

KIRIBATI

EXECUTIVE SUMMARY

Kiribati is a constitutional multiparty republic. The president exercises executive authority and is popularly elected for a four-year term. The legislative assembly nominates at least three, and no more than four, presidential candidates from among its members. Parliamentary elections held in October were considered generally free and fair. Anote Tong of the Boutokaan Te Koaua party remained president at year's end pending a presidential election scheduled for January 2012. Security forces reported to civilian authorities.

Violence and discrimination against women, child abuse, and commercial sexual exploitation of children were the main human rights problems during the year.

There were no reports that government officials committed human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and there were no reports government officials employed them. Traditional village practice permits corporal punishment for criminal acts and other transgressions.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and inmates had access to potable water. The government permitted monitoring visits by independent human rights observers, but there were no such visits during the year.

As of August the prison system held 124 inmates. There were 112 convicted prisoners, of whom 105 were men and seven were women, and 12 pretrial detainees, all men. There were no juveniles (defined as those under age 18). There was no separate facility for juvenile offenders, but children under age 16 usually were not incarcerated. Juveniles ages 16 to 17 generally may be detained no longer than one month in the adult facility; however, for more serious offenses, such as murder, juveniles over age 16 can be held in custody for more than a month and can be sentenced to longer terms. Pretrial detainees accused of serious offenses who did not meet bail were held with convicted prisoners. Persons charged with minor offenses normally were released on their own recognizance pending trial.

Prisoners and detainees had access to visitors and were permitted religious observance. Although authorities permit complaints by inmates about inhumane conditions, the complaints are subject to censorship. There were no such complaints received, nor investigations undertaken, during the year. The government monitors prison conditions. The country does not have any ombudsman who can serve on behalf of prisoners and detainees. There were no specific steps taken during the year to improve record keeping or use alternatives to incarceration for nonviolent offenders.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The police force, under the Office of the President, maintains internal security. The country has no military force. Civilian authorities maintained effective control over the police, and the government has effective mechanisms to investigate and punish police abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

In some cases magistrates issued warrants before an arrest was made. Persons taken into custody without a warrant must be brought before a magistrate within 24 hours or within a reasonable amount of time when arrested in remote locations.

These requirements generally were respected in practice. Many individuals were released on their own recognizance pending trial, and bail was granted routinely for many offenses. The law requires that arrested individuals be informed of their rights, which include the right to legal counsel during questioning and the right not to incriminate oneself. Two police officers must be present at all times during questioning of detainees, who also are provided the option of writing and reviewing statements given to police. Detainees were allowed prompt access to legal counsel. Public defenders, known as “people’s lawyers,” were available free of charge for arrested persons and others who needed legal advice.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There is no trial by jury. Procedural safeguards include the presumption of innocence until proven guilty. An accused person must be informed of the charges and provided adequate time and facilities to prepare a defense. The law also provides for the right to confront witnesses, present evidence, access government-held evidence, and appeal convictions. Defendants facing serious criminal charges are entitled to free legal representation.

Extrajudicial traditional communal justice, in which village elders decide cases and mete out punishment, remained a part of village life, especially on remote outer islands. Nonetheless, the incidence of communal justice continued to decline under pressure from the codified national law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and individuals and organizations may seek civil remedies for human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice.

Freedom of Press: Although there were no government restrictions, there were some concerns about the lack of local independent media. Most locally based news media were owned and operated either by the government's Broadcasting and Publications Authority or a media company owned by a member of parliament.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. Although the law prohibits government restrictions on citizens' freedom of movement, it does not restrict such actions by traditional village councils.

Exile: The law provides for the forced expulsion from the country of a convicted person if "in the interests of defense, public safety, order, morality, health, or environmental conservation." However, the government did not use forced exile.

Protection of Refugees

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. During the year there were no applications for asylum or refugee status.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: The legislature has 45 members: 43 are elected by universal adult suffrage; the Rabi Island Council of I-Kiribati (persons of Kiribati ancestry) in Fiji selects one; and the attorney general is an ex officio member. Parliamentary elections held in October were considered generally free and fair.

Participation of Women and Minorities: There were four women in the legislature, two of whom were also cabinet ministers. Several permanent secretaries and deputy secretaries were women.

