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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF KIRIBATI  
FOR THE 49<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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## Status of Human Rights in Kiribati for the 49<sup>th</sup> Session of the Universal Periodic Review

### Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Kiribati (Kiribati) for the 49<sup>th</sup> session of the Universal Periodic Review (UPR).

### Background

2. Kiribati is a country located in the Pacific Ocean and has a population of approximately 126,700 people.<sup>1</sup> The population is predominantly Christian, with approximately 58.9% of the population identifying as Roman Catholic, 21.2% belonging to the Kiribati Uniting Church, 8.5% identifying as part of the Kiribati Protestant Church, 5.6% identifying as Mormon, 2.1% as Baha'i, 2.1% as Seventh Day Adventist, and 1.6% belonging to various other religions.<sup>2</sup>

3. Kiribati's last review was held on January 20, 2020. As a result of the review, Kiribati received 129 recommendations, 88 of which it supported.<sup>3</sup> It was recommended by Luxembourg, and supported by Kiribati, that the government “[e]nsure that appropriate sexual and reproductive health and rights programmes, including family planning programmes accessible to all, are integrated into the next National Development Plan for 2021–2025.”<sup>4</sup> No recommendations were made regarding religious freedom.

### Legal Framework

4. Article 4 of the Constitution of Kiribati states that “No person shall be deprived of his life . . . .”<sup>5</sup>

5. In Kiribati, abortion is strictly prohibited. Article 150 of the Penal Code of Kiribati states:

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<sup>1</sup> Sophie Foster & Barrie K. Macdonald, *Kiribati*, BRITANNICA, <https://www.britannica.com/place/Kiribati> (Oct. 5, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> *Infographic – Kiribati*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KI/kiribati\\_50779598.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KI/kiribati_50779598.pdf) (last visited Oct. 7, 2024).

<sup>4</sup> OHCHR, UPR of Kiribati (3rd Cycle – 35th Session): Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KI/MatriceRecommendations\\_Kiribati\\_E.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KI/MatriceRecommendations_Kiribati_E.docx) (last visited Oct. 7, 2024).

<sup>5</sup> CONSTITUTION OF KIRIBATI 1979 (rev. 2013) art. 4, [https://www.constituteproject.org/constitution/Kiribati\\_2013](https://www.constituteproject.org/constitution/Kiribati_2013).

Any person who, with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, shall be guilty of a felony, and shall be liable to imprisonment for 10 years.<sup>6</sup>

6. Kiribati is a party to the International Covenant on Civil and Political Rights (ICCPR). Article 6 of the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>7</sup> In addition, Kiribati has a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

## Abortion

7. Despite the fact that a majority of U.N. Member States maintain strict limits on abortions,<sup>8</sup> some Member States still feel the need to recommend to other Member States that they should expand access to abortion. These recommendations are mainly made under the façade of promoting healthcare or “reproductive health.” The fact is that abortion cannot be construed as being healthcare because it is the deliberate act of killing a living preborn baby. Further, all over the world studies have been conducted to show how harmful abortion can be to the mother. In no way can a procedure that causes the intentional death of a preborn baby and can result in harm to the mother be considered healthcare or family planning. This very fact is recognized in the 1994 Cairo Conference on Population and Development, which calls on U.N. Member States to “reduce the recourse to abortion”<sup>9</sup> and to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*”<sup>10</sup>

8. Kiribati has an obligation to protect its citizens and is therefore not obligated to accept recommendations that will harm them. One study conducted in New Zealand, another country located in the Pacific Ocean, found that women who have had abortions experienced elevated rates of suicidal behavior, substance abuse, anxiety, and other mental problems.<sup>11</sup> Additionally, studies have shown that abortion can result in long-lasting physical complications, even death. For example, one study conducted in Latin America and the Caribbean found that

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<sup>6</sup> LAWS OF THE GILBERT ISLANDS REVISED EDITION 1977 art. 150, [http://www.paclii.org/ki/legis/consol\\_act/pc66/](http://www.paclii.org/ki/legis/consol_act/pc66/).

