



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Kiribati\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide updated information on:
  - (a) Existing mechanisms to ensure that persons with disabilities, through their representative organizations, including those on the outer islands, are involved in legislative and policy decision-making processes;
  - (b) Constitutional and legislative reviews, undertaken or planned, to harmonize national legislation with the provisions of the Convention;
  - (c) The assessment of the implementation of the Kiribati National Disability Policy and Action Plan 2018–2021 and whether the Policy and the Action Plan have been extended beyond 2021;
  - (d) Measures taken to strengthen the Disability Inclusive Unit in the Ministry of Women, Youth, Sport and Social Affairs, or plans to establish a focal point and a national coordination mechanism, among government entities, with sufficient financial, human and technical resources for the effective implementation of the Convention and to facilitate related action at different levels;
  - (e) Measures taken to adopt specific policies, plans and guidelines to promote the use of Kiri-Sign;
  - (f) Measures taken to ratify the Optional Protocol to the Convention.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on:
  - (a) Measures taken to include disability among the prohibited grounds of discrimination in the Constitution and other relevant national legislation and to amend discriminatory terminology contained in existing laws that are not in line with the Convention;
  - (b) Progress made towards the adoption of the National Disability Inclusion Act (para. 31),<sup>1</sup> as well as measures taken to amend national legislation to ensure that the anti-discrimination framework encompasses all forms of discrimination on the basis of disability, including the denial of reasonable accommodation and intersectional discrimination;

\* Adopted by the pre-sessional working group at its seventeenth session (27–31 March 2023).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the initial report of the State party (CRPD/C/KIR/1).



(c) Measures taken to review and amend the eligibility criteria for the Disability Allowance policy to ensure that it includes all persons with disabilities without discrimination.

### **Women with disabilities (art. 6)**

3. Please provide information on:

(a) The situation of women with disabilities in the State party, as well as statistics and data disaggregated by age, education, location and economic and social status;

(b) Measures taken, including affirmative action, to ensure meaningful participation of women with disabilities and their representative organizations in decision-making, evaluation and monitoring of laws and regulations aimed at addressing disability and gender issues, designing, implementing, and monitoring of programmes related to gender equality and women's empowerment;

(c) Measures taken to address the challenges faced by women and girls with disabilities related to their sexual and reproductive health rights, menstrual health and hygiene-related needs, as well as information on specific programmes and policies for women and girls with disabilities.

### **Children with disabilities (art. 7)**

4. Please provide information on:

(a) Measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, in particular information on poverty reduction policies and programmes and measures taken to support children with disabilities living in poverty who are affected by the food crisis and malnutrition;

(b) Children with disabilities in the State party, as well as data and statistics disaggregated by age, education, location and economic and social status;

(c) Measures taken to establish specific mechanisms and channels for children with disabilities to express their views on all matters affecting them and to ensure that their views are taken into consideration.

### **Awareness-raising (art. 8)**

5. Please provide updated information on:

(a) Progress made to build community awareness about the right of children with disabilities to equal education opportunities and to integrate a disability rights approach into the curriculum (para. 35);

(b) Measures taken, including affirmative action, to conduct awareness-raising activities and campaigns, including on the outer islands, that specifically target families, local communities, villages, religious and community leaders, and local support services, that are aimed at combating stigma, stereotypes, deep-rooted cultural beliefs, negative attitudes, bullying, hate crimes, prejudices, harmful practices and devaluing language against persons with disabilities, including those based on gender and age, in all areas of life;

(c) How persons with disabilities, through their representative organizations, are systematically included in public campaigns that the State party conducts to foster respect for the rights and dignity of persons with disabilities according to the human rights model of disability.

### **Accessibility (art. 9)**

6. Please provide information on measures taken to address the inaccessibility of buildings, facilities, transportation, information and communication technologies and services on all islands, as acknowledged in the State party's report, and measures taken to establish accessibility standards, promote universal design and develop relevant laws and policies for implementation and enforcement and mechanisms for monitoring their implementation.

### **Situations of risk and humanitarian emergencies (art. 11)**

7. Please provide information on:

(a) Specific measures to ensure the implementation of disability-responsive programmes and services developed under the Kiribati Joint Implementation Plan for Climate Change and Disaster Risk Management (2014–2023);

(b) Measures taken to address the absence of specific policies outlining relief distribution to persons with disabilities in case of emergency (para. 52) and measures taken to ensure accessibility of camps and shelters, clean water and sanitation facilities and sufficiency of food distribution during evacuation to all persons with disabilities, in particular to women, children and older persons with disabilities;

(c) Mechanisms to ensure the meaningful participation of all persons with disabilities and their representative organizations in the implementation of the Kiribati Integrated Environment Policy and Kiribati Adaptation Programme at all levels.

### **Equal recognition before the law (art. 12)**

8. Please provide information on:

(a) Measures taken to address the absence of legal mechanisms to protect persons with disabilities from financial abuse (para. 55) and establish structures to practically assist people to attain or maintain financial independence; to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit; and to ensure that persons with disabilities are not arbitrarily deprived of their property;

(b) Measures taken to address the existing gaps (para. 56) with regard to equal recognition of persons with disabilities before the law and to provide support to such persons in exercising their legal capacity.

