



# Convention on the Rights of the Child

Distr.: General  
12 September 2022

Original: English

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## Committee on the Rights of the Child

### Concluding observations on the combined second to fourth periodic reports of Kiribati\*

#### I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Kiribati<sup>1</sup> at its 2605th and 2607th meetings,<sup>2</sup> held virtually on 18 and 19 May 2022, and adopted the present concluding observations at its 2630th meeting, held on 3 June 2022.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held virtually with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography and of the Optional Protocol on the involvement of children in armed conflict and the adoption of the Juvenile Justice Act, in 2015, the adoption of the Family Peace Act, in 2014, the Kiribati national youth policy and action plan, 2018–2022, and the amendment of the child's rights on juvenile justice bill and other institutional and policy measures related to children's rights since its previous review cycle.

#### III. Main areas of concern and recommendations

4. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

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\* Adopted by the Committee at its ninetieth session (3 May–3 June 2022).

<sup>1</sup> [CRC/C/KIR/2-4](#).

<sup>2</sup> See [CRC/C/SR.2605](#) and [CRC/C/SR.2607](#).

<sup>3</sup> [CRC/C/KIR/RQ/2-4](#).



## A. General measures of implementation (arts. 4, 42 and 44 (6))

### Committee's previous recommendations

5. **The Committee recommends that the State party take all measures necessary to address the recommendations contained in its previous concluding observations that have not been implemented or have been implemented insufficiently, in particular those related to the allocation of resources, data collection, independent monitoring, dissemination, the definition of the child, birth registration, adoption, adolescent health and children in street situations.**<sup>4</sup>

### Legislation

6. While noting with appreciation the adoption of several key pieces of legislation, in particular the Children, Young Persons and Family Welfare Act, in 2013, the Committee is concerned that the State party has not brought all national laws into line with the Convention and that the existing legislation is not fully implemented.

7. **The Committee recommends that the State party continue to review its existing laws related to children's rights to ensure that they are in full compliance with the principles and provisions of the Convention and allocate appropriate human, technical and financial resources for their implementation.**

### Comprehensive policy and strategy

8. The Committee takes note of the adoption of the Kiribati national youth policy and action plan, 2018–2022, and the development of a national action plan for human rights in Kiribati. It is concerned however that the children, young persons and family welfare system policy and implementation plan have not been finalized and about the lack of a comprehensive national policy to specifically promote and protect children's rights.

9. **The Committee recommends that the State party:**

(a) **Develop and adopt a comprehensive policy on children that encompasses all areas covered by the Convention and, on the basis of that policy, develop a strategy for its application that is supported by sufficient human, technical and financial resources;**

(b) **Ensure that the national action plan for human rights in Kiribati fully incorporates all areas covered by the Convention;**

(c) **Finalize the multisector children, young persons and family welfare system policy and implementation plan and provide adequate financial, human and technical resources for its implementation;**

(d) **Ensure that all policies and action plans concerning children are developed with the full participation of children and civil society organizations.**

### Coordination

10. The Committee is concerned about the limited capacities of the Human Rights Division and the Kiribati National Human Rights Taskforce with regard to the coordination of reporting under the human rights treaties.

11. **The Committee recommends that the State party strengthen the capacities of the Human Rights Division and the Kiribati National Human Rights Taskforce with regard to the coordination of all activities related to the implementation of the Convention to effectively carry out their mandates.**

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<sup>4</sup> CRC/C/KIR/CO/1, paras. 12, 16, 18, 20, 24, 33, 43, 49 and 63.

### Allocation of resources

12. In the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, and recalling its previous recommendations,<sup>5</sup> the Committee recommends that the State party:

(a) Increase the budget allocations for the implementation of all legislation, policies, plans and programmes related to children, in all relevant sectors;

(b) Take a child rights-based approach in the elaboration of the State budget by setting up a tracking system for the allocation and use of resources for children throughout the budget;

(c) Increase budgetary resources designated as specifically for children to the maximum extent possible, in accordance with article 4 of the Convention, and thereby take measures to reduce reliance on foreign assistance.

