$50.00 per month and those aged 70 years and over receive \$60.00 per month. Women have full and equal access to the Elderly Fund.

135. Table 21 (Appendix) shows the gender parity in pay-outs during the years 2015–2017.

136. During the earlier years of the reporting period women faced extreme challenges accessing credit or loans to set up small businesses such as market stalls. Also, local producers, including women, could not meet international standards or make sufficient quantity to sell local products overseas.

137. Village banks (VB) have been operational for a while in Kiribati although 87% of them are inactive and not accessible to women. There were no loan schemes specially for women so they have developed their own informal banking “Te Karekare” as a way of saving money. Each woman in the group will pay an agreed amount of money at set times to a pool of funds that are then paid out to a member of the group determined by straw poll. Recent improvements to women’s access to assistance to engage economically include:

- More women accessing banks as before they could not open their accounts unless they were employed. ANZ now has a programme allowing people who are unemployed to open accounts so they can save money;
- Rural loan support scheme administered by Development Bank Kiribati (DBK) target islands with DBK branches but limited to agriculture, fisheries and tourism initiatives. This was launched June/July 2017;
- Youth and Young Couples’ Loan Scheme 2017 run by MWYSSA provides small loans to young people and couples on Tarawa to start a small business. Twelve female and eight males accessed loans in the first year;
- The Small Business Development Fund initiated by Ministry of Commerce (MCIC) in 2017 but not yet commenced by 2018 reporting, will provide both grants and loans up to \$3000 to the most marginalised people including women, youth, and people with disabilities.

138. The culture and traditions of Kiribati are valuable to all I-Kiribati and women and men have important set gender based roles in maintaining traditions. Women are considered to know how they fit in the society and what roles are expected of them. They own traditional knowledge, dances and handicrafts which they pass on to their daughters and granddaughters they are also responsible for teaching children how to respect one another. Traditional knowledge held by women includes the making of local medicines, weaving mats, baskets and fans for sale and income.

139. Sport, as many aspects of Kiribati life, has been dominated by men. However, with encouragement from the government, sports organisations, various NGO’s and from the home itself, the involvement and participation of women in sport is

increasing as outlined in Graph 7 (Appendix). Active participation in sport amongst women tends to drop off after early adulthood however women are getting involved in other roles either as parents supporting their children, volunteers, coaches and administrators (Appendix Graph 8). With the sports environment becoming more conducive to women's participation, women are now seen as participating partners and not only to make up the numbers. The government has allocated 1.25 hours per week for sport in all government and businesses. This has given women employees time and opportunity to participate in sport.

#### **Article 14: Rural Women**

140. In Kiribati 'rural' means all islands except South Tarawa. According to the 2015 Population and Housing Census the total population of Kiribati was 110,136 with 49% living in rural areas (Table 25). Women have traditionally held a central role in community development in Kiribati and especially on the outer islands for health, education and community programmes dealing with the wellbeing of the family. The geographic spread, remoteness of the islands and diseconomies of scale continue to be major challenges to the delivery of basic and essential services to our people.

141. In rural areas there has been increased appreciation of the role of women at the household and community levels. On some islands, the Women's Association is formally recognized at the village and island council level as the body that represents the interests of women. It is increasingly common at the island council and community level for the women's representative to be a member of island committees. This is a positive development as it is a marked departure from traditional norms where women are excluded from decision making bodies. It also reflects the effects of the combined advocacy of government, women's organisations, FBO and special interest groups over the years prior to and after becoming party to CEDAW.

142. There are 103 public health clinics across the islands with public health nurses, medical assistants and nurse aides to administer the health services. All outer island clinics provide women's health care needs before and after giving birth. Cases requiring specialized attention are referred to the main hospitals in Tarawa or Kiritimati. MHMS has a standing agreement with Air Kiribati to provide prioritise seats to medically referred patients. The MHMS works with NGOs such as KFHA, KRC and FBOs in delivering health services to people on the outer islands and all health care services are provided free to all Kiribati residents. There remain concerns that people, including women, on the outer islands are not receiving comparable health services to those living in urban South Tarawa.

143. For equitable distribution and accessibility government ensures that all outer islands have at least one primary school and JSS depending on the population size. While women and young people on outer islands have equal access to education there is a big difference between the educational attainment of rural and urban women. Most women living on outer islands only reach primary and JSS with a small percentage reaching SSS (Statistic, 2010). The reasons behind this may include a general reluctance of parents to send young daughters off their home island for SSS and higher education and the tendency for rural women to marry and have children at much earlier ages than those in the urban area.

144. Most outer island women participate in handicraft making and other small-scale activities to generate some income. The 2016 increase in the price of copra has benefited rural communities, including women, especially in the central and southern islands. Much of what women produce depends on where they live for example crops grow best on the relatively wetter and more fertile northern islands. Basic crops of coconut, bwabwai (giant taro), banana, pandanus and breadfruit grow on these atolls without the need for much cultivation. Rural families on Butaritari are able to produce

a constant supply of bananas and pumpkins which they sell in the urban center on South Tarawa.

