

Global Campaign for Equal Nationality Rights and Institute on Statelessness and Inclusion

Joint Oral Statement to the Human Rights Council at the 35th Session of the Universal Periodic Review

Kiribati

I make this statement on behalf of the Global Campaign for Equal Nationality Rights and its coalition member Institute on Statelessness and Inclusion. My comments will focus on gender discrimination in the nationality law of Kiribati.

The Global Campaign for Equal Nationality Rights¹ mobilizes action to end gender discrimination in nationality laws through its coalition of national and international organizations. The Institute on Statelessness and Inclusion² is an independent non-profit organization dedicated to promoting an integrated, human rights-based response to the injustice of statelessness and exclusion.

Kiribati was first subjected to the Universal Periodic Review in 2010, during the First Cycle, and subsequently in 2015, during the Second Cycle of the UPR. During the first review, Norway and France recommended that discriminatory legislation be amended, including the citizenship law, to uphold gender equality. Kiribati agreed to consider these recommendations. Kiribati accepted Algeria's recommendation to "bring its national legislations into conformity with its international obligations under the CEDAW and the CRC."

During the 2015 Second Cycle UPR, Kiribati accepted a recommendation by Argentina to strengthen measures to achieve gender equality, including women's ability to confer nationality on children born abroad. Kiribati received four other recommendations pertaining to gender equality, accepting one and noting its consideration of the others.

Kiribati is a State Party to several international treaties that enshrine gender-equal nationality rights, including the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of the Child. Kiribati is also a party to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

According to the Constitution of Kiribati, a child born in Kiribati to a I-Kiribati woman or man is a Kiribati citizen. However, 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

¹ For more information about the Global Campaign, see www.equalnationalityrights.org.

² For more information, see www.institutesi.org. For more information on the Institute's UPR advocacy, see <http://institutesi.org/projects/human-rights-advocacy>.

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 the Constitution. This situation amounts to discrimination on the basis of the citizen's gender.

By denying women equal rights with men to confer nationality on children and spouses, the Constitution and Citizenship Act violate women's nationality rights and international human rights standards, including Article 9 of the 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 submitted in March 2019. The government further stated that a recent attempt to change these discriminatory provisions was not accepted by stakeholders who participated in the national constitutional review.

Gender discrimination in the nationality law of Kiribati also results in violations of every child's right to acquire and retain a nationality, and therefore does not comply with the CRC. In addition, I-Kiribati women's inability to confer nationality on a non-national spouse threatens a child's right to know and be cared for by his or her parents.

Gender discrimination in nationality laws can result in significant violations of the rights of women,³ men, and children, including: statelessness; lack of access to public education, healthcare and other services; threatened family unity; increased risk of gender-based violence (GBV); unemployment and poverty; social alienation; and psychological damage. Gender discrimination in nationality laws also contributes to women's unequal status on society and within the family.⁴

By undermining women's status as equal citizens and their equality within the family, gender discrimination in the nationality law of Kiribati also contributes to a primary root cause of GBV. Given the alarming rates of GBV in the country and the government's commitment to combating GBV, reforms to uphold equal nationality rights for women and men should be prioritized as part of efforts to comprehensively address GBV.

Based on this information, we urge member states to recommend that Kiribati:

- 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.

³ See Global Campaign for Equal Nationality Rights-UNHCR "CEDAW Quick Reference Guide," available at: <http://equalnationalityrights.org/reports/document/1229-cedaw-nationality-laws-guide>

⁴ Ibid.