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KIRIBATI

The Center for Family and Human Rights (C-Fam) is a nongovernmental organization that was founded in 1997 and has held Special Consultative Status with the UN Economic and Social Council since 2014. We are headquartered in New York and Washington, D.C., and are a nonprofit, nonpartisan research and advocacy organization that is dedicated to reestablishing a proper understanding of international law, protecting national sovereignty and the dignity of the human person.

INTRODUCTION

1. This report is focused on Kiribati's fulfillment of Article 3 of the Universal Declaration of Human Rights (UDHR) stating that every person has a right to "life, liberty and security of person" through its pro-life legislation, as well as its defense of the natural family unit within the context of Article 16 of UDHR which maintains that "the family is the fundamental group unit of society and is entitled to protection by society and the State."¹

PROTECTING MATERNAL HEALTH

1. At the 1994 International Conference on Population and Development (ICPD), nations pledged "to enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant."² The unique and essential role of women as mothers was recognized in the Beijing Declaration and Platform for Action adopted at the 1995 UN Fourth World Conference on Women.³ Both of these landmark conferences, as well as the subsequent Millennium Development Goals and Sustainable Development Goals, include commitments to reduce maternal and child mortality, and while significant progress has been made around the world, critical gaps remain, especially for those in the poorest, most remote, and resource-deprived areas.
2. According to estimates by WHO, UNICEF, UNFPA, World Bank Group, and UNDESA/Population Division, Kiribati has seen a reduction in its maternal mortality ratio from 116 to 76 deaths per 100,000 live births between 2000 and 2020.⁴ The rate is still high among other small island developing states, although the small size of Kiribati's population means that even relatively small changes to the number of maternal deaths per year can have an outsized impact on health statistics. One major factor influencing maternal mortality is the need for access to quality maternal health care.⁵
3. Improvements in quality healthcare services, including skilled attendance at childbirth and accessible essential obstetric care, are essential for a mother's safe delivery. According to UNICEF, most births in Kiribati occur with skilled birth attendants, although only 60% take place in a health facility. Anemia remains an important risk factor for pregnant women, and good nutrition and iron supplementation are important interventions to decrease the risk of maternal deaths due to hemorrhage.⁶
4. Additionally, based on its 2019 study, the Health Facility Readiness and Service Availability Assessment supported by UNFPA concluded that "while maternity services are available in urban centers of Kiribati, most of the outer islands lack capacities for providing such services. Shortage of water due to the prolonged drought has added to the challenge for MHMS to provide quality maternal and newborn health services."⁷
5. Abortion is outlawed in Kiribati except when the mother's life is in danger.⁸
6. Kiribati has seen improvements in maternal health in recent decades but remains off track for meeting its target under the Sustainable Development Goals.⁹ Nevertheless, these gains have been made without liberalizing the country's abortion law. Continuing to strengthen health systems, ensure adequate access to clean water, improving hygiene will continue to reduce preventable maternal mortality, while also continuing to use its laws to protect the lives of the unborn. In order to maintain its pro-life culture and laws while improving maternal health, it is important that all programming and international

assistance on maternal health be carefully monitored and regulated to ensure that it is consistent with national laws and policies, including the prohibition of abortion and the need to provide women with alternatives to abortion.

PROTECTING HUMAN LIFE

2. Kiribati's social and cultural opposition to abortion is in line with the 1994 International Conference on Population and Development (ICPD) flagging the importance of mitigating the harmful effects of abortion on women while asserting that "any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process."¹⁰
3. In its third Universal Periodic Review, Kiribati received a recommendation from Mexico to "Amend articles 150 and 152 of the Criminal Code with the aim of decriminalizing the voluntary termination of pregnancy in cases of rape, incest, serious malformation of the foetus or risks for the mother's life."¹¹ This recommendation was noted by Kiribati. Abortion is not an international human right and therefore maintaining legislation that protects unborn life and rejecting any pressure to legalize abortion is consistent with the scope of internationally agreed human rights standards and obligations.

SUPPORT FOR THE FAMILY

4. Article 16 of the Universal Declaration of Human Rights maintains that "the family is the fundamental group unit of society and is entitled to protection by society and the State."¹²
5. In Kiribati, there is no recognition of same-sex marriage. This position of Kiribati reflects the fact that same-sex marriage is not a subject on which global consensus exists; nor is it included as a right in any binding international legal instrument to which Kiribati is a party. As summarized in the Family Articles, a project of the coalition Civil Society for the Family, the right to create a family is based on the union of a man and a woman, and "Relations between individuals of the same sex and other social and legal arrangements that are neither equivalent nor analogous to the family are not entitled to the protections singularly reserved for the family in international law and policy."¹³
6. All human beings possess the same fundamental human rights by their inherent dignity and worth, including the right to equal protection of the law without any discrimination.¹⁴ Individuals who identify as lesbian, gay, bisexual, transgender, queer, etc., are protected from violence and discrimination to the same extent as any individual under the equal protection principle in human rights law. However, they are not entitled to special protections based on their sexual preferences and subjective gender identity as such.

NATIONAL SOVEREIGNTY

7. The legal status of abortion and the protection of the unborn, it is a matter of longstanding consensus that "each nation has the sovereign right to implement programs

and activities consistent with their laws and policies.” However, opposition to this sovereign right of countries has become increasingly commonplace in those parts of the United Nations system governed more by expert opinion or bureaucratic oversight than by the standard of negotiated consensus. There is no global mandate to pressure countries to liberalize their abortion laws or expand the categories for non-discrimination as a matter of international human rights law concerning, for example, sexual orientation or gender identity, and to the extent that mandate-holders engage in such behavior, they do so *ultra vires*.

