



人权理事会
第十五届会议
议程项目 6
普遍定期审议

普遍定期审议工作组报告*

基里巴斯

增编

受审议国对结论和/或建议提出的意见、作出的自愿承诺和答复

* 本文件在送交联合国翻译部门前未经编辑。

基里巴斯对结论和/或建议的答复

1. 基里巴斯欢迎在 2010 年 5 月 3 日对其进行的普遍定期审议过程中提出的建议。经过仔细审查，基里巴斯乐意作出以下答复。基里巴斯的¹理解是，对每项建议的答复都将列入人权理事会 2010 年 9 月第十五届会议通过的结果报告。

A. 人权与其他国际公约

2. 基里巴斯于 1995 年 12 月批准了《儿童权利公约》，但对第 24 条(b)、(c)、(d)、(e)和(f)项作出了保留。基里巴斯于 2004 年 4 月批准了《消除对妇女一切形式歧视公约》，第一份报告目前正在定稿，应在 2010 年底之前提交。

3. 由于能力和资源的限制，基里巴斯在批准或加入各项国际公约方面需采取一种谨慎的态度。对一个能力和资源受到严重制约国家而言，许多国际公约的报告义务尤其繁重。

4. 基里巴斯承认使国家立法与其作为缔约国的国际公约相一致的重要性，在面临各种制约的情况下，这方面的工作持续进行。

5. 需要国际社会的支持，以帮助基里巴斯履行其报告义务，在认为重要的许多方面的工作中取得进展。

6. 建议 66.1¹：基里巴斯接受这项建议。

7. 建议 66.2²：基里巴斯接受这项建议。

8. 建议 66.3³：基里巴斯准备考虑这项建议。

9. 建议 66.4⁴：基里巴斯不接受这项建议。鉴于现有国家能力和资源限制，这样做不可行。

10. 建议 66.5⁵：基里巴斯不接受这项建议。鉴于现有国家能力和资源限制，这样做不可行。

¹ Establish a committee to study human rights conventions in order to pave the way for acceding to such conventions (Libyan Arab Jamahiriya)

² Make a long-term plan for the ratification or accession, step by step, to all core international human rights instruments (Slovenia)

³ Consider the possibility of ratifying other core human rights instruments (Algeria)

⁴ Ratify all core human rights treaties as soon as possible (Hungary); ratify the other pending universal human rights treaties (Chile)

⁵ Sign and ratify the ICCPR and the ICESCR (Norway); accede to the core international human rights instruments namely the ICCPR and the ICESCR (Maldives); ratify other principal international human rights instruments, particularly the ICCPR and the ICESR (Slovakia)

11. 建议 66.6⁶：基里巴斯不接受这项建议。鉴于现有国家能力和资源限制，这样做不可行。

12. 建议 66.7⁷：基里巴斯不接受这项建议。鉴于现有国家能力和资源限制，这样做不可行。

13. 建议 66.8⁸：基里巴斯不接受这项建议。鉴于现有国家能力和资源限制，这样做不可行。

14. 建议 66.9⁹：基里巴斯不接受这项建议。鉴于现有国家能力和资源限制，这样做不可行。

B. 立法改革

15. 基里巴斯承认，《刑法》和其他法律的立法改革迟迟没有进行，直接或间接影响到儿童的权利和利益，以及普遍的人权。例如，迫切需要合格的人才和基础设施建设(少年拘留设施、学校、医疗服务设施等)，以充分执行《儿童权利公约》。如其他相关法律机构的情况一样，资源和能力限制是需要克服的重大障碍。但已从 2010 年 1 月开始进行儿童保护立法改革。

16. 建议 66.10¹⁰：基里巴斯接受这项建议。

17. 建议 66.11¹¹：基里巴斯接受这项建议。

18. 建议 66.12¹²：基里巴斯准备考虑这项建议。

⁶ Sign-up to those international human rights instruments to which it is not yet a party, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; and also become a party to the Rome Statute of the ICC (France)

⁷ Sign and ratify the CERD, the ICESCR and its Optional Protocol, the ICCPR and its first Optional Protocol to the ICCPR, the Optional Protocol to the CEDAW, the CAT as well as its Optional Protocol, the two Optional Protocols to the CRC, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Spain); sign and ratify its second Optional Protocol to the ICCPR (Spain)

⁸ Ratify the CERD, the ICCPR and its Optional Protocols, the ICESCR, the CAT and its Optional Protocol, the Optional Protocols to the CRC, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina)

⁹ Become a party to the ICCPR, the ICESCR, the ICERD, and the CAT, as well as the Rome Statute of the ICC (Canada)