### Data collection

13. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, and recalling its previous recommendation,<sup>6</sup> the Committee recommends that the State party:

(a) Strengthen the capacity of the national statistical office to develop and operationalize a comprehensive national system of data collection that allows for disaggregation of data by relevant factors, incorporating all areas covered by the Convention, including violence against children, and covering all children;

(b) Allocate sufficient human, technical and financial resources to the national statistical office to ensure continuous data collection;

(c) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

### Independent monitoring

14. The Committee notes that the proposal for the establishment of a national human rights institution is pending the Cabinet's approval. In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, and recalling its previous recommendations,<sup>7</sup> the Committee recommends that the State party expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints lodged by children in a child-sensitive and child-friendly manner, and ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### Dissemination, awareness-raising and training

15. Recalling its previous recommendations,<sup>8</sup> the Committee recommends that the State party:

(a) Strengthen community awareness-raising programmes to ensure that the provisions of the Convention are widely recognized and understood and ensure that children, parents, island communities, traditional, religious and community leaders and civil society play a key role in such initiatives;

<sup>5</sup> Ibid., para. 18.

<sup>6</sup> Ibid., para. 16.

<sup>7</sup> Ibid., para. 12.

<sup>8</sup> Ibid., para.20.

(b) **Continue its efforts to provide systematic training on children's rights to all the professionals working with and for children, in particular in the fields of education, health, social protection and justice.**

#### **Children's rights and the business sector**

16. While taking note of the measures to regulate the operations of fishing vessels and monitor their compliance, the Committee is concerned that the State party has not yet adopted specific measures to protect children, in particular girls, from violations of their rights arising from business practices, in particular the fishing industry.

17. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:**

(a) **Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises, in particular in the fishing industry, and their subsidiaries operating in or managed from the State party's territory;**

(b) **Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;**

(c) **Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism and widely disseminate the global code of ethics for tourism of the World Tourism Organization among travel agents and in the tourism industry.**

### **B. Definition of the child (art. 1)**

18. **While noting the progress made in harmonizing the definition of the child in all legislation, the Committee recalls its previous recommendation<sup>9</sup> and recommends that the State party ensure that the definition of a child in all national and state laws is in line with the definition set out in the Convention.**

### **C. General principles (arts. 2–3, 6 and 12)**

#### **Non-discrimination**

19. The Committee welcomes the legislative measures to eradicate discrimination, such as the Education Act of 2013, which prohibits discrimination against pregnant girls in school. The Committee is concerned, however, about the following:

(a) **The de facto discrimination experienced by children living in marginalized and disadvantaged situations, including children living in poverty, girls and children with disabilities;**

(b) **The criminalization of homosexuality and lack of protection of lesbian, gay, bisexual, transgender and intersex children from discrimination, stigma and violence.**

20. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Take active measures to end all forms of discrimination against children, in particular children living in marginalized and disadvantaged situations, including children living in poverty, girls and children with disabilities;**

(b) **Repeal the criminalization of homosexuality and other discriminatory provisions in its legislation, to ensure respect for the rights set forth in the Convention, and take active measures to protect lesbian, gay, bisexual, transgender and intersex children from discrimination, stigma and violence.**

<sup>9</sup> Ibid., para. 24.

### **Best interests of the child**

21. The Committee takes note of the information provided by the State party that the right of the child to have his or her best interests taken as a primary consideration in legal proceedings, in particular in custody cases, is now recognized over customary law. The Committee is concerned, however, about the effective implementation of that right and its application in decisions affecting children, including in the family, school, the community and administrative and judicial proceedings.

22. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Develop procedures and criteria to provide guidance to all professionals for determining the best interests of the child in every area and for giving it due weight as a primary consideration;**

(b) **Strengthen training and guidance on the importance of the best interests of the child and advanced methods to carry out its assessment, in particular among professionals working with and for children and in the broader community.**

### **Respect for the views of the child**

23. The Committee is concerned about the limited recognition of the right of the child, in particular of girls and children with disabilities, to be heard and have their views given due consideration in law and in practice, including on climate change issues, owing to the prevalence of traditional attitudes regarding the lesser and limited role that children can exert in society.

24. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Ensure that children are heard and that their views, including on climate change, are given due consideration in relevant administrative and judicial proceedings in respect of all rights covered by the Convention;**

(b) **Combat negative societal attitudes that hinder children's right to be heard and promote the meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making on all matters related to children, including matters concerning the environment.**

## **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

### **Birth registration and nationality**

25. While welcoming the progress made in improving birth registration through the newly set up online birth registration system, and taking note of target 16.9 of the Sustainable Development Goals, the Committee recalls its previous recommendations<sup>10</sup> and recommends that the State party:

(a) **Continue its efforts to register all children by, among other measures, establishing a centralized system for birth registration, introducing mobile registration units in the outer islands, raising awareness among the general public of the importance of birth registration and improving the completeness and accuracy of information collected at birth;**

(b) **Raise awareness on, and provide adequate resources for, the efficient functioning of online birth registration and issuance of birth certificates;**

(c) **Abolish all birth registration fees and administrative obstacles for late registration;**

<sup>10</sup> Ibid., para. 33.

(d) **Ensure that all children, including children of unmarried parents, whose father is unknown and who are born outside of hospitals, are properly registered at birth, including by raising awareness among the population to eliminate the stigmatization faced by children of unmarried parents and their mothers;**

(e) **Speed up the review and amendment of the Citizenship Ordinance of 1979 to prevent statelessness among children, by ensuring that children born abroad or to fathers of foreign nationality can acquire the nationality of Kiribati through their mothers.**

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

26. The Committee welcomes the State party's acceptance of the recommendation made in the context of the second cycle of the universal periodic review, in 2015, to prohibit all forms of corporal punishment of children in all settings and the abolishment of corporal punishment by the Education Act. However, the Committee is seriously concerned that corporal punishment persists and is not prohibited in the home, alternative care settings or penal institutions or as a sentence for crime in traditional justice systems.

27. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Explicitly prohibit, as a matter of priority, corporal punishment in law in all settings, including in the home, alternative care settings, penal institutions and as a sentence for crime in traditional justice systems, and amend article 226 of the Penal Code to remove the right of "reasonable punishment";**

(b) **Implement the child safe schools policy;**

(c) **Develop teacher training on alternative, non-violent forms of discipline and ensure that it is part of pre-service and in-service training programmes;**

(d) **Provide children with a child-friendly complaint mechanism in all settings to safely and confidentially report teachers and others who use corporal punishment;**

(e) **Conduct awareness-raising programmes for parents and professionals working with and for children to promote attitudinal change and positive parenting, with a view to eradicating corporal punishment within the family and at the community level and to encourage the use of alternative, non-violent forms of discipline.**

### **Abuse and neglect, including sexual exploitation and abuse**

28. While welcoming the adoption of the elimination of sexual and gender-based violence policy and national action plan, 2011–2021, the opening of the Kiribati Women and Children Support Centre, the use of the inter-agency child protection referral pathway and the criminalization of domestic violence under the Family Peace Act of 2014, the Committee is seriously concerned about the following:

(a) The reportedly high level of abuse of children, in particular domestic violence and violence in school, and the significant underreporting of such cases, including owing to stigma;

(b) The reportedly highest rates of violence, sexual exploitation and abuse of girls, including online, in the region, facilitated by traditional gender roles and the low status of girls in society;

(c) The absence of child-friendly mechanisms to report abuse and the insufficient awareness among children of existing laws;

(d) The lack of standards for child protection service providers and procedures for their registration;

(e) The inadequate measures and structures in place to support children who are victims of violence, such as psychological, recovery and reintegration services, and the lack of special court procedures for obtaining evidence from children;

(f) The shortage of specialized child protection personnel to support children who are victims of abuse and neglect.

