



## **Kiribati**

### **Joint Stakeholder Report for the United Nations Universal Periodic Review: LGBTQ+ Rights**

**Submitted by The Advocates for Human Rights,**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

**Boutokaan Inaomataia ao Mauriia Binabinaine Association (BIMBA)**

**for the 49th Session of the Working Group on the Universal Periodic Review**

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States, including LGBTQ+ individuals who have experienced discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics.

**Boutokaan Inaomataia ao Mauriia Binabinaine Association (BIMBA)** is a non-governmental organization in Kiribati that was established in 2016 by gay men, bisexual men and transgender women for the protection of their human rights and health against stigma and discrimination that are based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). Its current activities include advocacy and awareness programs on SOGIESC intended to sensitize its members and local community members, including faith-based organizations, public sectors, and leaders, to diverse SOGIESC. The primary focus of BIMBA is to ensure an enabling environment that is free from stigma, discrimination, and hatred based on SOGIESC through the means of law reforms, awareness and advocacy programs, and capacity building, as well as the establishment of networks with local, regional, and international partners.

## EXECUTIVE SUMMARY

1. This joint stakeholder report addresses violations against the lesbian, gay, bisexual, transgender, queer, and other sexual and gender minority (LGBTQ+) communities in Kiribati since Kiribati's last Universal Periodic Review in 2020.
2. Kiribati has not ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), or the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and fails to fully implement its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), hindering efforts in Kiribati to establish safeguards in line with international standards to protect certain vulnerable groups of people, including LGBTQ+ individuals.
3. The criminalization of consensual same-sex sexual activity between adults leaves LGBTQ+ people at serious risk of harm and systematic exclusion.
4. LGBTQ+ individuals in Kiribati live in a hostile, and sometimes deadly, environment, facing threats of physical violence, persecution, and discrimination based on sexual orientation, gender identity, and gender expression. Widespread stigmatization of LGBTQ+ individuals hinders the reporting of violence, persecution, and discrimination against them, and officials in Kiribati fail to respond to such incidents when they occur. The absence of consideration for LGBTQ+ people in policy and lawmaking further hinders reporting and awareness of the serious threats LGBTQ+ individuals face in Kiribati.
5. Kiribati has not adopted a framework for addressing the stigmatization of LGBTQ+ individuals in society and for ensuring that LGBTQ+ individuals have access to necessary health resources through education.
6. In this report we use the acronym LGBTQ+ to refer to individuals who self-identify as lesbian, gay, bisexual, transgender, and/or queer. These terms necessarily do not include everyone who may experience violations of their human rights on the basis of their real or perceived SOGIE status, which is why we also include a "+" with the acronym. Any use of a modified acronym is intentional in that we are speaking only about certain members of the LGBTQ+ population.
7. Information in this report includes published information and first-hand material collected by non-governmental organizations (NGOs) and human rights defenders in Kiribati. First-hand information from LGBTQ+ individuals in Kiribati has been used in this submission with their permission.

### I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

#### Theme: Acceptance of international norms

#### **Status of Implementation: Accepted, Not Implemented**

8. In its third-cycle review, Kiribati received several recommendations to ratify international treaties and conventions that would, *inter alia*, oblige Kiribati to implement measures to

protect certain vulnerable groups, including LGBTQ+ individuals, or give international visibility to certain human-rights efforts. For example, Kiribati received seven recommendations to ratify the International Covenant on Civil and Political Rights in its third-cycle review.<sup>1</sup> Kiribati accepted five of these recommendations, excluding only the two that specifically recommended that Kiribati additionally ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.<sup>2</sup>

9. Despite its commitment, Kiribati has not yet ratified the International Covenant on Civil and Political Rights.<sup>3</sup>
10. Likewise, in its third-cycle review, Kiribati received several recommendations to ratify the International Covenant on Economic, Social and Cultural Rights.<sup>4</sup> Kiribati accepted all of these recommendations.<sup>5</sup>
11. Nonetheless, Kiribati has not yet ratified the International Covenant on Economic, Social and Cultural Rights.<sup>6</sup>
12. Kiribati also received a recommendation to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>7</sup> which Kiribati likewise accepted.<sup>8</sup>
13. Although Kiribati has ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, the Committee Against Torture expressed concern that Kiribati has “not yet incorporated [its] obligations under the Convention,”<sup>9</sup> and Kiribati has not yet ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>10</sup>