### **Access to justice (art. 13)**

9. Please provide updated information on progress made towards the revision of national legislation to ensure that the provision of reasonable accommodation, including physical access to buildings, alternative means of communication and access to trained assistants, throughout judicial processes, secures the effective participation of all persons with disabilities in the justice system.

### **Liberty and security of person (art. 14)**

10. Please provide updated information on measures taken to bring existing legislation, such as chapter 56 on mental treatment of the Laws of the Gilbert Islands (revised edition, 1977), into line with the Convention and the expected time frame for the revision of the national legislation listed in paragraph 61 of the State party's report.

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

11. Please provide information on:

(a) Progress made towards the adoption of legislative, administrative, judicial and other measures to ensure free consent to medical or scientific experimentation (para. 63) and to prevent persons with disabilities from being subjected to torture or cruel, inhuman or degrading treatment or punishment;

(b) Measures to amend the Penal Code and to prohibit all forms of corporal punishment of all persons with disabilities, in particular women, children and persons with intellectual or psychosocial disabilities in all settings.

### **Freedom from exploitation, violence and abuse (art. 16)**

12. Please provide information on:

- (a) Measures to prevent all forms of exploitation, violence and abuse by ensuring appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse;
- (b) Measures to ensure that the issue of disability is taken into consideration in implementing the Te Rau N T Mwenga Act (2014), the National Policy on Gender Equality and Women's Development and the Children, Young People and Family Act No. 6 (2013);
- (c) The Safenet framework for standardized and coordinated service to survivors of domestic violence;
- (d) The number of complaints received and investigations conducted in relation to exploitation, violence and abuse against persons with disabilities, in particular women, children and older persons with disabilities, as well as the sanctions imposed on the perpetrators.

### **Protecting the integrity of the person (art. 17)**

13. Please provide information on measures taken to repeal the provisions of the Mental Health Ordinance (1977), providing for non-consensual compulsory mental health treatment (para. 75), as well as on measures taken to support persons with disabilities to make their own decisions before any medical treatment is administered or procedure carried out, and to ensure that their informed and personal consent is sought, including in sterilization and abortion procedures.

### **Liberty of movement and nationality (art. 18)**

14. Please provide information on measures taken to effectively implement the Birth, Death and Marriages Amendment Act (2007), which outlines the requirement for the birth of every child to be registered, as well as on measures taken to address situations described in paragraph 79 of the State party's report in relation to home-born babies with disabilities who are not registered at birth due to poor infrastructure, lack of transport and the inaccessibility/isolation of some communities.

### **Living independently and being included in the community (art. 19)**

15. Please provide updated information on progress made since the submission of the initial report (para. 80) to facilitate full enjoyment by persons with disabilities of the right to live independently and be included in the community and their full inclusion and participation in the community.

### **Personal mobility (art. 20)**

16. Please provide updated information on:

- (a) Measures taken to ensure personal mobility with the greatest possible independence for persons with disabilities at the time of their choice and at affordable cost;
- (b) Guidelines on the quality and distribution of mobility aids, devices, assistive technologies and forms of live assistance and intermediaries;
- (c) Training programmes on mobility skills for persons with disabilities and specialist staff working with such persons.

### **Freedom of expression and opinion and access to information (art. 21)**

17. Please provide updated information on:

- (a) Measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others;
- (b) Measures to ensure that information intended for the general public is available to persons with disabilities in accessible formats and through technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (c) Measures to facilitate the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of choice by persons with disabilities in all interactions, and on the progress made to promote the use of Kiri-Sign across the State party (para. 93);
- (d) Measures to address the existing challenges (para. 92) to encourage mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities.

### **Respect for privacy (art. 22)**

18. Please provide updated information on measures taken to adopt legislative and policy measures to ensure the right of persons with disabilities to respect for privacy (para. 94), as well as on measures taken to protect the privacy of personal, health and rehabilitation information of persons with disabilities in all settings, on an equal basis with others, sanction any violations and provide remedies.

### **Respect for home and the family (art. 23)**

19. Please provide information on:

- (a) Measures to eliminate discrimination against persons with disabilities, in particular persons with intellectual or psychosocial disabilities, in all matters relating to marriage, the family, parenthood and relationships, and ensure their rights on an equal basis with others;
- (b) Measures to provide early and comprehensive information, services and support to children with disabilities and their families;
- (c) Measures taken to ensure that children are not separated from their parents on the ground of disability, whether of the parent or the child.

### **Education (art. 24)**

20. Please provide information on:

- (a) The outcome of the implementation of the Kiribati Inclusive Education Policy and the Kiribati Inclusive Education Implementation Plan (para. 103), and whether both the Policy and the Plan have been extended beyond 2019;
- (b) Data and statistics on the number of children with disabilities accessing general schools by disability type, age, location and gender;
- (c) Measures to address the challenges described in the State party report (para. 115) to ensure that students with disabilities can use Braille, alternative script, and augmentative and alternative modes, means and formats of communication, and to develop orientation and mobility skills and peer support and mentoring in mainstream education;
- (d) Measures taken to ensure accessible transportation for children with disabilities to and from school.