**29. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Extend the time frame of, and provide adequate resources for the implementation of, the Family Peace Act and the elimination of sexual and gender-based violence policy and national action plan, 2011–2021;**

(b) **Continue strengthening community-based child protection systems and awareness-raising and education programmes aimed at preventing domestic violence, child abuse and sexual exploitation, targeting in particular children, families, communities and schools;**

(c) **Address the root causes of violence against children, including discriminatory gender stereotypes and alcohol abuse;**

(d) **Conduct awareness-raising activities to combat the stigmatization of children who are victims of abuse, especially sexual exploitation and abuse, including rape and incest;**

(e) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting and multi-agency intervention, investigation and prosecution of all cases of sexual exploitation and abuse of children, with the aim of preventing the revictimization of such children;**

(f) **Ensure accessible, confidential, child-friendly and effective reporting mechanisms for such violations;**

(g) **Develop standards for child protection service providers and procedures for their registration;**

(h) **Provide children who are victims with child-friendly and multisectoral remedies and comprehensive support, including psychological, recovery and social integration assistance, and encourage courts to make use of the child-friendly and multi-agency arrangements for obtaining testimony from children;**

(i) **Strengthen and provide adequate resources to the Social Welfare Division and the Domestic Violence Child Protection and Sexual Offences Unit of the Kiribati Police Service to handle cases of violence against children and the sexual exploitation and abuse of children, including online, and ensure the availability of specialized personnel for handling such cases;**

(j) **Deliver adequate resources and training to specialized child protection providers, including police officers and social and medical workers, to support children who are victims of abuse.**

### **Harmful practices**

30. While noting that a definition of child in line with the Convention has been included in the Family Peace Act, the Committee is seriously concerned about reports of customary marriages involving girls as young as 13 years of age.

31. **Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to take all measures necessary to eliminate child marriage in practice and raise awareness of the harmful effects of child marriage on the physical well-being and mental health of girls.**

### Helplines

32. While noting that there is a three-digit, toll-free, child-friendly national helpline operational in the State party, the Committee recommends that the State party strengthen the operational capacities of the helpline, including on the outer islands, and promote awareness of how children can gain access to the helpline, including by collaborating with relevant non-governmental organizations and traditional and religious leaders.

## F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

### Family environment

33. The Committee welcomes the implementation of the positive parenting programme and the adoption of the gender equality and women development policy. It is concerned however about the following:

- (a) The fact that the Child Support Fund has still not been set up;
- (b) The unequal division of parental responsibilities, with mothers traditionally viewed as responsible for raising children;
- (c) The fact that there are no day-care centres;
- (d) The fact that the maternity leave entitlement is only for two births per mother.

### 34. The Committee recommends that the State party:

- (a) **Expediently set up the Child Support Fund and provide it with adequate human, financial and technical resources to effectively carry out its mandate;**
- (b) **Ensure that mothers and fathers equally share the legal responsibility for their children, in accordance with article 18 (1) of the Convention;**
- (c) **Strengthen efforts to raise awareness among parents and caregivers of the best forms of child-rearing practices;**
- (d) **Provide day-care facilities for preschool children;**
- (e) **Consider extending the maternity leave entitlement to remove the limitation on the number of births.**

### Children deprived of a family environment

35. The Committee notes that children who cannot stay with their families are traditionally placed in the care of extended family and that the State party established a safe house in South Tarawa in 2018. However, it is concerned about the limited support provided to the caregiver relatives and the limited availability of temporary and long-term, safe care options in cases in which the extended family does not take care of children.

### 36. Drawing the State party's attention to the Guidelines for the Alternative Care of Children,<sup>11</sup> the Committee recommends that the State party:

- (a) **Establish a functioning social welfare service and a network of services for children;**
- (b) **Provide temporary, safe care alternatives and establish a system of foster care for children who cannot stay with their families;**
- (c) **Provide all necessary social welfare services and support to extended families and alternative care providers;**

<sup>11</sup> General Assembly resolution 64/142, annex.