145. In the central and southern islands, the climate is more tropical with less rainfall and it is more difficult to grow food products. Copra is the main source of cash income for the people on most of these islands. Because of the relatively harsh conditions on these islands, most southern communities have perfected preservation techniques for fish and seasonal food such as pandanus and breadfruit. Southern women are also well known for intricate weaving of fine mats and for the best tuae, sundried pandanus cream, mostly from Onotoa, which are high demand products sold in Tarawa.

146. Because of the harsh conditions on atoll islands, working as a community is central to the Kiribati culture. This is premised on the principle that there are challenges larger than individual families which require collective action – for example traditional warfare, building of seawalls, building maneabas and traditional houses. To maintain traditional maneabas and houses, women weave the thatch and make the string and prepare food for the workers.

147. As discussed under Article 13, one of the earlier challenges to women was the relative difficulty faced in accessing credit and financing for development. This has now improved with new facilities introduced by MWYSSA, MCIC, DBK and ANZ. Women in rural areas have access to the following social protection programmes:

- Fund for Elderly from 65 years old. All payments are issued by the Island Council;
- Retirement Fund is also available to women or people who work locally in the outer islands;
- School fee assistance to assist with secondary school fees for a child with no father (or a disabled father) and living with an unemployed mother.

148. An innovative creation of women's groups in Kiribati is the informal banking system called the karekare where everyone in the group contributes an agreed amount of money every month (or week). The money collected is paid out to one in the group with the list of recipients for payouts determined by straw poll. The karekare is not confined to money. It can also be individual pieces of thatched roofing, embroidered pillow cases, and can be in the form of service in the cultivation of bwabwai. The idea is to lighten and pace out the load for the woman and encourage savings. Instead of having to make hundreds of thatched roofing pieces for the maintenance of her family home in a week, the rural woman will only have to make one (or the amount determined) a week contributing to the maintenance of houses of other families while she waits her turn in the karekare.

149. Women are also at the forefront of raising funds for various community and group needs ranging from education (for their children's school) to church activities and other livelihood projects. Most island councils recognize this critical role for women and allow the representatives from the women's organization to have an ex-officio seat on the council. Most councils require women's groups to register with them so they can access training, funds and other supports donated by the government or other diplomatic partners usually through the Island Council office.

150. The determination of development priorities for each island is a function of the Island Council. With more Island Councils recognizing the role of women in council matters and in the development of the island, there is an increasing number of councils welcoming women representatives in their meetings.

151. MWYSSA works with stakeholders to offer training to women in rural areas. The training ranges from sewing skills, running a small business, gardening to awareness building on human rights. MELAD has done training on some outer islands

on home gardening and how to plant different crops. The 2016 rise in the price of copra had a major impact by raising the income of women on the outer islands.

152. The largest employer in the rural areas are the Island Councils. Some government companies like KOIL, Solar Energy Company, DBK and Air Kiribati advertise for vacant positions on the outer islands through the Island Council. The council office is responsible for advertising the vacancy which is open to all including women. Recently, government through the MEHR and the Island Councils started recruiting overseas employment opportunities in the areas of fruit picking, elderly care and hospitality. Women in rural communities have been encouraged to take up these opportunities.

153. The Ministry of Public Works and Utility through the Water and Sanitation Engineering Units (WSEU) provided solar powered water systems (two–three systems per village) for all outer islands. These systems extract water from underground freshwater through a solar pumping system, transferred and stored in overhead tanks and later distributed to every household/community in the village. The water can be used for drinking.

154. The Kiribati 2015 Census showed that the majority of people on the outer islands use well or underground water as their main source of drinking water. These water tanks provided by donors and government are not sufficient to meet islanders' needs. Ministry of Works is seeking funding to cover this rural challenge.

155. Work on improving sanitation on the outer island includes installation of de-composed toilets on each target areas/villages by the KIRIWATSAN project. The community are responsible for looking after the completed toilets. The beneficiaries of improved water sources are mostly women and children who are the ones who usually fetch water for the family needs.

156. Rural women now have access to electricity through communal diesel-powered generators and solar panels. These have enabled them to enhance their work in taking care of the family. The government solar company has provided a solar system to people in rural areas and has appointed solar agents on each island to assist with maintenance, to sell and record light which are bought by the villagers and to report back to the Kiribati Solar Company (KSC), and take orders for new stock for rural needs. The solar company also hire solar facilities at minimal charges for those who are on a hire agreement.

