

# **Kiribati 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Kiribati during the year.

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; laws criminalizing consensual same-sex sexual conduct between adults, although the laws were not enforced; and the existence of the worst forms of child labor.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government

authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution prohibited such practices, and there were no reports that government officials employed them.

#### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Administration:** Authorities did not report receiving any credible complaints of abuse or undertaking any investigations into alleged abuse in the year to October.

**Independent Monitoring:** The government permitted monitoring visits by independent human rights observers.

### **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention and provided for the right of persons to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

## **Arrest Procedures and Treatment of Detainees**

In some cases, magistrates issued warrants before authorities made arrests. Authorities had to bring persons taken into custody without a warrant before a magistrate within 24 hours, or within a reasonable amount of time when arrests took place in remote locations. Authorities released many individuals charged with minor offenses on their own recognizance pending trial and routinely granted bail for many offenses. The law required that authorities inform arrested individuals of the charges against them and of their rights, including the right to legal counsel during questioning and the right not to incriminate themselves. Two police officers always had to be present during the questioning of detainees, who also had the option of writing and reviewing statements given to police. Laws and regulations on arrest and detention procedures were generally respected.

Detainees received prompt access to legal counsel. All arrested persons facing serious criminal charges and others needing legal advice but unable to afford a lawyer received free counsel from the Office of Legal Services, although access to legal services in the outer islands was limited.

### **e. Denial of Fair Public Trial**

The constitution provided for an independent judiciary. Judicial independence and impartiality, however, was compromised when, in June 2022, the government suspended the country's chief justice and one of two

High Court justices. All three were foreign nationals on contract. In October 2022, the government appointed the attorney general as the new chief justice and, in March appointed two “commissioners” to serve as judges on the High Court. Commissioners, who had the same responsibilities as a judge, were appointed at will by the president and could be removed at any time for any reason. Government opponents criticized these actions as interference with the judiciary.

## **Trial Procedures**

The constitution provided for the right to a fair and public trial. The government’s suspension and dismissal of foreign nationals contracted to serve on the High Court and Court of Appeal, however, compromised the right to a timely trial, as trials were suspended from June 2022 until March 2023, when trials resumed following the appointment of two lawyers to the High Court.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression.**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right.

Media outlets were active and expressed a wide variety of views without restriction, although observers noted most views expressed did not oppose the government as most major media were state-owned, including *Uekere*, the weekly newspaper, Radio Kiribati, and Television Kiribati.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

## **e. Protection of Refugees**

**Access to Asylum:** The law did not provide for granting asylum or refugee status, and the government had no established formal system for providing protection to refugees. The principal immigration officer had wide

discretionary authority to permit foreigners to stay in the country.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** National elections in 2020 were widely reported to be fair and free of abuses and irregularities.

**Participation of Women and Members of Marginalized or Vulnerable Groups:** No law limited the participation of women or members of marginalized or vulnerable groups in the political process. Participation by women was low, largely due to perceptions of their role in society as caretakers and managers of the family.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were reports of corruption by public officials.

**Corruption:** According to Transparency International's *Global Corruption Barometer: Pacific 2021*, nepotism and favoritism based on tribal and church ties were prevalent. The anti-corruption unit within the Public Service Office investigated complaints against senior officials but did not enforce the law effectively.

For additional information on corruption in the country, please see the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were generally cooperative and responsive to their views.

**Government Human Rights Bodies:** A Human Rights Task Force and a Human Rights Unit in the Ministry of Justice provided human rights training and monitoring and coordinated implementation of human rights treaties.



## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** Rape of women and men was a crime, with a maximum penalty of life in prison; sentences typically were much shorter. Domestic violence was a crime. The law provided penalties of up to six months in prison for common assault and up to five years in prison for assault involving bodily harm. Police investigated rape and domestic violence allegations effectively and the judicial system prosecuted them appropriately.

Domestic violence, often exacerbated by chronic alcohol abuse, continued to be a serious problem. Cultural taboos on reporting rape and domestic abuse, and police attitudes encouraging reconciliation rather than prosecution, existed.

The government, in partnership with UN Women and development partners, offered training for police, public prosecutors, health workers, social welfare workers, education officials, elected officials, and nongovernmental organization workers to implement the law effectively.

The police force had a Domestic Violence and Sexual Offenses Unit whose officers participated in a capacity-building program that provided training in handling such cases. Police ran a 24-hour hotline for survivors of sexual

violence and domestic abuse. The government's Strengthening Peaceful Villages program, a community-based intervention program, engaged most of the country's population, which resided in South Tarawa. The Kiribati Women and Children Support Center maintained its support for women and children affected by violence, providing victims with counseling and referral services. The Support Center operated a second shelter for women and children on Kiritimati Island, the second most populous island in the country. The Ministry of Health operated a clinic at the main hospital in Tarawa for victims of domestic violence and sexual offenses.

