



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: KIRIBATI

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2000, 2001 and 2004 Annual Reviews (ARs).
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Kiribati Chamber of Commerce (KCC) and, the Botakin Karikirakean Aroia Taan Murakuri (BKATM); the Bank of Kiribati Union (BOKU); the Betio Ports and Stevedoring Union (BPSU); the Housing Workers' Union (HWU); the Kiribati Islands Overseas Seafarers' Union (KIOSU); the Kiribati Nursing Association (KNA); the Kiribati National Union of Teachers (KNUT); the Kiribati Overseas Fishermen Union (KOFU); the NANOTASI Garment Union (NGU); the Postal Services Union (PSU); and the Kiribati Trade Union Congress (KTUC) through consultations and communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the KCC. 2007 AR: Observations by the KCC. 2006 AR: Observations by the KCC. 2005 AR: Observations by the KCC. 2003 AR: Observations by the KCC.
	Workers' organizations	2008 AR: Observations by the KTUC. 2007 AR: Observations by the KTUC and its affiliates. 2006 AR: Observations by the BKATM. Observations by the BOKU. Observations by the BPSU. Observations by the HWU. Observations by the KIOSU. Observations by the KNA. Observations by the KNUT. Observations by the KOFU. Observations by the NGU. Observations by the PSU. Observations by the KTUC. 2005 AR: Observations by the KTUC.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		2003 AR: Observations by the KTUC.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Kiribati has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	<p>YES, since 2002, for both C.100 and C.111.</p> <p>2008 AR: The Government expressed its intention to ratify C.100 and C.111 and indicated that consultation was still ongoing. The KCC reiterated its strong support to the ratification of C.100 and C.111. The KTUC indicated that it hoped once again that the remaining ILO Fundamental Conventions would be ratified soon.</p> <p>2007 AR: During the Celebration of the ILO 50 years' Presence in the Pacific Region held in Suva, Fiji in December 2005 the Government expressed its intention to ratify C.100 and C.111. The KCC expressed its strong support for ratification of C.100 and C.111 by Kiribati. The KTUC expressed its appreciation for the Government's intention to ratify the remaining ILO fundamental Conventions, and hoped that this ratification would take place very soon.</p> <p>2006 AR: According to the Government: The national tripartite Decent Work Agenda Steering Committee will consider ratification of C.100 and C.111, following a national survey on cost/benefit analysis on ratification of these instruments, in collaboration. The Government appreciates KCC and KTUC support for the ratification of C.100 and C.111.</p> <p><i>According to the KCC: There is no reason for Kiribati not to ratify C.100 and C.111, as the PR is recognized in the Constitution and Kiribati has ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The KCC strongly supports ratification of C.100 and C.111 by Kiribati.</i></p> <p>2005 AR: The Government stated that it had initiated a ratification process for both C.100 and C.111.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111. The Government reported that C.111 was being translated into the I-Kiribati to improve national understanding of the Convention and facilitate ratification of C.100 and C.111 in the near future.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES</p> <p>Under article 15.2 of the 1979 Constitution, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. Discrimination is defined in this section as follows: «Affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.»</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of	Policy, legislation and/or regulations	2006 AR: According to the Government: National laws are being reviewed in cooperation with the ILO to ensure compliance with the provisions of C.100 and C.111.

action, basic legal provisions)		2005 AR: According to the Government: A labour law review process has been carried out in cooperation with the ILO, and has led to the integration of the provisions of C.100 and C.111.
	Basic legal provisions	(i) The Constitution, 1979 (article 15.2); and (ii) Part VIII of the Employment Ordinance, 1965.
	Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.
	Judicial decisions	NIL
Exercise of the principle and right	Special attention to particular situations	2000-2003 ARs: According to the Government: Women.
	Information/Data collection and dissemination	2006 AR: According to the Government: Further information and data are expected in the forthcoming Government report under the CEDAW. 2002 AR: The Government provided statistical data on formal employment by occupation (1978-1985). It also indicated that the Pilot National Employment Survey provides basic statistical data; and the National Development Strategies 2000 displays information that may allow a better assessment of the situation in Kiribati (structural, economic, demographic, training and educational factors, etc.).
Prevention, monitoring, enforcement and/or sanction mechanisms	2002-2003 ARs: According to the Government: The judiciary and church groups play a monitoring and defence role for the realization of the principle and right (PR).	
Involvement of the social partners	<p>2006 AR: According to the KCC: Active participation in the discussions and decisions of the national tripartite Decent Work Agenda Steering Committee, which also includes discrimination and equality issues.</p> <p>According to the KTUC and its affiliates: Active participation in the discussions and decision-making process of the national tripartite Decent Work Agenda Steering Committee that also considers discrimination and equality issues.</p> <p>2005 AR: According to the KCC: Participation in the labour law review process to integrate the provisions of C.100 and C.111.</p> <p>2005 AR: According to the KTUC: Participation in the labour law review process to integrate the provisions of C.100 and C.111.</p> <p>2002 AR: According to the Government: Major Church groups play an important role in promoting the PR.</p>	
Promotional activities	Institutions to promote equality	According to the Government: the National Council of Women's Federations and major church groups.
	Other activities	2007 AR: The Government published a booklet on the ILO Fundamental Conventions, in cooperation with the ILO. Moreover, it participated in the activities concerning the promotion of the ILO Declaration during the Celebration of the 50 years of ILO's Presence in the Pacific Region (Fiji, Suva, December 2005). The KCC and the KCTU indicated that they were taking part in the labour law revision process that would hopefully integrate the provisions of ILO Fundamental Conventions into national laws. They also mentioned their participation in the activities concerning the promotion of the ILO Declaration during the Celebration of the 50 years of ILO's Presence in the Pacific Region (Fiji, Suva, December 2005). The KTUC further indicated that it was also working on discrimination affecting people infected with HIV/AIDS.