### **Theme: Constitutional and legislative framework**

#### **Status of Implementation: Not Accepted, Not Implemented**

14. In its third-cycle review, Kiribati received nine recommendations to adopt measures to decriminalize consensual same-sex sexual activity between adults.<sup>11</sup> Kiribati noted these recommendations.<sup>12</sup>
15. Sexual conduct between consenting adult males remains a crime in Kiribati. The Kiribati Penal Code criminalizes “commit[ting] buggery with another person or with an animal” and “permit[ting] a male person to commit buggery with him or her,” and the law makes any person who violates this provision “guilty of a felony” and “liable to imprisonment for 14 years.”<sup>13</sup>
16. Section 154 of the Penal Code further criminalizes the attempt to “commit[] buggery with another person” and to “permit[] a male person to commit buggery with him or her,” subjecting violators to a felony conviction and imprisonment for seven years.<sup>14</sup>
17. Section 155 of the Penal Code additionally prohibits “indecent practices” between males, subjecting “[a]ny male person who . . . commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to produce the commission of any such act by any male person with himself or with another male person” to a felony conviction and imprisonment for five

years, regardless of whether the acts occur “in public or private.”<sup>15</sup>

18. There are no provisions that permit transgender individuals to change their legal gender. This presents problems and confusion for transgender individuals who have undergone some degree of gender-affirming care but who remain legally as their sex assigned at birth. Further, transgender women who engage in consensual sexual activity with cisgender men can also be prosecuted under the laws criminalizing consensual same-sex sexual activity between adult men as transgender women are legally considered to be men.
19. Although there is no evidence that these provisions of Kiribati’s Penal Code have been actively enforced in recent years, the existence of such legal provisions criminalizing same-sex sexual activity between consenting adult men undermines the dignity of LGBTQ+ people in Kiribati and “underpins further acts of discrimination” against LGBTQ+ people in Kiribati.<sup>16</sup> Further, without a *de jure* moratorium on enforcement, LGBTQ+ people are always in danger of law enforcement and prosecutors choosing to begin enforcing these provisions again.
20. Moreover, even when legal sanctions against consensual same-sex sexual activity between adults are not enforced, they “nonetheless have severe consequences for LGBT people, serving to justify discriminatory treatment and impeding LGBT people’s access to employment, health services, and police protection.”<sup>17</sup>
21. Although the prohibition on consensual same-sex sexual conduct between adults is limited to men, the law’s existence also contributes to the stigma that all adults who engage in consensual same-sex sexual activity face, including lesbian and bisexual women.<sup>18</sup>

**Themes: Equality & non-discrimination; Lesbian, gay, bisexual and transgender and intersex persons (LGBTI)**

**Status of Implementation: Not Accepted, Not Implemented**

22. In its third-cycle review, Kiribati received six recommendations aimed at prohibiting discrimination based on sexual orientation and gender identity.<sup>19</sup> Kiribati noted each of these recommendations.<sup>20</sup>
23. Kiribati has taken some steps toward enhancing the rights of LGBTQ+ persons in the country. For example, the Employment and Industrial Relations Code mandates that employers shall not discriminate based on sexual orientation.<sup>21</sup> Other than this provision of the Employment and Industrial Relations Code, however, no antidiscrimination laws exist in Kiribati to protect LGBTQ+ people.<sup>22</sup>
24. Dating back to 2018, the Ministry of Health and Medical Services has established a partnership with BIMBA to enhance the organization’s visibility and contribute to HIV-related issues in Kiribati.<sup>23</sup>
25. Despite these advancements, however, Kiribati’s legislative and policy space largely excludes consideration of LGBTQ+ people, with protections for individuals in the spheres of sexual orientation, gender identity, and gender expression generally absent.<sup>24</sup> Moreover, there is very little information about LGBTQ+ women, including transgender women, or non-binary people in Kiribati, and no specific protections addressing these groups.<sup>25</sup>