(d) **Establish quality standards for all available forms of alternative care options and take children’s views into consideration in any decision about alternative care;**

(e) **Ensure the periodic review of the placement of children in all alternative care settings and monitor the quality of care therein.**

#### **Adoption**

37. **The Committee recalls its previous recommendations<sup>12</sup> and recommends that the State party:**

(a) **Establish mechanisms to register, regulate and monitor all adoptions, including those undertaken by extended family members and through customary adoption;**

(b) **Increase awareness of formal adoption at the national and community levels;**

(c) **Ensure that the best interests of the child are the paramount consideration in adoption procedures;**

(d) **Ratify the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and ensure that all safeguards provided therein are applied when children are adopted to countries that are not parties thereto.**

### **G. Children with disabilities (art. 23)**

38. The Committee takes note with appreciation of the adoption of the inclusive education policy, in 2015, the national disability policy and action plan, 2018–2021, and the efforts to include children with disabilities within mainstream schools through the piloting of “model schools”. However, the Committee is concerned about the following:

(a) The limited access for children with disabilities to inclusive education, transportation, public spaces, rehabilitation and service delivery in all areas;

(b) The lack of funding and technical support provided to parents and service providers for children with disabilities or the parents of such children.

39. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and to:**

(a) **Update and strengthen the rights and protection of children provided for in the national disability policy and action plan;**

(b) **Strengthen health-care services for children with disabilities and ensure that all children with all types of disabilities enjoy inclusive education;**

(c) **Improve access for children with disabilities to all public and private buildings, spaces, service delivery and transportation, in all areas, especially in the outer islands;**

(d) **Ensure that all mainstream schools have adequate facilities to meet the special needs of children with disabilities and have specialized teachers and professionals providing individual support and that teaching staff are adequately trained;**

(e) **Expand community-based rehabilitation, early identification and referral programmes to cover all children with disabilities and provide the necessary human, technical and financial support to service providers and families of children with disabilities.**

<sup>12</sup> CRC/C/KIR/CO/1, para. 43.

## H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

### Health and health services

40. The Committee welcomes the achievement of relatively high breastfeeding rates and the adoption of a policy to provide free milk to children up to 5 years of age and of measures to reduce mortality rates among infants and children under 5 years of age and to improve vaccination coverage. However, it remains concerned about the following:

- (a) The still high mortality rates among infants and children under 5 years of age, due to preventable causes such as diarrhoea, respiratory infections, malnutrition, iron and vitamin A deficiency and worm infestation;
- (b) The underlying causes of child mortality and illness related to poverty, lack of family planning, poor diet and limited access to improved water and sanitation facilities;
- (c) The high prevalence of non-communicable diseases, such as diabetes, among children, exacerbated by the high levels of obesity;
- (d) The insufficient access to health care and mental health-care services for children, including primary and preventive health care, in particular for children living in the remote outer islands and in poorer households;
- (e) The significant disparities in immunization coverage rates;
- (f) The unhealthy diet and insufficient nutritional intake among children.

41. **In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of targets 2.2, 3.2 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Strengthen measures to reduce mortality rates among infants and children under 5 years of age due to preventable causes, including by applying the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity among children under 5 years of age of the Office of the United Nations High Commissioner for Human Rights;<sup>13</sup>**
- (b) **Address the underlying causes of child mortality and illness related to poverty, lack of family planning and limited access to improved water and sanitation facilities;**
- (c) **Take measures to reduce child mortality due to non-communicable diseases by focusing on both prevention and management;**
- (d) **Increase efforts to improve access to basic health care and mental health-care services for all children, in particular in the remote outer islands and in poorer households, and provide resources for the operationalization of mobile clinics;**
- (e) **Strengthen the immunization programme referred to by the State party, in particular in the outer islands, and provide sufficient investment in suitable technology, such as drone delivery, and human resource capacities for the delivery of immunization services;**
- (f) **Collect data on chronic malnutrition, stunting and obesity, ensure the availability of essential micronutrients, including vitamin A and iron, and iodized salt, to children under 5 years of age and strengthen preventive measures, including raising awareness of nutrition issues and proper feeding practices and providing nutritional support for breastfeeding mothers;**
- (g) **Fully incorporate the standards of the International Code of Marketing of Breast-milk Substitutes and implement the baby-friendly hospital initiative of the**

<sup>13</sup> [A/HRC/27/31](#).