The president and several members of the legislature were of mixed descent.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not always implement the law effectively. Government officials have sometimes engaged in corrupt practices with impunity, but there were no specific reports of government corruption during the year.

Nepotism, based on tribal, church, and family ties, was prevalent. Public officials were not subject to financial disclosure laws. The auditor general is responsible for oversight of government expenditures. In reality the auditor general lacked sufficient resources, and findings of misappropriations and unaccounted for funds were generally ignored, or the investigations were inconclusive.

Together with Nauru and Tuvalu, the country participated in a subregional audit support program, an initiative of the Pacific Association of Supreme Audit Institutions, with the goal of enabling public accounts to be audited to uniformly high standards in a timely manner.

No law specifically provides for citizen or media access to government information. In practice the government was fairly responsive to individual requests for information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction. Government officials were cooperative and responsive to their views.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, national origin, or color, and the government observed these prohibitions in practice; however, only native I-Kiribati may own land.

Women

Rape and Domestic Violence: Spousal abuse and other forms of violence against women were significant problems. Alcohol abuse frequently was a factor in

attacks on women. Rape, including spousal rape, is a crime, with a maximum penalty of life imprisonment, but sentences typically were much shorter.

The law does not address domestic violence specifically, but general common law and criminal law make assault in all forms illegal. The law provides for penalties of up to six months' imprisonment for common assault and up to five years' imprisonment for assault involving bodily harm. While cultural taboos on reporting such crimes and police attitudes encouraging reconciliation over prosecution still exist, prosecutions for rape and domestic assault made up the majority of cases processed by the public prosecutor's office during the year.

Following the 2009 publication of a study on the prevalence of domestic violence in the country, the government took additional steps to address violence against women. In 2009 Parliament passed a motion to support legal reform to eliminate domestic violence, and in 2011 the cabinet endorsed a policy and national action plan (2010-20) for the elimination of gender-based violence. The police force has a Domestic Violence and Sexual Offenses Unit, and unit officers participated in a capacity-building program, funded by a foreign government, that provided training in handling such cases. The police also ran a 24-hour hotline for victims of sexual violence and domestic abuse. The Catholic Church operated a shelter for women and children in Tarawa.

Sexual Harassment: The law does not prohibit sexual harassment. Information presented in workshops conducted in 2010 in connection with efforts to develop a national policy on gender equality indicated that sexual harassment was more widespread than previously regarded.

Sex Tourism: The law does not specifically prohibit sex tourism. Obscene or indecent behavior is banned. There were reports of foreign fishermen engaging in commercial sexual acts with minors (see section 6, Children).

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children. Access to contraception, as well as prenatal, obstetric, and postnatal care, was available from public health hospitals and centers. According to the World Health Organization, approximately 90 percent of births were attended by skilled health personnel, and maternal mortality was estimated to be 158 deaths per 100,000 live births based on data from the 2005 census. According to indicators published by the Population Reference Bureau, an estimated 36 percent of married women ages 15-49 used

some form of contraception, and an estimated 31 percent used modern contraceptive methods.

Discrimination: The law does not prohibit discrimination on the basis of gender, and the traditional culture, in which men are dominant, impeded a more active role for women in the economy. Women filled many government office and teaching positions. According to the most recent census in 2005, 56 percent of professionals were women (primarily teachers and nurses). Statistics generally were not well collected in the country, and data on the participation of women in the work force and on comparative wages were unavailable. Women have rights of ownership and inheritance of property as well as full and equal access to education. However, land inheritance laws are patrilineal, and sons are entitled to more land than daughters.

The Citizenship Act contains some discriminatory provisions. For example, the foreign wife of a male citizen acquires citizenship automatically through the marriage; however, the foreign husband of a female citizen does not.

Children

Birth Registration: Citizenship is derived by birth in the country, unless the child acquires the citizenship of another country at birth through a noncitizen parent. Citizenship also is derived through one's father. The law requires registration of births within 10 days, but this time frame was not always observed in practice. During the year the government worked with support from UNICEF to improve timely registration of births.

Child Abuse: Chronic alcohol abuse leading to child abuse (physical and occasionally sexual) and neglect continued to be a serious problem. There is a police unit specifically focused on child and family violence.

