



# General Assembly

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## Human Rights Council

Working Group on the Universal Periodic Review

Tenth session

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### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

#### Nauru\*

The present report is a summary of nine stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Joint Submission 1 (JS1) noted the ratification by Nauru of the Convention on the Rights of the Child (CRC) in 1994. However, it also noted that Nauru had yet to ratify the OP-CRC on the sale of children, child prostitution and child pornography. JS1 further expressed concern that there had been no progress in the submission of the initial report to the Committee on the Rights of the Child.<sup>2</sup>

2. OceaniaHR recommended that, building on its initial ratification of the CRC, Nauru immediately ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, The Convention on the Elimination of All Forms of Discrimination against Women, and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. OceaniaHR further recommended that Nauru partner with NGOs and academic institutions in the region to develop a process to encourage national participation and to implement the articles of various human rights treaties.<sup>3</sup>

3. Nauru Disabled People's Association (NDPA) recommended that Nauru ratify the Convention on the Rights of Persons with Disabilities in order to guide the Government to address the human rights issues of people of Nauru.<sup>4</sup>

### **B. Constitutional and legislative framework**

4. Nauru Young Women's National Council (NYWNC) noted that there was no specific law on violence against women and recommended that the Government review its laws to protect and promote women's rights.<sup>5</sup>

5. NYWNC recommended stronger laws against perpetrators of child abuse and increase in the penalties and sentencing in courts. Further, NYWNC recommended that Nauru enforce stronger laws on adults engaging in sexual activities with minors.<sup>6</sup>

6. Aiwo District Committee (ADC) recommended introduction of an environmental protection bill.<sup>7</sup>

### **C. Institutional and human rights infrastructure**

7. OceaniaHR recommended that Nauru work in partnership with other Pacific Island States to create a regional human rights mechanism that allows for dialogue.<sup>8</sup> Evergreen Concern Group (ECG) also urged the Government of Nauru to support the establishment of a Pacific Regional Human Rights Commission to address human rights issues in Nauru and the region and to consider lobbying and entering into partnership with other Pacific Island States to support the establishment of the Commission.<sup>9</sup>

### **D. Policy measures**

8. NYWNC noted the absence of a Government policy on gender.<sup>10</sup>

## II. Promotion and protection of human rights on the ground

### Implementation of international human rights obligations

#### 1. Equality and non-discrimination

9. NDPA called for equal rights of opportunities within the workforce for people with disabilities and the possibility to earn a living without discrimination or prejudice.<sup>11</sup>

#### 2. Right to life, liberty and security of the person

10. JS1 expressed concern about child victims of domestic violence and sexual abuse of children.<sup>12</sup> Joint Submission 3 (JS3) also stated that physical abuse of children was an everyday normality in communities.<sup>13</sup>

#### 3. Administration of justice, including impunity and the rule of law

11. JS1 expressed concern that rape charges were dropped by the authorities before they could be taken to court signalling that such acts against women are condoned.<sup>14</sup>

#### 4. Right to privacy, marriage and family life

12. JS1 expressed concern on the situation of children orphaned by the early loss of both parents.<sup>15</sup>

13. Joint Submission 2 (JS2) recommended that Nauru bring its legislation into conformity with the commitment to equality and non-discrimination by repealing all provisions which may be applied to criminalize sexual activity between consenting adults of the same sex.<sup>16</sup>

14. JS1 noted an increase in fees on certain government information, including birth, death and marriage certificates and matters on landownership. JS1 further noted that knowledge and access to such information provided people, especially the vulnerable, with an opportunity for a standard of living adequate for health and well-being of themselves and families.<sup>17</sup>

#### 5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life

15. JS1 stated that in the past, the Government had proven uncooperative in granting citizens access to information. According to JS1, the State runs one radio station and a television station and community participation is encouraged in radio programmes but content scope is limited by government media. Further, no private broadcasting exists. JS1 also stated that internet was restricted to two public access points.<sup>18</sup>

16. JS1 recommended independence of media that promotes community debate and discussion.<sup>19</sup>

17. ADC noted that peaceful marches and assembly of community members in protest against environmental pollution resulted in a bill passed by Parliament that provides for fines on any persons disrupting work of any government-owned entities or imprisonment.<sup>20</sup>

18. JS1 noted that on 11 June 2010, a state of emergency was declared, as a result of which the Parliament was dissolved. The general elections date was set eight days later on 19 June 2010. In this connection, JS1 expressed concern that eight days leading up to the general elections were insufficient for voters to adequately consult with prospective candidates and make informed decisions on choice of members of the Parliament.<sup>21</sup> JS1 was

also concerned about the transfer of voters from one constituency leading up to the general elections triggered by the declaration of the state of emergency.<sup>22</sup>

**6. Right to work and to just and favourable conditions of work**

19. NYWNC noted that women had been sexually harassed at work and recommended that the Government create a policy on sexual harassment and abuse. NYWNC further recommended that Nauru provide gender-sensitive training for women and men to promote non-discriminatory working relationship and respect for diversity in work and management styles.<sup>23</sup>