**Other Forms of Gender-based Violence or Harassment:** The law criminalized sexual harassment and set fines for those found guilty of the offense. No harassment reports were known to have been filed with police.

**Discrimination:** The law prohibited discrimination based on gender in employment but not on other grounds. There were no legal restrictions against women in employment, to include restrictions on working hours, occupations, or tasks. Barriers such as the expectation that women should shoulder unpaid care work and lack of access to credit, however, impeded them from playing a more active role in the economy. There were no reports of government enforcing the law.

Women had equal access to education. Property ownership rights were generally the same for men and women, but land inheritance laws were patrilineal, and sons often inherited more land than daughters. The

citizenship law contained some discriminatory provisions. For example, the foreign wife of a male citizen acquired citizenship automatically through the marriage, but the foreign husband of a female citizen did not. Mothers could not confer nationality on their children.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no legal barriers or government policies that impeded access to sexual and reproductive health services. Conservative social and cultural attitudes inhibited access for some to the services.

Access to contraception, as well as prenatal, obstetric, and postnatal care, was available from public health hospitals and centers, but health services were limited in outer islands. The Kiribati Family Health Association also offered mobile reproductive health clinic services, undertook public education campaigns, and provided information and counseling on family planning, although cultural and religious influences remained barriers to access and utilization of services.

The government provided sexual and reproductive health services, including emergency contraception and postexposure prophylaxis, to survivors of sexual violence.

## Systemic Racial or Ethnic Violence and Discrimination

Although there were no comprehensive legal protections against discrimination on the basis of race or ethnicity, discrimination on those bases in hiring and employment was illegal.

The country was racially homogeneous. According to the 2020 census, the iKiribati population accounted for 95.7 percent of the population, with small minority groups including nationals of Tuvaluan descent.

## Children

**Birth Registration:** The law required birth registration within 10 days.

Children had to present a birth certificate to attend primary schools, but authorities did not strictly enforce this law.

**Child Abuse:** The government and independent observers believed that child abuse, occasionally sexual, was a serious problem. Most observers believed physical abuse was related to the common use of violent disciplinary measures and affected up to 90 percent of children younger than 14. Authorities operated a helpline to respond to reports of violence against children.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage was 21, or 17 with the permission of a parent or guardian. The law was generally respected in urban areas; however, 18 percent of women age 20 to 24

reported that they were first married or in a union before age 18, and 2 percent reported they were first married or in a union before age 15.

**Sexual Exploitation of Children:** The law prohibited the procurement of any person younger than 18 for the purpose of commercial sexual exploitation and prohibited using a child younger than 15 for commercial sexual exploitation. In both cases the maximum penalty was two years in prison. The minimum age for consensual sex was 15. Sexual relations with a girl younger than 13 carried a maximum penalty of life imprisonment, and sexual relations with a girl aged 13 to 14 carried a maximum penalty of five years in prison. The victim's consent was not a permissible defense under either provision; however, in the latter case, reasonable belief the victim was 15 or older was a permissible defense. While this provision applied only to girls, male-on-male sexual exploitation of boys could be prosecuted under provisions against "unnatural" offenses (which covered both male and female survivors) and as acts of "gross indecency between males," with maximum penalties of 14 and five years in prison, respectively. The penal code had no specific provision concerning child pornography. Enforcement of the law was weak and there were no reported investigations or prosecutions.

## **Antisemitism**

There was no permanent Jewish community, and there were no known

reports of antisemitic incidents.

## **Trafficking in Persons**

There were no confirmed reports that traffickers exploited domestic or foreign victims in the country or that traffickers exploited victims from abroad.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** Consensual sexual conduct between men was illegal, with penalties from five to 14 years' imprisonment depending on the nature of the offense. There were no reports of prosecutions under these provisions. The existence of the sodomy law fostered stigma against all persons who engaged in homosexual acts, including lesbian and bisexual women, but the government did not enforce these provisions.

**Violence and Harassment:** Although there was no media coverage or official confirmation, there were credible reports that a transgender woman was killed in September. Authorities identified a suspect, but a trial tentatively scheduled for December did not open.

A local nongovernmental organization headquartered in Tarawa reported

cases of violence or abuse against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons; however, fear of social discrimination or violence by family members and the community prevented reporting.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation in employment. Otherwise, no antidiscrimination law existed to protect LGBTQI+ individuals. The law did not recognize LGBTQI+ couples and their families. There were no government reports of discrimination due to LGBTQI+ status, but the scope of discrimination was difficult to measure due to LGBTQI+ individuals' fear of revealing their sexual orientation or gender identity, although observers noted that small numbers of men and women reported experiencing discrimination and harassment based on their sexual orientation.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available, and societal norms dissuaded transgender and nonbinary individuals from publicly discussing or expressing their gender identity.