¹⁰ Incorporate the treaties Kiribati ratified into domestic legislation (Turkey);

¹¹ Further review and harmonize all relevant laws in accordance with the ratified human rights instruments (Indonesia)

¹² Guarantee that its laws and policies are in conformity with the Convention on Elimination of All Forms of Discrimination against Women and take measures to combat practices which perpetuate discrimination against women and their marginalization, particularly with regard to their inheritance and citizenship, and adopt specific legislation properly penalizing domestic violence, and promoting participation of women in political life (France)

19. 建议 66.13¹³：基里巴斯不接受这项建议。
20. 建议 66.14¹⁴：基里巴斯接受这项建议。
21. 建议 66.15¹⁵：基里巴斯接受这项建议。
22. 建议 66.16¹⁶：基里巴斯接受这项建议。《宪法》保护所有公民的权利。
23. 建议 66.17¹⁷：基里巴斯接受这项建议。
24. 建议 66.18¹⁸：基里巴斯准备考虑这项建议。
25. 建议 66.19¹⁹：基里巴斯接受这项建议。关于儿童保护立法改革的工作已经开始，并正在取得进展。
26. 建议 66.20²⁰：基里巴斯准备考虑这项建议。
27. 建议 66.21²¹：基里巴斯准备考虑这项建议。禁止学校进行体罚。
28. 建议 66.22²²：基里巴斯准备考虑这项建议。
29. 建议 66.23²³：基里巴斯准备考虑这项建议。基里巴斯是一个宽容的社会，从未对同性犯罪提出过起诉。

¹³ Withdraw its reservations to the CRC and fully incorporate the instrument into its national legislation, as well as consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Slovakia)

¹⁴ Take necessary measures to bring its national legislations in conformity with its international obligations under CEDAW and CRC (Algeria)

¹⁵ Continue its efforts to promote and protect the rights of women and children in accordance with the obligations of the CEDAW and the CRC (Philippines)

¹⁶ Ensure that human rights are afforded full legal protection (Australia)

¹⁷ Enact appropriate legislation that addresses violence against women after consultation with relevant stakeholders (the Netherlands)

¹⁸ Expand its definition of the concept of rape that clearly prohibits sexual harassment and also defines domestic violence in its criminal law (Argentina);

¹⁹ Proceed with Child Protection Legislative Reform (Australia)

²⁰ Review and transform the 1977 Penal Code with regard to violence against children, sexual abuse and exploitation, abduction, sales and trafficking (Germany)

²¹ Adopt effective measures to bring its national legislation, including customary law, into line with the provisions and principles of the CRC, particularly in the area of child protection and the prevention of corporal punishment, child abuse and child pornography (Argentina)

²² Review its legislation to ensure that restrictions on the freedom of expression do not go beyond those permitted by the ICCPR, even though Kiribati has not yet ratified it (the Netherlands)

²³ Decriminalize homosexuality by abrogating the legal provision which currently penalizes sexual relations with persons of the same sex and sign up to the joint statement made in the General Assembly in December 2008 on human rights, sexual orientation and gender identity (France)

C. 人权机构

30. 基里巴斯没有专门从事人权工作的机构。但却有一个十分活跃的民间社会和基于宗教的组织网络，它们也侧重于人权教育和宣传。总检察长办公室和人民律师办公室备有现成的关于人权各个方面的资料，供大众使用。主要由于资源限制，基里巴斯支持设立太平洋区域人权办事处的倡议。

31. 建议 66.24²⁴：基里巴斯不接受这项建议。目前，一个区域人权机构被认为更为适合。

32. 建议 66.25²⁵：基里巴斯不接受这项建议。目前，一个区域人权机构被认为更为适合。外部资金或技术援助也许可以酌情针对人权宣传方案。

33. 建议 66.26²⁶：基里巴斯不接受这项建议。目前，一个区域人权机构被认为更为适合。

34. 建议 66.27²⁷：基里巴斯准备考虑这项建议。

35. 建议 66.28²⁸：基里巴斯准备考虑这项建议。

36. 建议 66.29²⁹：基里巴斯不接受这项建议。目前，一个区域人权机构被认为更为适合。

D. 权利意识

37. 基里巴斯积极促进与民间社会的伙伴关系，促进所有基里巴斯人尊重和享有所有各项人权和基本自由。

38. 建议 66.30³⁰：基里巴斯接受这项建议。

39. 建议 66.31³¹：基里巴斯接受这项建议。

²⁴ Establish a national human rights institution, accredited by the International Coordinating Committee of National Human Rights Institutions (Germany); establish a national human rights institution in accordance with the Paris Principles (Canada)