26. The invisibility of LGBTQ+ people from the policy space in Kiribati may perpetuate and contribute to the social stigma and lack of access to government services that LGBTQ+ people face in Kiribati and discourage reporting and investigation of instances of State and non-State actor violence and abuse against LGBTQ+ people in Kiribati.<sup>26</sup>
27. Despite a lack of reports of investigations into State and non-State actor violence and abuse against LGBTQ+ people in Kiribati,<sup>27</sup> LGBTQ+ individuals in the country still “are constantly experiencing social discrimination, hatred and stigma because of their diverse sexual orientation.”<sup>28</sup> The prevalence of discrimination against LGBTQ+ people in Kiribati, however, is difficult to evaluate because of individuals’ fears to reveal their gender identity or sexual orientation, as community norms discourage public expression of sexual orientation and gender identity.<sup>29</sup>
28. Non-State actors and, in particular, family members are often the primary perpetrators of violence and harassment against LGBTQ+ people. Several members of BIMBA report experiencing a form of “conversion therapy” at the hands of their parents and family members. The family members of one transgender member who had been effeminate as a child tied her up with ropes and other materials and placed her on top of a grave outside the family home as a way to “straighten her up.” Other members reported their family members beating them once they discovered or suspected their sexual orientation or gender identity.<sup>30</sup>
29. Reporting indicates that LGBTQ+ individuals in Kiribati were at increased risk during the pandemic because of “relatives who discriminate against them,”<sup>31</sup> and for many LGBTQ+ individuals worldwide, “lockdown has equaled being trapped in hostile environments with abusive families and partners, with no help at hand.”<sup>32</sup>
30. BIMBA has documented a number of instances of suspicious deaths, including murder, of individuals in Kiribati’s LGBTQ+ community. For instance, in 2020, the body of a prominent transgender member of BIMBA was found on the beachside of a bar and event center in Ambo Village, South Tarawa with burn marks on her body. Her body was picked up by a sibling and taken home. The murder was not thoroughly investigated, and there was no discussion in the media and no arrests made.<sup>33</sup>
31. BIMBA also documented an incident in 2022 in which a queer individual was found deceased at a local drinking spot on Betio Island after last having been seen drinking with several companions. No media coverage was reported, and no investigation was conducted to determine a cause of death or to determine if the death was intentional and motivated by animus toward LGBTQ+ individuals.<sup>34</sup>
32. In November 2023, BIMBA additionally documented the stabbing death of an LGBTQ+ individual on Betio Island by a close relative. BIMBA held a memorial for the decedent and the alleged perpetrator was arrested and jailed as of December 2023, but no information is available on whether the authorities had concluded any investigation or whether the alleged perpetrator was tried in a court of law.<sup>35</sup>
33. Kiribati does not have laws protecting LGBTQ+ individuals from hate crimes or laws that would aid in the investigation and prosecution of hate crimes, nor does Kiribati have laws prohibiting anti- LGBTQ+ hate speech.<sup>36</sup>

## **Theme: Sexual & reproductive health and rights**

### **Status of Implementation: Partially Accepted, Partially Implemented**

34. In its third-cycle review, Kiribati received 15 recommendations to bring the Family Life Education curriculum in line with United Nations technical guidelines for use in school curricula, including sexuality education.<sup>37</sup> Kiribati accepted all but one of these recommendations.<sup>38</sup>
35. Likewise, in its third-cycle review, Kiribati received recommendations to ensure that it incorporates universal access to sexual and reproductive health and rights into the next National Development Plan for 2021–2025 and to ensure sexual and reproductive rights and health by implementing sexual health programs accessible for all and by developing sexual education in school curricula.<sup>39</sup> Kiribati additionally accepted each of these recommendations.<sup>40</sup>
36. With funding from the Australian Department of Foreign Affairs and Trade, Kiribati has begun to provide Comprehensive Sexuality Education (CSE) to adolescents during Years VI–X of school to provide Kiribati’s youth “with lifesaving knowledge and skills required to prevent unintended pregnancies and build respectful relationships to ultimately reduce intimate partner violence,”<sup>41</sup> and “certain aspects of CSE are incorporated into mandatory subjects” in Kiribati’s schools.<sup>42</sup>
37. Nonetheless, Kiribati does not have its own CSE program.<sup>43</sup> Moreover, the Kiribati Development Plan for 2020 to 2023 does not include as a goal or strategic priority any undertaking to address educating Kiribati’s youth on LGBTQ+ individuals’ sexual health and needs or improving the mental and emotional health of LGBTQ+ individuals,<sup>44</sup> issues discussed in the United Nations International Technical Guidance on Sexuality Education.<sup>45</sup>
38. In addition, the Kiribati 20-Year Vision 2016–2036 consultation draft does not include as a goal or strategic priority the development of a comprehensive CSE or Family Life Education program available to students throughout Kiribati’s educational system and additionally lacks any integration of the specific needs of LGBTQ+ people.<sup>46</sup>
39. The lack of policy measures addressing the needs of LGBTQ+ individuals in Kiribati and the criminalization of consensual sexual activity between adult men limits the ability of LGBTQ+ people in Kiribati to access sexual and reproductive health services.<sup>47</sup>