20. JS1 expressed concern at the absence of protection of employees working for foreign companies, which denies them just and favourable conditions of work, including periodic holidays with pay.<sup>24</sup>

21. JS3 stated that there was an unfair treatment between local staff and expatriates. The salary for local staff as compared to expatriates was imbalanced.<sup>25</sup>

22. JS3 recommended that the Government should have an unemployment scheme to help relief families without income.<sup>26</sup>

**7. Right to social security and to an adequate standard of living**

23. JS1 claimed that the Provident and Superannuation Fund established for the purpose of providing pensions for retired Government employees had been suspended for over ten years as a result of mismanagement of national resources. Consequently, retirees do not receive pension that would have been provided through this Fund.<sup>27</sup> In this regard, JS1 expressed concern that there had been no action taken progressively to realize the right to social security.<sup>28</sup>

24. JS1 further noted the discontinuation of child allowance, which, according to JS1, impacts on the livelihood of children in that it prevents children from accessing opportunities to some standard of living adequate for their mental, spiritual, moral and social development.<sup>29</sup>

25. NDPA noted that the Government was paying disability pension allowance and indicated the need to clarify the Government selection criteria for receiving such benefit. Further, NDPA noted that the amount of the disability pension was considered to be inadequate.<sup>30</sup>

26. JS1 expressed concern that people with mental health conditions were denied a standard of health and well being, and that children with mental health conditions were further denied protection or treatment of their mental conditions.<sup>31</sup>

27. ADC noted that the Aiwo District had the highest rate of lung, respiratory, asthma and tuberculosis, trachoma and other eye disease, skin disease and a history of cancer victims.<sup>32</sup>

28. JS1 further expressed concern that the prolonged delay in the rehabilitation of mined-out phosphate land to a useable state impacted on the living conditions of people and standard of living, given the growing population and diminishing land available for housing, gardening and agriculture, increase in diseases, and degrading coastal environment.<sup>33</sup>

29. JS4 further noted that approximately one-third of the groundwater used by the majority of the population contains total dissolved solids in amounts exceeding the World Health Organization's recommended limit. According to JS4, this ground water is vulnerable to salt contamination during storm surges and droughts.<sup>34</sup>

30. According to ADC, rain water collected from rooftops was neither safe nor clean not only because most homes still have fibro roofing (asbestos), but also because muddy water flows into the tanks.<sup>35</sup> Similarly, ECG urged the Government to conduct a study to find the impact of asbestos roofing in the Evergreen community (the Districts of Meneng and Yaren), and to seek funding to address the problem of asbestos roofing in Nauru.<sup>36</sup>

31. ECG urged the Government of Nauru to build water tanks for each house and to use funds made available to the Government for such work.<sup>37</sup>

32. NDPA noted that most public buildings and work places in Nauru did not adequately care for people with disabilities by way of ramps and lifts except for a few places. NDPA further noted that acquiring suitable buses/vans specifically for the disabled community and members remained a challenge.<sup>38</sup>

#### **8. Right to education and to participate in the cultural life of the community**

33. JS1 expressed concern at the high rate of school truancy of children which is reflected in the high illiteracy rate.<sup>39</sup> JS3 also noted that older siblings were forced to care for younger siblings and other house chores. Hence, some children were denied education because they have to care for younger siblings and help their mothers.<sup>40</sup>

### **III. Achievements, best practices, challenges and constraints**

34. JS1 commended on the formulation (2005) and recent review (2009) of the National Sustainable Development Strategy, 2005–2025, which sets out Nauru’s major development priorities and plans. JS1 also noted the growing of civil society consciousness in national development issues and the sprouting of new civil society organizations in response to specific social issues. JS1 further commended that the Government had created a safe house for women and children, victims of domestic violence, and that the Nauru Police Force had instituted a Domestic Violence Unit. JS1 also noted that education and health services for Nauruan children had vastly improved with donor assistance, including the refurbishment of infant and primary schools, rebuilding of Nauru Secondary School, and an extensive immunization programme for young children.<sup>41</sup> Similarly, JS4 commended the Government of Nauru for the National Sustainable Development Strategy aimed at supplying 50 per cent of the country’s energy needs with renewable energy by 2015.<sup>42</sup>

35. JS4 noted that increasing changes in the physical environment would result in the direct threat to many of the human rights guaranteed by Nauru under international law, including: the right to life, the right to security of person, the right to water; the right to be free from hunger, the right to means of subsistence, the right to sanitation; the right to health; the right to property; the right to housing; the right to self-determination; the right to an adequate standard of living; and the right to a healthy environment.<sup>43</sup>

36. OceaniaHR recommended that Nauru work in partnership with UN agencies and Member States to adapt to and mitigate the effects of climate change to ensure the survival of the Nauru people, and that Nauru create a national plan of action that provides a human rights framework to address the challenges of climate change on the immediate and long-term situations.<sup>44</sup>