**Health (art. 25)**

21. Please provide information on:

- (a) Measures taken to improve access of persons with disabilities to quality health care, rehabilitation services and assistive technologies by 2021, following the commitment of the State party to that effect (para. 88);
- (b) Measures taken to address the absence of early identification, referral or intervention services for children with disabilities (para. 130);
- (c) Measures taken to address the absence of legislative requirements for general public health campaigns to be provided in accessible formats to persons with disabilities (para. 135) and the absence of specific measures to provide training for doctors and other health professionals on the rights of persons with disabilities (para. 136);
- (d) Measures taken to ensure that persons with disabilities, especially women and girls with disabilities, have access, on an equal basis with others, to comprehensive health services, including those related to sexual and reproductive health rights and HIV/AIDS care and prevention;
- (e) Measures to ensure privacy for persons with disabilities regarding management of personal health-related data.

**Habilitation and rehabilitation (art. 26)**

22. Please provide updated information on:

- (a) The impact of the Ministry of Health and Medical Services Strategic Plan 2016–2019 (paras. 139–142) and whether a new strategic plan has been adopted since 2019 to address the challenges with regard to habilitation and rehabilitation services and to include persons with disabilities living on the outer islands;
- (b) Measures taken to ensure monitoring mechanisms of rehabilitation services.

**Work and employment (art. 27)**

23. Please provide updated information on:

- (a) Measures taken to prohibit discrimination on the basis of disability with regard to matters concerning all forms of employment, including the denial of reasonable accommodation, conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) Measures taken to promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment, as well as on measures taken to address the specific disadvantages faced by women with disabilities in gaining and retaining employment;
- (c) Measures taken to promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- (d) Affirmative action programmes to promote the employment of persons with disabilities both in the public and private sectors.

**Adequate standard of living and social protection (art. 28)**

24. Please provide updated information on:

- (a) The current status of the social protection and poverty alleviation strategies for all persons with disabilities (para. 160);
- (b) The current status of the planned initiatives mentioned in the State party's report (paras. 161 and 162), such as the Senior Citizens Fund Scheme, the Child Support Scheme, the School Fee Support Scheme, social protection payments for persons with disabilities, in particular women and children with disabilities in situations of poverty, and the Loan Scheme for Young People and Young Couples;

(c) Measures taken to improve awareness and knowledge among persons with disabilities of social protection programmes to ensure that they can all take full advantage of the programmes in which they are eligible to participate.

#### **Participation in political and public life (art. 29)**

25. Please provide updated information on:

(a) The current status of the new disability legislation to protect and promote the right of persons with disabilities to engage in all aspects of political and public life, which was expected to be developed in 2021 (para. 163);

(b) Any plans to conduct an analysis to determine to which extent persons with disabilities participate in political and public life;

(c) Measures taken to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected;

(d) Measures to ensure that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use by persons with disabilities.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

26. Please provide information on measures taken to ensure that persons with disabilities, including children and women with disabilities, participate on an equal basis with others in cultural activities and sports and develop their artistic potential. Please also provide information on measures to ensure that persons with disabilities are able to access cultural materials, television programmes, films, theatre and other cultural activities in accessible formats and places for cultural performances, such as theatres, museums, cinemas, libraries and tourism services, monuments and sites of national cultural importance.

27. Please provide updated information on progress made towards the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (para. 90).

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

28. Please provide the most up-to-date data and statistics on persons with disabilities, disaggregated by sex, age, gender, disability, location and other characteristics relevant in the national context, according to the National Population and Housing Census. In particular, please provide updated information on:

(a) The current status of the data-collection system established by the Kiribati National Disability Policy (priority action 3) (para. 181), as well as on measures taken to ensure that the planned reform of data collection fulfils international standards and the provisions of the Convention;

(b) Measures taken to ensure the dissemination of these statistics and ensure their accessibility to persons with disabilities and their representative organizations.

#### **International cooperation (art. 32)**

29. Please provide information on:

(a) Measures to ensure that international cooperation, including international development programmes, are inclusive of and accessible to persons with disabilities, in particular cooperation between Kiribati and the European Union on climate change and the eradication of domestic and gender-based violence;

(b) Measures to maintain partnerships and cooperation with the Pacific Islands Forum and to ensure effective implementation of the Pacific Framework for the Rights of

Persons with Disabilities for 2016–2025, in light of the State party’s withdrawal from the Forum;

(c) Measures to seek international cooperation and assistance to overcome the challenges in relation to resources in implementing the provisions of the Convention.

**National implementation and monitoring (art. 33)**

30. Please provide information on:

(a) Measures taken to ensure the independence of the Kiribati National Council for Persons with Disabilities and to allocate sufficient human, financial and technical resources for its effective functioning;

(b) Measures to design or establish an independent monitoring mechanism – which has the necessary budgetary allocations and is in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) – to monitor implementation of the Convention;

(c) Measures to ensure a meaningful participation of civil society, in particular persons with disabilities and their representative organizations, in the monitoring process.

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