**World Health Organization and the United Nations Children's Fund throughout the country.**

#### **Mental health**

42. The Committee is concerned that there is no information before it about a policy or action plan on the mental health of children, that insufficient attention is given to the mental health of children, that there is an absence of data and information on child and adolescent mental health and that there is a reportedly high rate of suicide attempts among adolescents.

43. **Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Adopt a policy on the mental health of children and a plan of action for its implementation;**

(b) **Recruit suitably qualified psychologists and psychiatrists, provide mental health services to children, intensify self-harm and suicidal behaviour prevention measures and guarantee access to the necessary examinations and treatment, including by requesting international cooperation, as necessary.**

#### **Adolescent health**

44. The Committee takes note of the measures taken by the State party to address substance abuse among adolescents, including by carrying out awareness-raising programmes. However, it is concerned about the following:

(a) The high rates of teenage pregnancy and sexually transmitted infections among adolescents;

(b) The limited access to safe reproductive and sexual health-care services, education and contraceptives, especially in the outer islands, due to the limited supply, cultural attitudes and fear of stigmatization;

(c) The criminalization of abortion in all cases except where the life of the pregnant girl is at risk;

(d) The prevalence of substance abuse among adolescents and the lack of enforcement of laws prohibiting the sale of alcohol to children.

45. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.5, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recalls its previous recommendations<sup>14</sup> and recommends that the State party:**

(a) **Ensure that sexual and reproductive health education remains an essential part of the mandatory school curriculum and is targeted at adolescent girls and boys, with special attention placed on preventing early pregnancy and sexually transmitted infections;**

(b) **Improve access for adolescents to reproductive health care and related services, guaranteeing confidentiality, reproductive health-care and family planning services, including the provision of contraceptives, and increase support for sexual health services, especially in the outer islands;**

(c) **Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;**

(d) **Adopt the national alcohol abuse policy, strengthen measures to provide children and adolescents with accurate and objective information on the harmful effects of alcohol, tobacco, drug and substance abuse, as well as life-skills education on**

<sup>14</sup> CRC/C/KIR/CO/1, para. 49.

**preventing substance abuse, including tobacco and alcohol dependence, enforce legislation regarding the sale of alcohol to children and develop accessible and youth-friendly drug dependence treatment and harm reduction services.**

#### **Impact of climate change on the rights of the child and environmental health**

46. While taking note of measures taken to strengthen disaster risk management, the Committee is concerned about the following:

(a) The increasingly adverse impacts of global climate change and natural disasters, such as seawater flooding and the salinization of drinking water, on the rights of the child, including to life, survival and development, health, adequate housing and safe drinking water and sanitation;

(b) The lack of research, information-sharing and awareness-raising regarding the effects of climate change that is specifically focusing on children;

(c) The limited participation of children in public discussions and the preparation of adaptation strategies, including concerning climate-related migration;

(d) The increasing climate-sensitive health risks faced by children, such as vector-borne, water-borne and food-borne diseases.

47. **Taking note of targets 1.5 and 13.1 to 13.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Fully implement the joint implementation plan for climate change and disaster risk management and seek technical cooperation from the United Nations country team;**

(b) **Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management;**

(c) **Address the specific impacts of climate change on children's rights, in particular to life, survival and development, health, adequate housing and safe drinking water and sanitation, and ensure that those rights are not disproportionately affected;**

(d) **Increase awareness among children of, and their access to information and preparedness for, climate change and natural disasters by incorporating such information into the school curriculum and teacher-training programmes and by increasing the physical safety and resilience of school infrastructure;**

(e) **Improve research, data collection and assessments so as to have an evidence base for adaptation measures, risk reduction and preparedness, in particular for the distinct needs and priorities of children;**