157. The second programme for rural electrification is the free solar light donated by the Government of Taiwan. These are for people living in rural areas each household receives a package of three solar lights and one portable solar panel. Distribution commenced in 2015 by the Ministry of Internal Affairs (MIA) through Island Councils. Solar facilities bring many benefits to people on the outer islands. For example (i) assists women to work at night time on their small business produce like mats, local smokes, food items; (ii) enables children in their study at night, (iii) assists men to do fishing at night time; (iv) brings security to those who want to walk at night time especially women and children, (v) provides some protection against sexual and gender based violence, (vi) assist churches, schools, communities, villages and outer islanders to engage in social and community activities; and (vii) lessens the spending on fuel. Over 10 000 solar lights have been distributed to households on the outer islands. Additional containers of donated solar lights will be distributed in 2018.

158. In the rural areas, bicycles are the most common form of land transport, followed by motorbikes. Saloon cars are uncommon and there is no bus service. Some churches and cooperatives also have their own trucks for their own use and hiring out to the public. Trucks are an important form of transport for all types of goods as well as for transporting people between villages. The Government of Taiwan is the main

donor of trucks to Kiribati. The Island Councils in rural areas look after trucks that are used for students to get to school and by other community members outside school hours.

159. Inter-village travel between islets in rural areas occurs through the use of canoes and small boats. There are scheduled Air Kiribati flights from Tarawa to all islands in the Gilbert Group except for Banaba and from Kiritimati to the Northern Line Islands. There are also limited shipping schedules operated by both government and private companies from Tarawa to the rural areas.

160. There are two telecommunications companies using broadband technology operating in Kiribati since 2017. These providers are contractually required to provide antennas to upgrade systems on specified islands each. To date towers are provided on North Tarawa, Abemama, Maiana, Tabiteuea North, Onotoa, Marekei, Abaiang and Kiritimati. Work on the other islands will be rolled out with a target to complete the project for the rest of the Kiribati islands by 2019.

161. Living in rural areas with better internet signals is advantageous to women in rural areas enabling them to contact family and friends living in different places. Women in these areas are experienced in using new technologies for communication. Government has been actively using the media as a means of passing information to people in rural areas on a range of issues including health, gender and human rights.

162. MWYSSA has undertaken research to identify the needs of women on outer islands through the outer island Women Liaison Officer in the Women's Development Division. The post was created at the end of 2012 to deal with women's issues on the outer islands. Since then the officer works with women's group on outer islands through the WIW. The establishment of the position provided a direct contact point and an advocate for rural women in government.

163. The WEE program is an MWYSSA project supported by Taiwan. This project focuses on the empowerment of women based on chosen piloted islands. Stakeholders include AMAK, Teitoni Ni Ngaina, MHMS, MELAD (ALD) and MCIC. The programme started with Onotoa, Butaritari, Tabiteuea South and Abaiang and will be rolled out to the rest of the outer islands. The WEE officer together with the Women Liaison Officer work to find resolutions to the expressed needs of rural women outlined in Table 23 (Appendix).

164. Other ministries also have programmes of assistance to the outer islands which have direct impact on women including those outlined in Table 24 (Appendix). These have been received well by rural communities, especially women.

165. As stated in the Native Land Ordinance chapter 16, in distributing an estate the share of the eldest son shall exceed that of his brothers and the share of sons shall exceed the shares of daughters. On the island of Marakei, there is no women's share, all lands and property are given to men. On some islands, women have a lessor share. On other islands, on her marriage a woman gets no land from her family. All she brings with her to her new home is a coconut grater. Attitudes and perceptions regarding ownership of land is changing and there is increasing appreciation for the need to amend these laws. It will however take time, the exercise a sensitive one as these land inheritance laws have their roots in custom. While this law governs the inheritance of family land, it does not prevent women from owning land.

#### **Article 15: Equality before the Law and Civil Matters**

166. The Constitution of Kiribati guarantees the rights and freedoms of all citizens in most areas required by CEDAW. However, while the Constitution guarantees men and women equality before the law, it does not guarantee equal benefits or outcomes as required by CEDAW. This was discussed under Article 1 and 2.

167. There are no laws constraining women to have capacity to sue in civil matters. There are also no legal barriers to women's right to participate in court proceedings and to conclude contracts or administer property. There have been challenges and gaps as the Constitution gives recognition to customary law including the custody children and land ownership under the Native Lands Ordinance. Some of these laws date to colonial times. While there is evident change in attitudes relating to these matters and growing appreciation of human rights requiring gender parity in our laws, changing these laws will be sensitive and costly. A lot of research and work needs to be done prior to moves to change these laws.

168. Under the Native Land Ordinance men have rights to the land that are not extended to women. For example, in a family that has five children of four girls and one boy, the son will inherit the rights to family lands and get the best share of all lands. The four girls then will share the rest of the lands.