<sup>7</sup> International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter] ICCPR.

<sup>8</sup> *The World’s Abortion Laws*, CTR. FOR REPROD. RTS. (June 9, 2023), [https://reproductiverights.org/wp-content/uploads/2023/12/WALM\\_2023-v3-Updated\\_12-20-23.pdf](https://reproductiverights.org/wp-content/uploads/2023/12/WALM_2023-v3-Updated_12-20-23.pdf).

<sup>9</sup> International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF.F.171/13/Rev. 1, [https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/a\\_conf.171\\_13\\_rev.1.pdf](https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/a_conf.171_13_rev.1.pdf).

<sup>10</sup> *Id.* ¶ 7.24 (emphasis added).

<sup>11</sup> David C. Reardon, Ph. D., *New Zealand Study on Mental Health Problems May Force Doctors to Refuse Abortions*, RACHEL’S VINEYARD MINISTRIES (Mar. 2006), <https://www.rachelsvineyard.org/PDF/Articles/New%20Zealand%20Study%20on%20Mental%20Health%20-%20David%20Reardon.pdf>.

complications from abortion accounted for 9.9% of maternal deaths in the region.<sup>12</sup> Further, a 2023 study examined hospital data from 520 women who had abortions in Nigeria and 548 women who had abortions in the Central African Republic.<sup>13</sup> The study found that 19.8% of the women studied in Nigeria and 6.2% of the women studied in the Central African Republic were classified as having “severe maternal outcomes” as defined as near-miss cases and deaths.<sup>14</sup> Additionally, 47.1% of the women studied in Nigeria and 44.5% of the women studied in the Central African Republic faced potentially life-threatening complications.<sup>15</sup> This shows that all around the world abortion has been proven to be harmful to women and U.N. Member States, including Kiribati, are justified in prohibiting this harmful procedure and promoting and protecting life.

9. Further, Kiribati has no obligation to accept recommendations that contravene fundamental human rights enshrined in the ICCPR, UDHR, and the UN Charter. Article 6 of the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>16</sup> The UDHR requires “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family [as] the foundation of freedom, justice and peace in the world,” and provides that “[e]veryone has the right to life.”<sup>17</sup> Further, the United Nations Charter states “the peoples of the United Nations [are] determined ... to reaffirm faith in fundamental human rights” and “in the dignity and worth of the human person.”<sup>18</sup>

10. Kiribati’s laws protect both the lives of women and preborn babies and align with fundamental human rights instruments. As we have discussed above, there is no international consensus supporting abortion nor is there an international right to abortion. Because of this, Kiribati is justified in not supporting recommendations to expand access to abortion.

## Recommendations

11. As we have discussed above, abortion is not healthcare, and Kiribati has a responsibility to protect its citizens from the devastating effects of abortion. We want to encourage Kiribati to maintain its strong protections for life and not cave to international pressure to legalize a procedure that harms women and preborn babies.

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<sup>12</sup> Marianna Romeo, *Abortion-Related Morbidity in Six Latin American and Caribbean Countries: Findings of the WHO/HRP Multi-Country Survey on Abortion (MCS-A)*, BMJ GLOB. HEALTH (Aug. 20, 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8404437/>.

<sup>13</sup> Estelle Pasquier et. al, *High Severity Complications in Fragile and Conflict-Affected Settings: a Cross-Sectional Study in Two Referral Hospitals in Sub-Saharan Africa (AMoCo Study)*, BMG PREGNANCY & CHILDBIRTH (Mar. 4, 2023), <https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-023-05427-6>.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> ICCPR art. 6, *supra* note 7.

<sup>17</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmbl., art. 3 (Dec. 10, 1948) (emphasis added).

<sup>18</sup> U.N. Charter pmbl.