²⁵ Make greater efforts to establish a national institution for human rights and cooperate with the Office of the High Commissioner for Human Rights and other relevant UN organs, and call on the international community to extend necessary financial support in order to achieve this objective (Libyan Arab Jamahiriya)

²⁶ Promptly establish a National Human Rights Institution that operates in accordance with the Paris Principles, seeking international assistance as necessary (United Kingdom)

²⁷ Consider, with the support of the international community, the establishment of a national human rights institution (Philippines)

²⁸ Seek from the international community and UN specialized agencies the requisite technical assistance to establish a national human rights institution as well as to overcome the challenges and constraints listed in the national report (Algeria)

²⁹ Establish a national institution for human rights in accordance with the Paris Principles, for which seek international technical cooperation if necessary (Mexico)

³⁰ Institute mechanisms to effectively secure the human rights of all its citizens, including awareness-raising activities (Japan)

³¹ Raise awareness of human rights value and their respect through the media and through educational means, as well as violence against women (Libyan Arab Jamahiriya)

E. 2008-2011 年国家发展计划

40. 建议 66.32³²：基里巴斯接受这项建议。

41. 建议 66.33³³：基里巴斯接受这项建议。政府确实为残疾学校提供支助，尽管有限。

F. 童工政策

42. 建议 66.34³⁴：基里巴斯准备考虑这项建议。

G. 人权特别程序

43. 建议 66.35³⁵：基里巴斯准备考虑这项建议。

44. 建议 66.36³⁶：基里巴斯准备考虑这项建议。

45. 建议 66.37³⁷：基里巴斯准备考虑这项建议。

H. 性别与不平等

46. 《基里巴斯宪法》承认，在基里巴斯，人人有权享有个人的基本权利和自由，不受以种族、出生地、政治见解、肤色、信仰或性别为由的歧视，但须尊重他人的权利、公共利益，并受保障这一权利的条款中所载对有关保护的限制。受保护的权利中包括生命和自由权、良心、言论、结社、迁徙自由和受法律保护的权利。在免于歧视自由的规定中，明显缺失的是保护免受基于性和性别的歧视，这是一个大问题，并得到国家的承认。已作出努力，修订《宪法》中的这些条款，但尚未成功。

47. 建议 66.38³⁸：基里巴斯准备考虑这项建议。

³² Accelerate, as appropriate, the pursuit of the worthy objectives set out in the National Development Plan 2008 – 2011 (Algeria)

³³ Extend Government funding to schools for persons with disabilities (Canada)

³⁴ Establish a comprehensive child labour policy (Germany)

³⁵ Urgently strengthen its commitment to the international human rights system in order to receive specialized help through extending a standing invitation to all Special Procedures (Spain)

³⁶ Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia)

³⁷ Issue a standing invitation to the Special Procedures (Canada); extend a standing invitation to the Special Procedures mandate holders (Chile)

³⁸ Intensify its efforts to include gender as a discrimination ground in the Constitution (Norway)

48. 建议 66.39³⁹：基里巴斯准备考虑这项建议。
49. 建议 66.40⁴⁰：基里巴斯准备考虑这项建议。
50. 建议 66.41⁴¹：基里巴斯准备考虑这项建议。
51. 建议 66.42⁴²：基里巴斯准备考虑这项建议。
52. 建议 66.43⁴³：基里巴斯准备考虑这项建议。有一些敏感的习惯做法要谈判。
53. 建议 66.44⁴⁴：基里巴斯准备考虑这项建议。有一些敏感的习惯做法要谈判。
54. 建议 66.45⁴⁵：基里巴斯准备考虑这项建议。
55. 建议 66.46⁴⁶：基里巴斯接受这项建议。已经通过将《消除对妇女一切形式歧视公约》纳入国内法着手开展这项工作。
56. 建议 66.47⁴⁷：基里巴斯接受这项建议。
57. 建议 66.48⁴⁸：基里巴斯接受这项建议。
58. 建议 66.49⁴⁹：基里巴斯接受这项建议。

³⁹ Amend the Constitution to include sex and gender as prohibited grounds of discrimination (Slovenia); amend its Constitution to include sex and gender as prohibited grounds of Discrimination (New Zealand)

⁴⁰ Amend its Constitution and domestic legislation to prohibit discrimination on the basis of gender to bring it into line with its CEDAW obligations (United Kingdom)

⁴¹ Amend its Constitution so as to expand the prohibited grounds of discrimination to include not only gender, but sexual orientation, disability, health status and economic status (the Netherlands)