8. Nevertheless, the frequency of such pressure has only increased toward countries whose laws restrict abortion to protect the unborn, or which maintain a traditional view of marriage and the family, in line with the human rights obligations expressed in the binding treaties they have ratified. Such nonbinding opinions have been elevated in many parts of the UN, although they have never been accepted nor adopted by consensus in the General Assembly.
9. Unlike other UN human rights mechanisms, the UPR provides a space for sovereign nations to speak to each other and provide encouragement to fulfill their human rights obligations. To the extent that this venue has been used to exert further pressure on countries to liberalize their abortion laws or redefine the family as a matter of national law and policy, global consensus on these matters must be upheld and promoted in the UPR as well.

THE GENEVA CONSENSUS DECLARATION

1. In 2020, the ministers and high representatives of 34 countries met to launch the Geneva Consensus Declaration (GCD), in which they committed to promoting four objectives: improve women’s health, protect human life, strengthen the family as the basic unit of society, and defend the sovereignty of nations concerning their laws and policies to protect life.¹⁵
2. The language of the GCD is drawn exclusively from documents agreed by consensus, including core UN human rights treaties, the founding documents of the UN such as the Universal Declaration of Human Rights (UDHR), and major meeting outcomes such as the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population Development.
3. The GCD also reaffirms the importance of women’s equal rights and their contributions to society, both in terms of education, employment, and civic engagement and through the family.
4. We encourage Kiribati to join the GCD. As a signatory to the Geneva Consensus Declaration, Kiribati would express its position that abortion is not an international human right. It is therefore consistent with this position that Kiribati and other members of the Geneva Consensus Declaration maintain legislation that protects unborn life and reject any pressure to legalize abortion as such recommendations are not only inconsistent with national laws and priorities but also outside the scope of internationally agreed human rights standards and obligations.
5. As a GSD signatory, Kiribati would also express that the family is “the natural and fundamental group unit of society” as understood to be formed between a man and a woman.

CONCLUDING RECOMMENDATIONS

1. Kiribati should continue to improve maternal and child health outcomes, including by ensuring adequate nutrition for pregnant women and affordable maternal health care, as well as improving access to hygiene, sanitation, particularly for pregnant women and mothers, with special attention to those in rural and remote areas and for those in low-resource settings. Following Kiribati's commitments to protect life in the womb, this does not require the inclusion of abortion.
2. We encourage Kiribati to continue protecting the natural family and marriage, formed by a husband and a wife, as the fundamental unit of society.
3. In line with its commitment to defend the natural family and the right to life of all, including babies in the womb, we encourage Kiribati to join a coalition of like-minded countries defending these principles in the multilateral fora by signing the Geneva Consensus Declaration.

¹ United Nations. Universal Declaration of Human Rights. 1948. Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

² United Nations International Conference on Population and Development. (1994). "Programme of Action of the International Conference on Population Development," Cairo.

³ United Nations Fourth World Conference on Women. (1995). "Beijing Declaration and Platform for Action" (Annex II, Paragraph 29). Beijing.

⁴ WHO, UNICEF, UNFPA, & World Bank. (2023). Trends in maternal mortality: 2000 to 2020. World Bank. Available at <https://iris.who.int/bitstream/handle/10665/366225/9789240068759-eng.pdf>

⁵ Valley LM, Calvert B, De Silva M, Panisi L, Babona D, Bolnga J, Duro-Aina T, Noovao-Hill A, Naidu S, Leisher S, Flenady V, Smith RM, Vogel JP, Homer CSE. Improving maternal and newborn health and reducing stillbirths in the Western Pacific Region - current situation and the way forward. *Lancet Reg Health West Pac.* 2022 Dec 13;32:100653. doi: 10.1016/j.lanwpc.2022.100653. PMID: 36785855; PMCID: PMC9918777.

⁶ United Nations Children's Fund, Situation Analysis of Children in Kiribati, UNICEF, Suva, 2017. Available at <https://www.unicef.org/pacificislands/media/1131/file/Situation-Analysis-of-Children-Kiribati.pdf>

⁷ United Nations Population Fund. UNFPA promotes safe childbirths in Kiribati, with KOICA support. November 1, 2023. Available at: <https://pacific.unfpa.org/en/news/unfpa-promotes-safe-childbirths-kiribati-koica-support>

⁸ United Nations Department of Economic and Social Affairs. Abortion laws and policies, 2017. Available at: https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undes_a_pd_2017_abortion_laws_policies_country_profiles.pdf

⁹ Sustainable Development Report 2021. Dashboards.sdgindex.org. Available at <https://dashboards.sdgindex.org/profiles/kiribati>

¹⁰ United Nations International Conference on Population and Development, *ibid.*

¹¹ Human Rights Council. Report of the Working Group on the Universal Periodic Review – Kiribati. March 2020. Available at <https://undocs.org/A/HRC/44/15>

¹² United Nations. Universal Declaration of Human Rights, *ibid.*

¹³ Civil Society for the Family. The Family Articles. Available at <https://civilsocietyforthefamily.org/>

¹⁴ United Nations. Universal Declaration of Human Rights. 1948. Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹⁵ Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family, 2020. Available at <https://undocs.org/en/A/75/626>