## **II. RECOMMENDATIONS**

40. This joint stakeholder report suggests the following recommendations for the Government of Kiribati:
  - Ratify the International Covenant on Civil and Political Rights.
  - Ratify the International Covenant on Economic, Social and Cultural Rights.
  - Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
  - Decriminalize consensual same-sex sexual activity between adult men by repealing

Sections 153 to 155 of the Penal Code. Immediately release and commute the sentences of anyone convicted of consensual same-sex sexual activity between adult men, and expunge their criminal records related to consensual same-sex sexual activity between adult men.

- Issue a moratorium stopping all investigations and prosecutions of individuals based on Sections 153 to 155 of the Penal code which criminalize consensual same-sex sexual activity between adult men.
- Draft and adopt legislation in consultation with LGBTQ+ organizations that permits transgender individuals to change their legal gender.
- Adopt legislation to ban discrimination against all minority groups, including members, real or suspected, of the LGBTQ+ community.
- In consultation with LGBTQ+ organizations, introduce and implement policy measures aimed at improving the health and wellbeing of LGBTQ+ individuals.
- Carry out prompt, impartial, effective, and transparent investigations of all attacks on LGBTQ+ individuals and their community and prosecute perpetrators of such attacks.
- In consultation with LGBTQ+ organizations, create, fund, and implement public education campaigns meant to improve the public's opinion of the LGBTQ+ community with the goal of preventing discrimination, harassment, and violence toward LGBTQ+ individuals.
- Adopt comprehensive hate crimes and hate speech laws that includes hate crimes and hate speech based on sexual orientation, gender identity, and gender expression.
- Bring the Family Life Education curriculum in line with United Nations technical guidelines for use in school curricula, including sexuality education that addresses the health and needs of LGBTQ+ people.
- Include as strategic priorities in the next national Development Plan the goal of educating Kiribati's youth on LGBTQ+ individuals' sexual health and needs and improving the mental and emotional health of LGBTQ+ individuals.
- Take active steps to ensure that LGBTQ+ individuals have access to sexual and reproductive health services.

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati* (Mar. 23, 2020), U.N. Doc. A/HRC/44/15, ¶ 80.1 Sign and ratify the core international human rights instruments to which Kiribati is not yet a party, in particular the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty (Italy); ¶ 80.2 Ratify core human rights treaties and conventions, in particular the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty (Ukraine); Accede to core human rights international instruments, particularly the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty (Mexico); ¶ 80.3 Take steps to sign and ratify core international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Indonesia); ¶ 80.4 Consider ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Nepal); Consider

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becoming party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (India); ¶ 80.6 Sign and ratify the International Covenant on Civil and Political Rights (Spain); ¶ 80.7 Ratify the International Covenant on Civil and Political Rights (Honduras) (Vanuatu) (Bahamas) (France) (Solomon Islands) (Seychelles); ¶ 80.8 Ratify the International Covenant on Civil and Political Rights and its Optional Protocols (Germany).

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati Addendum* (July 17, 2020), U.N. Doc. A/HRC/44/15/Add. 1., ¶¶ 1–2.

<sup>3</sup> The International Lesbian, Gay, Bisexual, Trans, and Intersex Association, *ILGA World Database: Kiribati*, accessed Aug. 29, 2024, <https://database.ilga.org/kiribati-lgbti>.

<sup>4</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati* (Mar. 23, 2020), U.N. Doc. A/HRC/44/15, ¶ 80.3 Take steps to sign and ratify core international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Indonesia); ¶ 80.4 Consider ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Nepal); Consider becoming party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (India); ¶ 80.9 Sign and ratify the International Covenant on Economic, Social and Cultural Rights (Spain); ¶ 80.10 Ratify the International Covenant on Economic, Social, and Cultural Rights (Vanuatu) (Bahamas) (France) (Germany) (Honduras) (Luxembourg) (Solomon Islands) (Seychelles); ¶ 80.11 Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (Senegal).

