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# **KIRIBATI**

## **THE CONSTITUTION OF KIRIBATI**

### **ARRANGEMENT OF SECTIONS**

#### **CHAPTER I THE REPUBLIC AND THE CONSTITUTION**

##### Section

1. Declaration of Republic
2. Constitution is supreme law

#### **CHAPTER II PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL**

3. Fundamental rights and freedoms of the individual
4. Protection of right to life
5. Protection of right to personal liberty
6. Protection from slavery and forced labour
7. Protection from inhuman treatment
8. Protection from deprivation of property
9. Protection for privacy of home and other property
10. Provisions to secure protection of law
11. Protection of freedom of conscience
12. Protection of freedom of expression
13. Protection of freedom of assembly and association
14. Protection of freedom of movement
15. Protection from discrimination on the grounds of race,  
etc.
16. Provisions for periods of public emergency
17. Enforcement of protective provisions
18. Interpretation and savings

.....

**Protection of freedom of conscience**

11. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it wholly maintains.

(3) No religious community shall be prevented from providing religious instruction for persons of that community in the course of any education provided at any place of education which it wholly maintains or in the course of any education which it otherwise provides.

(4) Except with his own consent (or, if he is a person who has not attained the age of eighteen years, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(5) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(6) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required-

(a) in the interests of defence, public safety, public order, public morality or public health; or

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe

and practise any religion  
without the unsolicited  
intervention of members of  
any other religion,

and except so far as that provision or, as the case may be,  
the thing done under the authority thereof is shown not to  
be reasonably justifiable in a democratic society.

(7) References in this section to a religion shall be  
construed as including references to a religious  
denomination and cognate expressions shall be construed  
accordingly.

### **Protection of freedom of expression**

12. (1) Except with his own consent, no person shall be  
hindered in the enjoyment of his freedom of expression,  
and for the purposes of this section the said freedom  
includes the freedom to hold opinions without interference,  
freedom to receive ideas and information without  
interference, freedom to communicate ideas and  
information without interference and freedom from  
interference with his correspondence.

(2) Nothing contained in or done under the authority of any  
law shall be held to be inconsistent with or in contravention  
of this section to the extent that the law in question makes  
provision-

(a) in the interests of defence,  
public safety, public order,  
public morality or public  
health;

(b) for the purpose of  
protecting the reputations,  
rights and freedoms of other  
persons or the private lives of  
persons concerned in legal  
proceedings, preventing the  
disclosure of information  
received in confidence,  
maintaining the authority and

independence of the courts,  
or regulating the  
administration or the  
technical operation of  
telephony, telegraphy, posts,  
wireless or broadcasting; or

(c) that imposes restrictions  
upon public employees,

and except so far as that provision or, as the case may be,  
the thing done under the authority thereof is shown not to  
be reasonably justifiable in a democratic society.

### **Protection of freedom of assembly and association**

13. (1) Except with his own consent, no person shall be  
interfered (*sic*) in the enjoyment of his freedom of assembly  
and association, that is to say, his right to assemble freely  
and associate with other persons and in particular to form  
or belong to associations for the advancement or protection  
of his interests.

(2) Nothing contained in or done under the authority of any  
law shall be held to be inconsistent with or in contravention  
of this section to the extent that the law in question makes  
provision-

(a) in the interests of defence,  
public safety, public order,  
public morality or public  
health;

(b) for the purpose of  
protecting the rights or  
freedoms of other persons; or

(c) that imposes restrictions  
upon public employees,

and except so far as that provision or, as the case may be,  
the thing done under the authority thereof is shown not to  
be reasonably justifiable in a democratic society.

## **Protection of freedom of movement**

14. (1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Kiribati, the right to reside in any part of Kiribati, the right to enter and to leave Kiribati and immunity from expulsion from Kiribati.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision-

(a) for the imposition of restrictions on the movement or residence within Kiribati of any person or on any person's right to leave Kiribati that are reasonably required in the interests of defence, public safety or public order;

(b) for the imposition of restrictions on the movement or residence within Kiribati or on the right to leave Kiribati of persons generally or any class of persons that are reasonably required in the interests of defence, public safety, public order, public morality, public health, environmental conservation or in fulfilment of the international treaty obligations of Kiribati;

(c) for the imposition of restrictions on the movement or residence within Kiribati of any person who is not a citizen of Kiribati or the exclusion or expulsion from Kiribati of any such person;

(d) for the imposition of restrictions on the acquisition or use by any person of land or other property in Kiribati;

(e) for the imposition of restrictions upon the movement or residence within Kiribati of public employees that are reasonably required for the purpose of ensuring the proper performance of their functions;

(d) for the removal of a person from Kiribati to be tried or punished in some other country for a criminal offence under the law of that other country or to undergo imprisonment in that other country in execution of the sentence of a court in respect of a criminal offence under the law in force in Kiribati of which he has been convicted;

(g) for the imposition of restrictions, by order of a court, on the movement or residence within Kiribati of any person or on any person's right to leave Kiribati either in consequence of his having been found guilty of a criminal offence under the

law of Kiribati or for the purpose of ensuring that he appears before a court at a later date for trial or for proceedings relating to his extradition or lawful removal from Kiribati; or

(h) for the imposition of restrictions on the right of any person to leave Kiribati in order to secure the fulfilment of any obligations imposed upon that person by law, except so far as the provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(4) If any person whose freedom of movement has been restricted by virtue only of such a provision as is referred to in subsection (3) (a) of this section so requests at any time during the period of that restriction not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial Tribunal.

(5) On any review by a Tribunal in pursuance of the preceding subsection of the case of a person whose freedom of movement has been restricted, the Tribunal may make recommendations concerning the necessity or expediency of continuing the restriction to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.