⁴² Fully implement, once adopted, a draft amendment to the Constitution that would protect against discrimination on the basis of sex and gender, and which would seek to protect women's and children's rights regarding family law, sexual offences, domestic violence, property, right to work, and inheritance law (United States)

⁴³ Abolish all provisions of laws and regulations that do not provide equality of rights to women (Hungary)

⁴⁴ Amend laws and change policies and practices which either expressly discriminate against or perpetuate the discrimination and marginalisation of women (New Zealand)

⁴⁵ Amend its laws, including the Bill of Rights, to protect against discrimination on the basis of sex and to prohibit violence against women, including domestic violence (Canada)

⁴⁶ Adopt policies and measures to guarantee the rights of women in the social, economic and cultural fields without any form of discrimination (Chile)

⁴⁷ Approve laws and implement programmes that ensure the elimination of gender inequality, in particular access to dignified working conditions, credit, land ownership and basic social services (Mexico)

⁴⁸ Adopt additional legislative measures on gender equality to ensure equal participation for women in all decision making positions in all areas of public administration (Spain)

⁴⁹ Promote and support the participation of women in decision-making at all levels (New Zealand)

59. 建议 66.50⁵⁰：基里巴斯准备考虑这项建议。
60. 建议 66.51⁵¹：基里巴斯接受这项建议。基里巴斯的习惯、传统和法律不歧视残疾儿童，就此而言，不歧视任何儿童。
61. 建议 66.52⁵²：基里巴斯准备考虑这项建议。有一些特别敏感的领域，如基于文化的继承法。
62. 建议 66.53⁵³：基里巴斯准备考虑这项建议。有关挑战是影响开办该国大多数中学的各教会，采用一种与其信念和当地文化不同的做法。
63. 建议 66.54⁵⁴：基里巴斯准备考虑这项建议。
64. 建议 66.55⁵⁵：基里巴斯接受这项建议。
65. 建议 66.56⁵⁶：基里巴斯接受这项建议。
66. 建议 66.57⁵⁷：基里巴斯接受这项建议。基里巴斯警察局设立了一个新的单位，处理家庭暴力案件股。该股的官员接受过这一领域的专门培训。
67. 建议 66.58⁵⁸：基里巴斯接受这项建议。现有一个妇女网络(‘安全网’)，这是一个照顾家庭暴力受害者的设施。
68. 建议 66.59⁵⁹：基里巴斯接受这项建议。
69. 建议 66.60⁶⁰：基里巴斯接受这项建议。在这方面，对基里巴斯警官的培训已经开始并继续进行。

⁵⁰ Adopt effective measures to overcome the inequality affecting women in accordance with the provisions of the CEDAW and recommendations of UNDP/UNIFEM (Argentina)

⁵¹ Take all necessary measures to address all forms of discrimination, including social discrimination and discrimination against children with disabilities in remote areas (Germany)

⁵² Review and amend all relevant legislation, including family law, inheritance law and domestic nationality and citizenship law, and the application thereof, in order to ensure equality between the sexes and compliance with the CEDAW (Norway)

⁵³ Ensure that all girls and women are accepted as students independent of their status as engaged, married or pregnant (Norway)

⁵⁴ Eliminate all forms of de facto discrimination against children coming from economically disadvantaged families (Turkey)

⁵⁵ Take urgent steps to prevent and punish violence against women in all its manifestations (Hungary)

⁵⁶ Take further measures towards eliminating violence and discrimination against women, including by criminalizing sexual harassment (Sweden)

⁵⁷ Undertake further work to ensure that the law is adequate to prosecute for domestic violence and that these laws are properly enforced through, for example, increased police capacity building and the appointment of female officers (New Zealand)

⁵⁸ Make available better support networks to protect women victims (New Zealand)

⁵⁹ Proceed with National Plans of Action on disabilities and on eliminating violence against women (Australia)

⁶⁰ Train the police in regard to domestic and sexual violence against women (Germany)

I. 《儿童权利公约》

70. 建议 66.61⁶¹：基里巴斯接受这项建议。《儿童权利公约》已经纳入国内法。
71. 建议 66.62⁶²：基里巴斯接受这项建议。
72. 建议 66.63⁶³：基里巴斯准备考虑这项建议。
73. 建议 66.64⁶⁴：基里巴斯接受这项建议。
74. 建议 66.65⁶⁵：基里巴斯准备考虑这项建议。
75. 建议 66.66⁶⁶：基里巴斯准备考虑这项建议。有关挑战是禁止家中体罚。
76. 建议 66.67⁶⁷：基里巴斯准备考虑这项建议。
77. 建议 66.68⁶⁸：基里巴斯接受这项建议。
78. 建议 66.69⁶⁹：基里巴斯接受这项建议。
79. 建议 66.70⁷⁰：基里巴斯准备考虑这项建议。尽管妇女和男子可能在同一监狱，但在监狱中，妇女和男子的牢房和设施是分开的。
80. 建议 66.71⁷¹：基里巴斯接受这项建议。