169. Under previous child custody law men had the right to the child. Women had no choice but to accept what the man decided about the custody of the child. Kiribati has subsequently passed the Children, Young People and Family Welfare Act 2013 removing the authority of this cultural practice. Section 6 (f) indicates that if it comes to a decision about with whom the child lives, the man as the head of the family will not automatically have custody of the child.<sup>12</sup> The safety, wellbeing and the best interest of the child will take priority.

170. There are no laws constraining women from serving as members of Judiciary or Magistrate or from working in the legal profession. There are also no legal barriers to women appearing in any courts or tribunals.

#### **Article 16: Personal and Family Law**

171. The Marriage Amendment Act 2002 (Section 5 of the principal ordinance) raised the age limit of marriage without parental consent from 16 to 21 years to protect the wellbeing of young women. Marriage before age 17 is now prohibited and marriage for both males and females aged 18–20 years requires parental consent. Bigamy in Kiribati is illegal.

172. Traditionally, arranged marriages were common in Kiribati. Generally, now males and females decide for themselves who they will marry. The male partner must still formally ask the permission of the woman's parents for her hand in marriage. There are elaborate cultural ceremonies prior to marriage which serve as a formal introduction of both party's families. In traditional settings and particularly on the outer islands the woman moves to her husband's family after marriage.

173. In Kiribati, men and women use their own father's name as their surname and for a woman this continues after marriage. Adopting the surname of the husband after marriage is a western concept, which has been adopted by some woman at their own choosing.

174. It is also not uncommon for a woman to be the bread winner and the title holder of a government assigned house, with the husband staying at home to look after the children and home. With a substantial number of our young men working on foreign merchant and fishing fleets, and away from home for long intervals, more households are headed by women.

175. From 2017 the government placed focus on the creation of peaceful villages and peaceful families to empower all members of community. The KV20 recognises that

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<sup>12</sup> In making a decision or taking any action in relation to a child or young person under this Act, consideration must be given to the following principles – (f) the safety, wellbeing and best interest of the child or young person shall be a primary consideration.

strengthening the roles of parents through positive parenting and other programs will help develop our human capital and create a new generation of young I-Kiribati with positive attitudes and behaviour. MWYSSA oversees many government programmes in this area including the ESGBV programme, SafeNet Project, Positive Parenting Programs, Young Couples Program, Poverty Alleviation Grants, 0-5 Support Scheme and the Youth and Young Couples Loan Scheme. The Strengthening Peaceful Villages project will be delivered with the assistance of UNWomen and DFAT from 2018.

### III. Challenges

176. With Kiribati being one of the most traditionally patriarchal societies in the Pacific, what has been achieved in gender parity since independence has been remarkable. However as highlighted in this report the cultural determination of gender roles and expectations of women is still ingrained in the Kiribati mindset, particularly in the rural areas. The good news is that change is happening although at different rates and we face the challenge of how to translate the pace of change seen within government and the formal sectors to the traditional rural settings on outer islands. Government recognizes that this requires dedicated community outreach and support programmes, accompanied by a whole of government effort.

177. Outreach programmes involve extensive travel over vast distances and high costs. The dispersion of the islands presents a challenge. Innovative ways for effective consultations with the communities in remote locations must be strengthened. One strategy may be to better consolidate community outreach programmes within ministries to combine visits and cover a number of issues each visit. This may also prevent government visit 'fatigue' on the outer islands. This was trialled successfully by MoE, MISA and MHMS with churches between 2011 and 2015. Community consultation teams need not be based in South Tarawa. District teams can be trained and based on outer island centres such as Kiritimati.

178. The cost of these reach out programmes will continue to be high no matter how they are done. Budgets for women's empowerment programmes need to be embedded into bilateral and multilateral aid programmes so that all national efforts work towards our obligations under CEDAW.

179. Kiribati is a low-lying nation and one of the most vulnerable to the impacts of climate change. Women, children, people with disabilities and those who are elderly are most at risk in the context of natural disaster. The integration of gender considerations in the Kiribati Joint Implementation Plan (KJIP) is a major positive change as gender equality has only been recently raised as a political issue and gender mainstreaming has mostly occurred in relation to domestic violence. More needs to be done to build understanding of the linkages between gender equality and climate adaptation among government officials, women's organizations and community generally.

#### Way Forward

180. This report is not only about meeting Kiribati's obligations as State Party to CEDAW. It is also about the journey of a nation the same age as CEDAW, to seek sustainable development that is inclusive, empowers I-Kiribati women and harnesses the hidden potential of the whole population build the nation.

181. The GoK is proud of the many developments to reduce discrimination against women since ratifying CEDAW. While discriminatory practices are embedded in our traditional and cultural values we acknowledge that this cannot be used as a defence. We therefore continue to promote whole of community, nation and government effort to effect sustainable structural and behavioural changes to embed, protect and promote the equal human rights of all I-Kiribati women and girls.