**Involuntary or Coercive Medical or Psychological Practices:** Human rights organizations reported that social, cultural, and religious intolerance led to recurrent attempts to “convert” LGBTQI+ individuals, particularly children, informally through family, religious, medical, educational, or other community pressures. There were no reports of intersex-related surgeries.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no legal restrictions on those speaking out about LGBTQI+ topics, such as so-called antigay propaganda laws or hate speech laws; there were no restrictions on the ability of LGBTQI+ organizations to legally register or convene public events. The LGBTQI+ community commemorated the International Day Against Homophobia, Biphobia and Transphobia in June.

## **Persons with Disabilities**

There were no comprehensive legal protections for persons with disabilities, although the law prohibited discrimination in employment against persons with disabilities. The law did not define disability but prescribed a fine for anyone found guilty of the offense. The law was not enforced, and there were credible reports of discrimination in hiring and access to work sites against persons with disabilities.

Public infrastructure and essential services did not meet the needs of persons with disabilities. Access to buildings, communications, and information for persons with disabilities was not mandated, and there were no specific accommodations for persons with disabilities.

Most children with disabilities did not have access to education. The teacher's college, seven schools in the outer islands, and the Ministry of Education headquarters were accessible for children and staff with physical disabilities.



## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the right of workers to form and join independent unions, conduct strikes, and bargain collectively. The government did not control or restrict union activities; however, unions had to register with the government. The law prohibited antiunion discrimination at the time of hiring and while employed but did not specifically provide for reinstatement of workers fired for union activity.

The government effectively enforced the laws protecting freedom of association, collective bargaining, and the right to strike. Penalties for violations included fines or imprisonment and were commensurate with other laws involving denials of civil rights, such as discrimination. There were no reports of lengthy delays or appeal processes during dispute resolution, and the government regularly applied penalties against violators.

The law allowed for compulsory arbitration in a wider range of cases than generally recommended in international standards. Similarly, the definition of “essential services,” in which the right to strike was limited, included a broader range of sectors than did international standards. Penalties for unlawful strikes in both essential and nonessential sectors included

imprisonment and a fine.

Employers generally respected freedom of association and the right to collective bargaining. The Kiribati Trade Union Congress claimed 3,000 members, including unions and associations for nurses, teachers, fishermen, and seafarers who were able to exercise their labor rights.

In keeping with tradition, negotiations generally were nonconfrontational. There were no known collective-bargaining agreements and no instances reported of denial of the right to strike. There were no reports of antiunion discrimination.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at: <https://www.state.gov/trafficking-in-persons-report>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national minimum wage for employees of local businesses and companies was above the poverty level for those who received it. Most of the working population worked in the informal, subsistence economy where the law was not enforced. The Public Service Office set wages in the public sector, which comprised approximately 80 percent of employment in the formal economy.

The law set the workweek at 40 hours. The law provided for paid annual holidays for all employees except casual workers and 12 weeks for maternity leave, but it left the determination up to individual employment contracts, which were then submitted to the Ministry of Employment and Human Resource for documentation. Public-sector employees worked 36.25 hours per week, with overtime pay required for additional hours. No law or regulation governed the amount of overtime an employee could work. Anecdotal information suggested that workers in the service and hospitality sector worked excessive hours.

**Occupational Safety and Health:** The Ministry of Employment and Human Resource was responsible for enforcing basic occupational safety and health (OSH) standards; these were appropriate for the main industries in the country. Employers were liable for workers' expenses related to on-the-job

injuries. By law workers could remove themselves from situations that endangered their health or safety without threat to their employment. The ministry conducted labor inspections; there were no work-related injury complaints in the year to October. Violations of OSH law and regulations were common in the informal and private sectors. The ministry did not proactively identify unsafe conditions.

**Wage, Hour, and OSH Enforcement:** The government generally enforced minimum wage and safety regulations in the formal sector, but enforcement of overtime regulations was weak. Penalties for violations included fines commensurate with those for similar crimes, such as fraud and negligence; however, it was not known whether penalties were applied against violators of minimum wage, overtime, and occupational safety and health laws. Inspectors had the authority to make unannounced inspections and initiate sanctions and the number of inspectors was sufficient to enforce compliance.

An estimated 80 percent of the working population worked in the informal sector, involved in agriculture, fishing, food preparation and sales, and home-based activities. The government did not enforce labor standards in the informal economy.