

Gender Discrimination and the Denial of Nationality Rights in Kiribati

UPR Info Pre-sessions 35th session Statement by the
Global Campaign for Equal Nationality Rights on behalf of
co-submitting partner Institute on Statelessness and Inclusion



1st Cycle UPR & Progress on Nationality Rights

- Several States encouraged Kiribati to take steps to address discrimination against women and to fully implement the Convention on the Elimination of All Forms of Discrimination against Women, with the government accepting recommendations related to CEDAW implementation.
- Kiribati noted that it would consider recommendations by Norway and France that discriminatory legislation be amended, including the citizenship law, to uphold gender equality.
- Kiribati accepted Algeria's recommendations:
“Take the measures necessary to bring its national legislations into conformity with its international obligations under the CEDAW and the CRC (Algeria)” - Accepted

2nd Cycle UPR & Progress on Nationality Rights

- Under the Second UPR Cycle, Kiribati accepted a recommendation by Argentina to advance gender equality, including women's ability to confer nationality on children born abroad:

“Strengthen the measures aimed at guaranteeing gender equality, in particular with regard to the transfer of Kiribati nationality to the children of Kiribati women born abroad, in compliance with article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women (Argentina)”- Accepted

- Kiribati received four other recommendations pertaining to gender equality, accepting one.

“Establish an inter-institutional coordination mechanism to promote gender equality and the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (Mexico)” - Accepted

Gender Discrimination in the Nationality Law

- According to the Constitution of Kiribati, a child born in Kiribati to a I-Kiribati woman or man is a Kiribati citizen.
- **According to section 25 of the Constitution, only children born abroad to an I-Kiribati man can become a citizen.**
- The Citizenship Act 1979 also discriminates against women by requiring the father or husband to be the applicant for the naturalization of his child or wife
- I-Kiribati women are also denied the right to confer their nationality on non-national spouses, a right that is reserved for men in Article 26 of the Constitution
- The **human rights instruments to which Kiribati has acceded** –CEDAW, CRC– provide for the right to a nationality and **equal nationality rights between women and men.**

Impact of Gender Discrimination in the Nationality Law:

- Results in violations of every child's right to acquire and retain a nationality
- Denies women equality under the law
- Exacerbates a sexist and discriminatory framework for women's role in the family and society
- Negatively impacts women's ability to freely choose a spouse, to form a family, to choose a place of residence, and to ensure family unity
- Can be linked with Gender-based Violence
- Perpetuates statelessness

Kiribati State Report to CEDAW

- Though Kiribati has yet to complete its first CEDAW review, the government acknowledged the discriminatory nature of its Constitution and Citizenship Act vis a vis nationality rights in its most recent report to the CEDAW Committee:

*“Several attempts have been made to change the **discriminatory provisions in the Constitution**. The most recent national constitutional review, a proposal by AMAK to have this provision changed and give foreign males marrying Kiribati women a right to citizenship was not accepted by most who attended the review.”*

Recommendation:

Reform gender-discriminatory provisions in the Constitution and Citizenship Act 1979 to enshrine citizen's equal ability to confer nationality on children and spouses without discrimination on the basis of sex.

Thank you.

