

KIRIBATI (2018)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	2018 AR: The Kiribati Chambers of Commerce and Industry (KCCI), the Kiribati Major Employers Organization (KIMEO) and the Kiribati Trade Union of Congress were consulted through email distribution and competent authorities were visited and interviewed and afterwards they were given a chance to comment more on the final report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Kiribati has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2018 AR: There is no national policy and/or plan of action for the suppression of forced or compulsory labour, but that there is a plan of action for combatting trafficking in persons for the purposes of forced or compulsory labour.	
	Measures taken or envisaged for systematic and coordinated action	2018 AR: The Employment and Industrial Relations Code, 2015 Part XIV gives provision for prohibition of forced labour with those committing this crime liable on conviction to a fine of \$100,000 or term of imprisonment of 25 years or both, and that this law is enforced through annual labour inspections.	
	Measures taken or envisaged to prevent forms of forced labour	2018 AR: The following measures have been taken or envisaged: a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and employers:</i> the Ministry of Employment and Human Resource is aiming at providing more awareness and consultation on forced labour and other provisions of the new labour law; radio awareness to public about labour laws; b) <i>Strengthening and broadening of the coverage of legislation, particularly labour law:</i> consistent consultations with Attorney General's office regarding legal advice to vague provisions of the law; c) <i>Regulation and supervision of the labour recruitment and placement process:</i> Seafaring and Fishing recruitment agencies are obligated to comply with 'License to Recruit Conditions'; Agencies obligations to provide to Ministry of Employment and Human Resource (MEHR) quarterly reports; d) <i>Supporting due diligence by the public and private sectors:</i> quarterly consultation is done to private and public sectors in regards to forced labour and other provisions of the EIRC, 2015; e) <i>Addressing the root causes that perpetuate forced labour:</i> Setting minimum standards such as minimum wage and hours of work in the world of works. Strengthening of labour inspection for enforcement of provisions of labour law; and f) <i>Promotion of safe and regular migration:</i> workers working overseas are protected by MOU's with host countries and also protected by Government agencies of that country and lastly their contract of employment serves also as a protection.	

	Measures taken or envisaged to protect victims of forced labour	<p>2018 AR: The following measures have been taken or envisaged: a) <i>Material assistance for victims:</i> MWYSSA with police and church NGO's established a Women and Children Crisis center that aims at providing shelters to victims and also any assistance before there is full recovery and the victims are ready to be placed in suitable homes, mostly close relatives; b) <i>Medical and psychological assistance for victims:</i> this is also provided by MWYSSA along with Ministry of Health assisting victims and ensuring full recovery; c) <i>Measures for the rehabilitation and social and professional reintegration of victims:</i> concerted efforts from Ministry of Women, Youth, Sports and Social Affairs (MWYSSA) Police department and Attorney General's Office. In providing rehabilitation to victims of abuse, children, women and disabled; and d) <i>Specific measures for children:</i> there are specific measures for children who are victims of any form of abuse, including forced labour or trafficking.</p>	
	Measures taken or envisaged to facilitate access to remedies	<p>2018 AR: The following measures have been taken or envisaged: a) <i>Information and counselling for victims regarding their rights:</i> counseling is always ready for the abused by relevant ministries such as MWYSSA and AG's Office; b) <i>Free legal assistance:</i> the Office of People's Lawyer provides legal assistance to people without the financial means to pay a private lawyer; the Crisis Center recently established this year provides for the victims of any circumstance, including forced labour (no cases yet); c) <i>Cost-free proceedings:</i> this is also ensured by programs available in catering for the needs of the abused victims; d) <i>Access to remedies and compensation:</i> this depends on court decisions, if compensation is to be made by the perpetrator; the Women and Children Crisis center provides a safe haven for those suffering from abuse. Within the time it is required for recovery, they are put in this institution waiting being put into homes of immediate relatives; and e) <i>Provision of penalties such as the confiscation of assets and criminal liability of legal persons:</i> legislations have been amended to ensure harsher penalties for those committing the crimes.</p>	
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out		
	Cooperation with other Member States, international / regional organizations or NGOs	<p>2018 AR: The Government cooperates with international and regional organizations. The Kiribati Police Service, through Transnational Crime Unit is a body that works cooperatively with regional bodies on transnational crimes, this including human trafficking and forced labour.</p>	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	<p>2018 AR: The Government identifies the following difficulties: a) <i>Lack of awareness:</i> Non-responsive audiences, time in developing materials; b) <i>Lack of information and data:</i> lack of centralized database in place; c) <i>Social and economic circumstances:</i> weak economy; d) <i>Political situation:</i> different administration priorities; e) <i>Shortcomings in the legislative framework:</i> shortage of technical people specialized in legislative review; f) <i>Challenges linked to the labour recruitment and placement process:</i> agencies lack of responsibility towards recruited labour; lack of communications; g) <i>Lack of social dialogue on the principle:</i> dialogue is generally covering all areas of the EIRC. There are no cases so far of forced labour; therefore discussions are based more on issues present such as minimum wage and employment disputes; h) <i>Lack of resources in employers' organizations:</i> there is lack of coordination in this group; and</p>	

		i) <i>Lack of resources in workers' organizations</i> : there is lack of coordination in this group too.
TECHNICAL COOPERATION NEEDS	Request	2018 AR: The Government requires ILO technical cooperation in the following areas: most important: a) Collection and analysis of data and information; b) Guidance on the development of the national policy and plan of action; c) Capacity building for the competent authorities; d) Promotion of fair recruitment and placement practices; and e) Capacity building for employers' and workers' organizations. Important: a) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; b) Awareness-raising and mobilization activities; c) Strengthening the legal framework; d) Vocational training, job-creation and income-generation programmes for at-risk populations; e) Basic social security guarantees; f) Guidance on supporting due diligence; and g) Exchange of experiences between countries or regions; international cooperation.
	Offer	