Sexual Exploitation of Children: Crewmembers of foreign fishing vessels that stopped in the country engaged in commercial sexual exploitation of women, some of whom were underage. Some girls worked as prostitutes in bars frequented by crewmembers. Local I-Kiribati, sometimes including family members, reportedly acted as facilitators, delivering girls to the boats. The girls generally received cash, food, or goods in exchange for sexual services.

The minimum age for consensual sex is 15. Sexual relations with a girl under age 13 carries a maximum penalty of life imprisonment, and sexual relations with a girl age 13-14 carries a maximum penalty of five years' imprisonment. The victim's consent is not a permissible defense under either provision; however, in the latter case, reasonable belief the victim was 15 or older is a permissible defense. While this provision applies only to female children, male-on-male sexual exploitation of children could be prosecuted under provisions against "unnatural" offenses (which cover both male and female persons) and acts of "gross indecency between males," with maximum penalties of 14 and five years' imprisonment, respectively.

The penal code has no specific provision concerning child pornography.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The country's Jewish community was limited to a few foreign nationals, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities; however, there were no formal complaints of discrimination in employment, education, or the provision of other state services for persons with physical, sensory, intellectual, or mental disabilities. Accessibility of buildings, communications, and information for persons with disabilities is not mandated, and there were no special accommodations for persons with disabilities. There were two main nongovernmental organizations that supported and advocated for persons with disabilities: Te Toa Matoa (Disabled Persons' Organization) and the School for the Disabled. The school offered special elementary education classes and programs for children with disabilities from age six to age 14. The central hospital

on Tarawa had a wing for persons with mental disabilities, and there was a psychiatrist working on Tarawa. Physiotherapy services also were offered at the hospital for persons with physical disabilities.

There was no government agency specifically responsible for protecting the rights of persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Sodomy and acts of “gross indecency between males” are illegal, with maximum penalties of 14 and five years’ imprisonment, respectively, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under these provisions. There were no reports of societal discrimination or violence based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

There were no reports of societal discrimination or violence against persons with HIV/AIDS. A government-run HIV/AIDS taskforce coordinated outreach and educational activities concerning HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law prohibits employment discrimination on a number of grounds, including political opinion, but does not specifically include union membership or activity as a prohibited ground of discrimination or provide for reinstatement of workers fired for union activity. The government did not control or restrict union activities; however, unions must register with the government.

There were no official public sector trade unions, but nurses and teachers belonged to voluntary employee associations similar to unions and constituted approximately 30 to 40 percent of total union and association membership.

The government’s Public Service Office sets wages in the large public sector (53 percent of workers in the cash economy, according to the 2005 census). In a

few statutory bodies and government-owned companies, however, employees could negotiate wages and other conditions. In the private sector, individual employees also could negotiate wages with employers. In keeping with tradition, negotiations generally were nonconfrontational. There were no collective bargaining agreements during the year and no instances reported in which the right to strike was denied. There were no reports of antiunion discrimination, and there were mechanisms to resolve any complaints that might arise.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 14. Children through age 15 are prohibited from industrial employment and employment aboard ships. Officers from the Ministry of Labor and Human Resources Development generally enforced these laws effectively. Children rarely were employed outside the traditional economy. Some girls worked as prostitutes in bars frequented by crews of foreign fishing vessels (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Form of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

There is no official minimum wage, but the Labor Ministry estimated the “non-legislated” minimum to be between A\$1.60 and A\$1.70 (approximately \$1.63 and \$1.73) per hour. There is provision for a minimum wage at the discretion of the Labor Ministry, but it has never been implemented. The standard wage income provided a marginally decent standard of living for a worker and family, but most of the working population worked within a subsistence economy.

There is no legislatively prescribed workweek. Workers in the public sector worked 36.25 hours per week, with overtime pay for additional hours. There is no law or regulation governing the amount of overtime an employee may work, but there were no known reports of excessive compulsory overtime.

Employment laws provide rudimentary health and safety standards for the workplace, which the Labor Ministry is responsible for enforcing. Employers are liable for the expenses of workers injured on the job, but a lack of qualified personnel hampered the government's ability to enforce employment laws. The ministry's labor officers are responsible for performing labor inspections, but no workplace inspections were conducted during the year. Workers do not have the right to remove themselves from hazardous work sites without risking loss of employment.