⁶¹ Implement outstanding legislative reform to prevent violence against children and child abuse in accordance with its obligations under the Convention on the Rights of the Child (United Kingdom)

⁶² Take further action to ensure that children who have been subjected to sexual exploitation are treated as victims and that the perpetrators are brought to justice (Sweden)

⁶³ Adopt and implement Penal Code reforms and other measures in compliance with international human rights standards to combat violence against children in all its forms, and provide adequate reintegration and rehabilitation for the victims (Slovakia)

⁶⁴ Take further action to ensure children their human rights under the Convention on the Rights of the Child, including by establishing an effective mechanism to receive, monitor and investigate reports of child abuse and neglect (Sweden)

⁶⁵ Take all necessary measures to prevent and combat violence and maltreatment against children by setting up an effective mechanism to collect, process, and investigate complaints by promoting awareness, heightening campaign, and providing adequate protection of victims; and review and modify the articles of the 1977 Criminal Code concerning violence against children and sexual exploitation, and sale and trafficking of children (France)

⁶⁶ Prohibit corporal punishment of children at home, school, penal institutions, alternative care settings, and as traditional forms of sentencing (Slovenia)

⁶⁷ Explicitly prohibit, in all fields, corporal punishment for children and adolescents particularly in view of section 226 of the Penal Code, which permits “reasonable punishments” in penal institutions and by decree of Island Councils (Chile)

⁶⁸ Enhance the enjoyment of the right to education particularly for girls, as well as address the issue of sexual abuse and exploitation of children (Algeria)

⁶⁹ Ensure the full implementation of juvenile justice standards (Germany)

⁷⁰ Cease immediately the practice of not segregating women, children and men in prison facilities (New Zealand)

⁷¹ Adopt policies and measures to combat child labour and commercial exploitation of children in accordance with the recommendations made by the Committee on the Rights of the Child (Chile)

J. 保健

81. 建议 66.72⁷²：基里巴斯接受这项建议。
82. 建议 66.73⁷³：基里巴斯接受这项建议。
83. 建议 66.74⁷⁴：基里巴斯接受这项建议。

K. 教育

84. 建议 66.75⁷⁵：基里巴斯接受这项建议。
85. 建议 66.76⁷⁶：基里巴斯接受这项建议。
86. 建议 66.77⁷⁷：基里巴斯接受这项建议。
87. 建议 66.78⁷⁸：基里巴斯接受这项建议。
88. 建议 66.79⁷⁹：基里巴斯接受这项建议。

⁷² Continue implementing programmes aimed at ensuring that all its people have free quality health and education services (Cuba)

⁷³ Strengthen efforts to combat the spread of HIV/AIDS (Germany)

⁷⁴ Provide training to medical doctors and cooperate with international organizations, especially World Health Organisation and members of the international community, in obtaining vaccinations to combat HIV/AIDS and to prevent its spread (Libyan Arab Jamahiriya)

⁷⁵ Further strengthen its educational system to guarantee unrestricted access to education to every member of the population (Slovakia)

⁷⁶ Increase the budgetary allocations to ensure equal access to free and quality primary education in all regions and improve the physical infrastructure of the schools, including teaching materials (Slovenia)

⁷⁷ Earmark a larger budget for the educational sector and revise existing educational legislation in order to ensure access to primary education for children of all regions (Mexico)

⁷⁸ Upgrade the efficiency and skills of teachers (Libyan Arab Jamahiriya)

⁷⁹ Consider developing human rights education and training programmes in the context of upgrading its national education system (Philippines)

L. 环境

89. 建议 66.80⁸⁰：基里巴斯接受这项建议。
90. 建议 66.81⁸¹：基里巴斯接受这项建议。
91. 建议 66.82⁸²：基里巴斯接受这项建议。
92. 建议 66.83⁸³：基里巴斯接受这项建议。
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⁸⁰ Redouble efforts and pursue activities aimed at the respect for environmental legislation (Morocco)

⁸¹ Study the possibility of developing a national environmental charter or similar instrument to define the role and responsibilities as well as coordination of action by all relevant parties, including civil society (Morocco)

⁸² Actively pursue international cooperation to adapt to the adverse effects of climate change (Philippines)

⁸³ Involve civil society, including human rights NGOs, in follow-up to this review, especially in addressing gender discrimination and domestic violence (United Kingdom)