(f) **Take measures to reduce the climate-sensitive health risks faced by children, such as vector-borne, water-borne and food-borne diseases;**

(g) **Consider developing legislation, policies and programmes governing the international migration of children in the context of climate change and natural disasters that take into account the special rights and needs of children.**

#### **Standard of living**

48. The Committee is concerned about the impact of poverty on children, in particular in South Tarawa.

49. **Taking note of targets 1.1 to 1.3 of the Sustainable Development Goals, the Committee recommends that the State party ensure that children and their families who are living in poverty, in particular in South Tarawa, receive adequate financial support and free, accessible services.**

## I. Education, leisure and cultural activities (arts. 28–31)

### Education, including vocational training and guidance

50. The Committee takes note with appreciation of the adoption of the Education Act in 2013 and the fact that primary education is free and compulsory for all children from 6 to 14 years of age, as well as the development of the child safe schools policy in 2019 and related policies and protocols. Nevertheless, it is concerned about the following:

- (a) The lack of educational facilities and infrastructure at the secondary and tertiary levels;
- (b) The disparities in the quality of education and inadequate teacher trainings;
- (c) The disparities between enrolment rates among boys and girls in primary school and the low enrolment rate among all children in secondary school, in particular in rural areas;
- (d) The limited information available on whether pregnant girls and adolescent mothers stay in or return to school;
- (e) The lack of a formal national early childhood care and education system, including trained teachers, and registration and monitoring of preschools.

51. **Taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Continue towards the adoption and implementation of the Child Protection Code of Conduct for School Staff, the school anti-bullying policy, the child safeguarding in schools policy, the child protection in schools referral protocol and the school disciplinary protocol;**
- (b) **Enhance efforts to remove the hidden cost of education, improve the physical accessibility and quality of education throughout the State party, including by allocating adequate human, financial and technical resources, increasing the number of secondary schools, providing continuous training to teachers and improving school equipment, infrastructure and learning materials, placing particular emphasis on the outer islands;**
- (c) **Ensure that all girls and boys, especially those in the rural areas and the outer islands, do not drop out of school and that they complete high-quality primary and secondary education;**
- (d) **Take measures to keep pregnant girls and adolescent mothers in mainstream schools by providing the necessary support, including counselling in parenting skills and childcare facilities;**
- (e) **Expediently implement the Early Childhood Care and Education Act of 2017, formally register preschools and adopt an effective national policy on early childhood care and education, in particular ensuring that educators, especially preschool teachers, receive systematic and appropriate in-service training.**

## J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

### Economic exploitation, including child labour

52. While the Committee takes note of the fact that the Young People and Family Welfare Act of 2013 protects children from labour exploitation, the adoption of the Employment and Industrial Relations Code of 2015 and the establishment of the child labour task force, it is concerned that there is no:

- (a) Specific policy addressing child labour or social programmes aimed at prevention and provision of support for children involved in child labour;
- (b) Hazardous child labour list;

(c) Child-specific complaint mechanism to effectively receive, monitor and investigate reports on cases of child exploitation.

53. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop and adopt a policy on child labour and a hazardous labour list;**

(b) **Take the measures necessary to ensure that no child under 18 years of age engages in hazardous labour, such as construction, boat building and mixing cement, put into place social programmes that target the elimination or prevention of child labour, especially its worst forms, and conduct regular inspections to guarantee respect of those measures;**

(c) **Establish child-specific complaint mechanisms that can receive, monitor and investigate reports of cases of child exploitation and raise awareness among children about those issues.**

#### **Children in street situations**

54. **Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendations<sup>15</sup> and recommends that the State party urgently conduct a study on the root causes of children in street situations, assess their number and ensure that they are provided with adequate nutrition, housing, health care and education and services for their reintegration with family or placement in alternative care, with full respect for the best interests of the child and giving due weight to their autonomous views in accordance with their age and level of maturity.**

#### **Sale, trafficking and abduction**

55. The Committee is concerned that commercial sexual exploitation of children, in particular girls, is increasing and that there are no formal procedures to identify children who are victims of trafficking and no information on cases against traffickers. It is also seriously concerned about reports of trafficking of girls for the purpose of sexual exploitation in prostitution, including in foreign fishing vessels.

56. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Adopt legislative and administrative measures specifically addressing the sale, trafficking and abduction of children and expeditiously and effectively prosecute the perpetrators;**

(b) **Establish adequate and coordinated mechanisms for the prevention of the sale, trafficking and/or abduction of children and the identification, protection and rehabilitation of children who are victims thereof;**

(c) **Take urgent measures to prevent the trafficking of girls and their sexual exploitation in prostitution, including in foreign fishing vessels, investigate such cases and sanction the perpetrators;**

(d) **Conduct awareness-raising activities to make both parents and children aware of the dangers of trafficking and commercial sexual exploitation and abuse in the fishing industry.**

#### **Administration of child justice**

57. The Committee takes note of the adoption of the Juvenile Justice Act in 2015 and the development of the standard operating procedures on young victims and witnesses. However, the Committee is seriously concerned that:

(a) The youth justice bill has not yet been adopted;

<sup>15</sup> Ibid., para. 63.

- (b) The minimum age of criminal responsibility in the current Penal Code remains at 10 years of age;
- (c) When detained at police stations and detention facilities, children are kept with adults due to the limited facilities available;
- (d) There are no provisions limiting the duration of pretrial detention;
- (e) There is a need for further capacity-building and training of professionals involved in the administration of child justice;
- (f) There are limited formal diversion options available.

58. **In the light of its general comment No. 24 (2019) on children's rights in the child justice system, and with reference to the global study on children deprived of liberty,<sup>16</sup> the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

- (a) **Expediently finalize and adopt the youth justice bill;**
- (b) **Raise the minimum age of criminal responsibility to at least 14 years of age and ensure that all children under 18 years of age are accorded all proper legal safeguards;**
- (c) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;**
- (d) **For the few situations in which deprivation of liberty is justified as a measure of last resort, ensure that the children concerned are never detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**
- (e) **Provide obligatory systematic capacity-building and training for all professionals involved in the administration of child justice;**
- (f) **Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, whenever possible, the use of non-custodial sentences for children, such as probation or community service;**
- (g) **Adopt and disseminate the standard operating procedures on young victims and witnesses.**

## **K. Ratification of the Optional Protocol on a communications procedure**

59. **The Committee recommends that the State party ratify the Optional Protocol on a communications procedure.**

## **L. Ratification of international human rights instruments**

60. **The Committee recommends that the State party consider ratifying the following core human rights instruments to which it is not yet a party:**

- (a) **International Covenant on Civil and Political Rights;**
- (b) **International Covenant on Economic, Social and Cultural Rights;**
- (c) **International Convention on the Elimination of All Forms of Racial Discrimination;**
- (d) **International Convention for the Protection of All Persons from Enforced Disappearance;**

<sup>16</sup> See [A/74/136](#).

(e) **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

61. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, given that the related reports have been overdue since 16 October 2017.

#### **M. Cooperation with regional bodies**

62. The Committee recommends that the State party cooperate with regional organizations, such as the Pacific Community and the Pacific Islands Forum.

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

63. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

#### **B. National mechanism for reporting and follow-up**

64. The Committee welcomes the establishment of the Kiribati National Human Rights Task Force, in 2015, to coordinate and prepare reports to international human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and the decisions emanating from such mechanisms. The Committee recommends that the State party ensure that the Task Force has the mandate and the adequate human, technical and financial resources to effectively carry out those tasks and emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.

#### **C. Next report**

65. The Committee invites the State party to submit its combined fifth to seventh periodic reports by 9 January 2027 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>17</sup> and should not exceed 21,200 words.<sup>18</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

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<sup>17</sup> [CRC/C/58/Rev.3](#).

<sup>18</sup> General Assembly resolution 68/268, para. 16.



66. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>19</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>19</sup> [HRI/GEN/2/Rev.6](#), chap. I.