<sup>5</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati Addendum* (July 17, 2020), U.N. Doc. A/HRC/44/15/Add. 1, ¶ 2.

<sup>6</sup> The International Lesbian, Gay, Bisexual, Trans, and Intersex Association, *ILGA World Database: Kiribati*, accessed Aug. 29, 2024, <https://database.ilga.org/kiribati-lgbti>.

<sup>7</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati* (Mar. 23, 2020), U.N. Doc. A/HRC/44/15, ¶ 80.13 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark).

<sup>8</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati Addendum* (July 17, 2020), U.N. Doc. A/HRC/44/15/Add. 1, ¶ 4.

<sup>9</sup> *Committee Against Torture Concludes Seventy-Eighth Session After Adopting Concluding Observations on Reports of Burundi, Costa Rica, Denmark, Egypt, Kiribati and Slovenia*, Office of High Commissioner for Human Rights, Nov. 24, 2023, <https://www.ohchr.org/en/news/2023/11/committee-against-torture-concludes-seventy-eighth-session-after-adopting-concluding>.

<sup>10</sup> The International Lesbian, Gay, Bisexual, Trans, and Intersex Association, *ILGA World Database: Kiribati*, accessed Aug. 29, 2024, <https://database.ilga.org/kiribati-lgbti>.

<sup>11</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati* (Mar. 23, 2020), U.N. Doc. A/HRC/44/15, ¶ 80.43 Adopt measures to decriminalize consensual sexual relations between adults of the same sex (Chile).

<sup>12</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati Addendum* (July 17, 2020), U.N. Doc. A/HRC/44/15/Add. 1, ¶ 13.

<sup>13</sup> KIRIBATI PENAL CODE, CAP. 67 § 153, available at [http://www.paclii.org/ki/legis/consol\\_act/pc66/](http://www.paclii.org/ki/legis/consol_act/pc66/) (accessed June 18, 2024).

<sup>14</sup> KIRIBATI PENAL CODE, CAP. 67 § 154, available at [http://www.paclii.org/ki/legis/consol\\_act/pc66/](http://www.paclii.org/ki/legis/consol_act/pc66/) (accessed June 18, 2024).

<sup>15</sup> KIRIBATI PENAL CODE, CAP. 67 § 155, available at [http://www.paclii.org/ki/legis/consol\\_act/pc66/](http://www.paclii.org/ki/legis/consol_act/pc66/) (accessed June 18, 2024).

<sup>16</sup> *Kiribati*, Human Dignity Trust, June 12, 2024, <https://www.humandignitytrust.org/country-profile/kiribati/>.



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<sup>17</sup> #Outlawed “The Love that Date Note Speak Its Name”, Human Rights Watch, accessed Aug. 28, 2024, [https://features.hrw.org/features/features/lgbt\\_laws/single.html](https://features.hrw.org/features/features/lgbt_laws/single.html).

<sup>18</sup> Email from I-Kiribati NGO to The Advocates for Human Rights (Oct. 3, 2024) (on file with authors).

<sup>19</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati* (Mar. 23, 2020), U.N. Doc. A/HRC/44/15, ¶ 80.37 Include in the legislation a provision prohibiting discrimination based on sexual orientation and gender identity, and amend article 153 of the Criminal Code, which criminalizes consensual sexual relations between persons of the same sex (Mexico); ¶ 80.38 Decriminalize consensual sexual relations between adults of the same sex (Germany) (Timor-Leste); Decriminalize homosexuality and consensual same-sex relations between adults (Netherlands); Decriminalize sexual relations between consenting adults of the same sex and continue to combat gender-based violence (France); Decriminalize LGBTI conduct or status and combat violence against LGBTI persons (United States of America); ¶ 80.39 Decriminalize consensual sexual relations between adults of the same sex and amend their discrimination provisions to include sexual orientation and gender identity (Denmark); Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation to include a prohibition of discrimination on the basis of sexual orientation and gender identity (Iceland); ¶ 80.40 Decriminalize homosexuality and consensual sexual relations between adults of the same sex, consider including in the Constitution provisions guaranteeing freedom from discrimination based on sexual orientation and gender equality, and take specific measures, including awareness-raising campaigns, to prevent and punish discrimination, hate speech and violence against LGBTI persons (Portugal); ¶ 80.41 Repeal from its national legislation the norms that sanction consensual relations between people of the same sex and take measures to combat the acts of discrimination and violence against LGBTIQ people, guaranteeing the investigation and sanction of such acts (Argentina); ¶ 80.42 Repeal sections 153–155 of the Penal Code and decriminalize all forms of consensual sexual relations between adults, including between adults of the same sex (Australia); Decriminalize consensual sexual relations between adults of the same sex by amending sections 153, 154 and 155 of the Penal Code (Canada).