37. While noting that the primary responsibility for the protection of human rights for the citizens of Nauru lies with Nauru, JS4 stated that the international community and particularly those nations historically and currently responsible for the greatest portion of greenhouse gas emissions had a responsibility to prevent climate change from undermining the human rights of citizens of Nauru, and where particular circumstances makes that no possible, to mitigate the harms and assist the victims.<sup>45</sup> JS4 also noted that climate change

threatened tuna and other pelagic fisheries, jeopardizing the rights of Nauruan citizens to be free from hunger, means of subsistence, an adequate standard of living, and the right to culture and traditional knowledge.<sup>46</sup>

38. ADC stated that the environmental contamination and degradation caused by the phosphate industry was a constant threat to the community's right to life, health, physical security and integrity.<sup>47</sup>

#### IV. Key national priorities, initiatives and commitments

N/A

#### V. Capacity-building and technical assistance

39. JS1 called on the Government to implement, in conjunction with the Human Rights Council: human rights training for civil society; managing and operating a community radio for civil society; and public service and state-owned entities training on the role and importance of NGOs and CSOs, good governance, and human rights reporting and accountability.<sup>48</sup>

40. ADC recommended that Nauru seek international assistance in providing an independent medical authority to conduct a health survey in the Aiwo District to improve the health of the Aiwo community members.<sup>49</sup>

41. ECG urged the international community to assist the Government of Nauru to replace all asbestos roofing not only in the Evergreen Community (the Districts of Meneng and Yaren), but Nauru as a whole. ECG further urged the international community to assist the Government of Nauru to build or issue water tanks for each house in the Evergreen Community.<sup>50</sup>

42. JS1 expressed concern that the lack of transparency of award of bids to donor programmes invites abuse of the system through lack of information on donor contract programmes.<sup>51</sup>

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

##### *Civil society*

ADC	Aiwo District Committee, Nauru;
ECG	Evergreen Concern Group, Nauru;
JS1	Joint Submission submitted by: Nauru Island Association of Non-Government Organizations (NIANGO); Community Paralegals, Catholic Women's Group; and the Nauru Provident Fund and Superannuation Funds;
JS2	Joint Submission submitted by: ARC International; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA); and ILGA-Europe;
JS3	Joint Submission submitted by: Nauru National Youth Council (NNYC) and Menen Youth Council, Nauru;
JS4	Joint Submission submitted by: Earthjustice, Nauru Island Association of NGOs, Human Rights Advocates, Many Strong Voices, Greenpeace International, IndyAct and 350.org;
NDPA	Nauru Disabled People's Association, Nauru;
NYWNC	Nauru Young Women's National Council, Nauru;
OceaniaHR	OceaniaHR.

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- <sup>2</sup> JS1, para 1.2.  
<sup>3</sup> OceaniaHR, p. 1.  
<sup>4</sup> NDPA, p. 3.  
<sup>5</sup> NYWNC, p. 1.  
<sup>6</sup> NYWNC, p. 2.  
<sup>7</sup> ADC, para. 19.  
<sup>8</sup> OceaniaHR, p. 2.  
<sup>9</sup> ECG, p. 2.  
<sup>10</sup> NYWNC, p. 1.  
<sup>11</sup> NDPA, p. 2.  
<sup>12</sup> JS1, para. 2.3.  
<sup>13</sup> JS3, p. 1.  
<sup>14</sup> JS1, para. 2.3.4.  
<sup>15</sup> JS1, para. 2.3.  
<sup>16</sup> JS2, p. 2.  
<sup>17</sup> JS1, para. 2.1.5.  
<sup>18</sup> JS1, para. 2.1.  
<sup>19</sup> JS1, para. 5.2.  
<sup>20</sup> ADC, para. 17.  
<sup>21</sup> JS1, para. 2.1.1.  
<sup>22</sup> JS1, para. 2.1.2.  
<sup>23</sup> NYWNC, p. 2.  
<sup>24</sup> JS1, para. 2.3.1.  
<sup>25</sup> JS3, p. 1.  
<sup>26</sup> JS3, p. 2.  
<sup>27</sup> JS1, para. 2.2.1.  
<sup>28</sup> JS1, para. 2.2.1.  
<sup>29</sup> JS1, para. 2.3.1.  
<sup>30</sup> NDPA, p. 2.  
<sup>31</sup> JS1, para. 2.3.2.  
<sup>32</sup> ADC, para. 16.  
<sup>33</sup> JS1, para. 2.2.3.  
<sup>34</sup> JS4, para. 9.  
<sup>35</sup> ADC, para. 15.  
<sup>36</sup> ECG, p. 3.  
<sup>37</sup> ECG, p. 5.  
<sup>38</sup> NDPA, p.1.  
<sup>39</sup> JS1, para. 2.3.  
<sup>40</sup> JS3, p.1.  
<sup>41</sup> JS1, para 4.  
<sup>42</sup> JS4, para. 15.  
<sup>43</sup> JS4, para. 5.  
<sup>44</sup> OceaniaHR, p. 2.  
<sup>45</sup> JS4, para. 14.  
<sup>46</sup> JS4, para. 8.  
<sup>47</sup> ADC, para. 12.  
<sup>48</sup> JS1, para. 6.  
<sup>49</sup> ADC, para. 19.  
<sup>50</sup> ECG, pp. 4–5.  
<sup>51</sup> JS1, para. 2.3.2.
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