			<p>2005 AR: According to the Government, workshops have been organized in view of promoting labour changes through new Bills. The Government welcome the implementation of a national Declaration Programme in order to promote the PR.</p> <p>2003 AR: According to the Government: Workshops and seminars on gender issues.</p>
	Special initiatives/Progress		<p>2006 AR: According to the Government: A National Tripartite Decent Work Agenda Steering Committee was established in cooperation with the ILO in January 2005. Tripartite consultations were held on decent work issues, including discrimination and equality.</p>
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2007 AR: According to the KCC: Efforts should be made to integrate people infected with HIV/AIDS in the workplace.</p> <p>2006 AR: The KCC supported Government's views concerning challenges to realize the PR in the country (see below).</p>
		Workers' organizations	<p>2006 AR: According to the KTUC and affiliates: (i) revision and amendment of labour laws in compliance with the PR; (ii) persisting discrimination against women in employment and decision-making processes for cultural reason («<i>Te Mwaneaba</i>»).</p>
	According to the Government		<p>2008 AR: The Government reiterated the challenges indicated in the 2006 and 2003 AR and added that the staff lacked sufficient training and education.</p> <p>2006 AR: According to the Government: The challenges listed under the 2003 AR are yet to be met. However, national laws are under review in cooperation with the ILO, with a view to ensuring compliance with the PR.</p> <p>2003 AR: According to the Government, the main difficulties encountered in realizing the PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; (iii) social and economic circumstances; (iv) legal provisions; (v) lack of capacity of employers' organizations; (vi) lack of capacity of workers' organizations; (vii) lack of social dialogue on this principle; and (viii) lack of skill, knowledge and training by the Ministry's staff in this field; lack of national policy concerning the PR.</p>
TECHNICAL COOPERATION	Request		<p>2008 AR: The Government reiterated the request made in the 2007 AR on the labour law review in Kiribati and would appreciate the assistance of ILO in the realization of several workshops in order to enhance leadership among the different social partners. The KCC indicated that ILO technical cooperation is required on training regarding HIV/AIDS in the workplace.</p> <p>2007 AR: According to the Government: The ILO should continue its assistance in revising labour laws in Kiribati, including provisions relating to the PR. The requests made by the KCC and KTUC should be followed up by the ILO. According to the KCC: ILO's assistance on labour law revision should continue. ILO's strong support is needed to assist KCC in promoting and realizing the PR and capacity building. According to the KTUC: Discrimination against women in employment and decision making processes for cultural reasons («<i>Te Mwaneaba</i>») still persists, and the ILO should assist Kiribati in solving this problem.</p> <p>2006 AR: The Government wishes that the technical cooperation requests expressed in 2005 be carried out under a Declaration Programme for Kiribati. Priority needs for technical cooperation include: survey, recommendations, national tripartite workshop, plan of action, national policy, labour law reform, promotional activities, etc. The Government hopes that a Declaration Programme – that is also requested by the KCC and the KTUC – will be implemented in Kiribati in order to combat all forms of discrimination at work and realize the PR.</p>

		<p>According to the KCC: ILO technical cooperation would be necessary in raising awareness on discrimination and equality issues among its members. The KCC supports the Government's request for the implementation of an ILO Declaration Programme in Kiribati.</p> <p>According to the KTUC and its affiliates: ILO technical cooperation would be necessary to facilitate the realization of the PR in the following areas: (i) labour law reform and enforcement; (ii) public awareness raising; and (iii) capacity building of government institutions, employers' and workers' organizations and other stakeholders. The KTUC and its affiliates strongly support Government's request for ILO technical cooperation under a Declaration Programme for Kiribati.</p> <p>2005 AR: According to the Government: There is a need for ILO technical cooperation in the following areas: (i) assessment of the national situation regarding the PR and; (ii) its consideration during a national seminar on the 1998 ILO Declaration, with a view to adopting an action plan to combat discrimination.</p>
<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>Offer</p>	<p>ILO (Decent Work Agenda, international labour standards, labour law reform, reporting and technical advice concerning on cost/benefit implications of ratification of C.100 and C.111).</p> <p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also noted the intentions expressed by most governments, including the Government of Kiribati, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 12, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Kiribati (and few other countries) that had never reported under the Declaration Annual Review (Cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Kiribati, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Kiribati and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>	