<sup>20</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati Addendum* (July 17, 2020), U.N. Doc. A/HRC/44/15/Add. 1, ¶ 13.

<sup>21</sup> C. Vaughan, L. Moosad & J. Rowe, *Sexual and Reproductive Health and Gender-Based Violence in Kiribati: A Review of Policy and Legislation*, United Nations Population Fund and The University of Melbourne, accessed Aug. 29, 2024, [https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati\\_policy\\_and\\_legislative\\_review\\_170822.pdf](https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati_policy_and_legislative_review_170822.pdf).

<sup>22</sup> Email from I-Kiribati NGO to The Advocates for Human Rights (Oct. 3, 2024) (on file with authors).

<sup>23</sup> C. Vaughan, L. Moosad & J. Rowe, *Sexual and Reproductive Health and Gender-Based Violence in Kiribati: A Review of Policy and Legislation*, United Nations Population Fund and The University of Melbourne, accessed Aug. 29, 2024, [https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati\\_policy\\_and\\_legislative\\_review\\_170822.pdf](https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati_policy_and_legislative_review_170822.pdf).

<sup>24</sup> C. Vaughan, L. Moosad & J. Rowe, *Sexual and Reproductive Health and Gender-Based Violence in Kiribati: A Review of Policy and Legislation*, United Nations Population Fund and The University of Melbourne, accessed Aug. 29, 2024, [https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati\\_policy\\_and\\_legislative\\_review\\_170822.pdf](https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati_policy_and_legislative_review_170822.pdf)

<sup>25</sup> C. Vaughan, L. Moosad & J. Rowe, *Sexual and Reproductive Health and Gender-Based Violence in Kiribati: A Review of Policy and Legislation*, United Nations Population Fund and The University of Melbourne, accessed Aug. 29, 2024, [https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati\\_policy\\_and\\_legislative\\_review\\_170822.pdf](https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati_policy_and_legislative_review_170822.pdf)

<sup>26</sup> Madeleine Keck, *These Horrifying Anti-LGBTQ+ Laws Still Exist in the Pacific and Asia in 2022*, Global Citizen, June 21, 2022, <https://www.globalcitizen.org/en/content/anti-lgbtq-laws-pacific/>.

<sup>27</sup> Madeleine Keck, *These Horrifying Anti-LGBTQ+ Laws Still Exist in the Pacific and Asia in 2022*, Global Citizen, June 21, 2022, <https://www.globalcitizen.org/en/content/anti-lgbtq-laws-pacific/>.

<sup>28</sup> Tebeio Tamton, *Being LGBT in Kiribati: Tebeio’s Journey*, APCOM, accessed Aug. 29, 2024, <https://www.apcom.org/being-lgbt-in-kiribati-tebeios-journey/>.

<sup>29</sup> Email from I-Kiribati NGO to The Advocates for Human Rights (Oct. 3, 2024) (on file with authors).

<sup>30</sup> Email from I-Kiribati NGO to The Advocates for Human Rights (Oct. 3, 2024) (on file with authors).

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- <sup>31</sup> Sam Damshenas, *There Is an Emerging Humanitarian Crisis for LGBTQ+ People Due to Coronavirus*, Gay Times, May 18, 2020, <https://www.gaytimes.com/life/there-is-an-emerging-humanitarian-crisis-for-lgtbq-people-due-to-coronavirus/>.
- <sup>32</sup> *Don't let the pandemic marginalize LGBTIQ people further*, The World Economic Forum, July 17, 2020, <https://www.weforum.org/agenda/2020/07/covid19-lgbtiq-youth-support-services/>.
- <sup>33</sup> Written communication from BIMBA (Aug. 2024) (on file with authors).
- <sup>34</sup> Written communication from BIMBA (Aug. 2024) (on file with authors).
- <sup>35</sup> Written communication from BIMBA (Aug. 2024) (on file with authors).
- <sup>36</sup> Email from I-Kiribati NGO to The Advocates for Human Rights (Oct. 3, 2024) (on file with authors).
- <sup>37</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati* (Mar. 23, 2020), U.N. Doc. A/HRC/44/15, ¶ 80.70 Revise the Family Life Education curriculum and bring it into line with the updated United Nations technical guidelines on sexuality education and integrate it into all school curricula, including both in junior and senior high schools (Slovenia); ¶ 80.72 Ensure universal access to sexual and reproductive health and rights is incorporated into the next national Development Plan for 2021–2025, consistent with United Nations Population Fund technical guidelines (Australia); ¶ 80.74 Ensure comprehensive sexual education in the school curriculum in line with the United Nations international technical guidelines on sexuality education (Denmark); ¶ 80.75 Revise the Family Life Education curriculum to bring it into line with the updated United Nations technical guidelines on sexuality education and ensure the necessary resources and training for its full and effective implementation in schools (Fiji); ¶ 80.77 Revise the Family Life Education curriculum to bring it into line with the updated United Nations technical guidelines on sexuality education and integrate it into all school curricula, including both in junior and senior high schools (Iceland); ¶ 80.78 Revise the Family Life Education curriculum to bring it into line with international guidelines and best practices and integrate it into all school curricula; ¶ 80.79 Revise the Family Life Education curriculum to bring it into line with the United Nations technical guidelines regarding comprehensive sexuality education and ensure full integration of the curriculum across the school system (Netherlands).
- <sup>38</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati Addendum* (July 17, 2020), U.N. Doc. A/HRC/44/15/Add. 1, ¶¶ 20–21.
- <sup>39</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati* (Mar. 23, 2020), U.N. Doc. A/HRC/44/15, ¶ 80.72 Ensure universal access to sexual and reproductive health and rights is incorporated into the next National Development Plan for 2021–2025, consistent with United Nations Population Fund technical guidelines (Australia); ¶ 80.76 Ensure sexual and reproductive rights and health by implementing sexual health programmes accessible for all and by developing sexual education in school curricula (France).
- <sup>40</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kiribati Addendum* (July 17, 2020), U.N. Doc. A/HRC/44/15/Add. 1, ¶ 20.
- <sup>41</sup> *Family Life Education in Kiribati*, United Nations Population Fund, accessed Aug. 29, 2024, <https://pacific.unfpa.org/en/video/family-life-education-kiribati>.
- <sup>42</sup> *Kiribati: Comprehensive Sexuality Education*, UNESCO Global Education Monitoring Report, Oct. 2, 2023, <https://education-profiles.org/oceania/kiribati/~comprehensive-sexuality-education>.
- <sup>43</sup> *Kiribati: Comprehensive Sexuality Education*, UNESCO Global Education Monitoring Report, Oct. 2, 2023, <https://education-profiles.org/oceania/kiribati/~comprehensive-sexuality-education>.
- <sup>44</sup> *Kiribati Development Plan 2020–2023*, Development Indicator Monitoring and Evaluation Taskforce, accessed Aug. 29, 2024, <https://policy.asiapacificenergy.org/sites/default/files/Kiribati%20Development%20Plan%202020-2023.pdf>.
- <sup>45</sup> *International Technical Guidance on Sexuality Education: An Evidence-Informed Approach*, UNESCO (2018), accessed Aug. 29, 2024, <https://www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf>.
- <sup>46</sup> *Kiribati 20-Year Vision 2016–2036, Consultation Draft*, National Economic Planning Office, <https://www.mfed.gov.ki/sites/default/files/KV20%20VISION.pdf>.

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<sup>47</sup> C. Vaughan, L. Moosad & J. Rowe, *Sexual and Reproductive Health and Gender-Based Violence in Kiribati: A Review of Policy and Legislation*, United Nations Population Fund and The University of Melbourne, accessed Aug. 29, 2024, [https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati\\_policy\\_and\\_legislative\\_review\\_170822.pdf](https://pacific.unfpa.org/sites/default/files/pub-pdf/kiribati_policy_and_legislative_review_170822.pdf).