



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

119 W 24th Street, Second Floor
New York, New York 10011

Executive Director: [Dave Inder Comar](#)

Email: inder@justatonement.org

Telephone: [+1 646 600 5470](tel:+16466005470)

Just Atonement Inc. (JAI) incites transformative social change by empowering lawyers and law students with the opportunities, training and means to defend democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Nauru.

Summary of Conclusions

1. Rising sea levels and an increase in effects of climate change pose a major threat to life in Nauru, threatening the lives and homes of citizens. **Nauru is plainly not prepared for the effects of climate change and the imminent climate breakdown and the lives of its citizens are in grave jeopardy as a result. Urgent action is needed to forestall immediate harm to the citizens of Nauru because of the climate breakdown.**
2. As an increasingly serious issue, widespread obesity in Nauru will lead to excessive poor health on the island. Nauru has an obligation to both acknowledge and address the obesity epidemic in their nation by adopting legislation to allow their citizens to maintain and realize their right to health.



3. Reports of poor treatment of Australia's asylum seekers housed on Nauru are unacceptable and potentially violate a myriad of human rights protections.
4. Women disproportionately face maltreatment and discrimination, and are routinely subject to a culture of domestic violence, lower wages, gender-based sexual violence, and the biased effects of fault-based divorce system.
5. Nauru should take appropriate steps to ensure persons with disabilities are protected by enacting anti-discrimination legislation.
6. In order to protect and preserve democracy, Nauru should pass a public information access law that requires public disclosure of government financial information increasing government transparency.
7. Nauru should repeal all legislation and policy inhibiting the right to free speech and expression.

Analysis

Climate Change

8. As the world's smallest island nation, Nauru is particularly vulnerable to experiencing the negative impacts of climate change affecting both the island's physical land mass as well as the wellbeing and realization of rights of the peoples. It is evident that those with the most exposure to the impacts of climate change, like the island nation of Nauru, are those with the least capabilities of responding. As a nation with a population of only 10,000, 24% of people live below the poverty line, and Nauru's GDP per capita is one of the lowest in the world, leaving the nation extremely vulnerable to experiencing the full detrimental effects of climate change.
9. Within the next 10 years, all marine life utilized in Nauru's commercial fishing industry will have vanished from the region due to climate change. Ocean acidification in Nauru has been steadily increasing due to carbon emissions absorbing into the ocean. This acidification is resulting in severe loss of ecosystem.
10. Islands are particularly susceptible to extreme weather conditions. Due to its location close to the equator, Nauru is susceptible to drought, swells, and strong winds. Weather conditions and droughts are only worsening in effect due to increasing unaddressed climate change in Nauru. Extreme weather such as a prolonged drought has the proven capability of contributing to loss of life, loss of, and damage to, property, and economic and social disruption. Droughts also contribute to lack of access to underground freshwater, which can result in a depleting water supply for the people and ecosystem of Nauru.
11. The island nation of Nauru is also susceptible to a threat in fresh water supply due to salt water intrusion caused by climate change. As sea level rises, salt water moves onto the land and infiltrates aquifers. In extreme cases, salt intrusion can result in the complete abandonment of wells. Because island nations rely on groundwater as a freshwater



drinking source, salt intrusion due to climate change is increasingly threatening the nation's water source—a source necessary for sustaining life.

12. Sea level in Nauru has been rising much faster than the global average. Like many islands, Nauru is at risk for sinking and likely will sink in the coming decades. Long-term and increased sea level rise/sinking could lead to the destabilization of the government and the complete loss of national territory, and cause thousands to emigrate from the island nation. Climate effects can also cause major internal displacement of peoples prior to complete sinking as the coastline increasingly disappears.
13. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** Nauru must take appropriate steps to address climate change.

Recommendations

14. The United Nations recognizes the Right of access to water and sanitation. Salt intrusion due to climate change impedes this right on Nauru. The UN has emphasized that duty-bearers, like the government of Nauru, must take steps to ensure that their people will continue to have access clean water.
15. Article 25 of the Universal Declaration of Human Rights states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...”. The consequences of climate change could infringe these human rights belonging to the people of Nauru. The nation should take the appropriate steps immediately to avoid further infringement of this right due to climate change.
16. In recent years the international legal community has moved towards recognizing the right to a healthy environment. This right is rooted in the aforementioned Article 25 of the UDHR, as well as the Inter-American Court of Human Rights' Advisory Opinion on the Environment and Human Rights. Nauru should take the appropriate steps immediately to avoid further infringement of this right due to climate change.
17. Displacement due to climate change impinges upon the universal right to life as well as the universal right to self-determination. The right to self-determination is a jus cogens norm under international law, meaning it is a right of the highest order, which must be protected by all governments. Climate change impacts pose a clear threat to the right of self-determination for the people of Nauru, especially given the potential displacement of all of the nation's citizens, and Nauru must take positive action to address this threat, and should plan adequately to provide mechanisms and support to its peoples.
18. A complete breakdown of the world's climate system is imminent. Nauru should immediately commence with more robust preparations to prepare for climate change and the imminent climate breakdown. We urge the government of Nauru to extensively prepare for the climate breakdown no later than the end of this year.

Obesity and Healthcare



19. Of Nauru's 10,000 residents, 71% of all people are classified as obese and 97% of men, making the nation the most obese in the world. Obesity is proven to increase risk for: mortality, hypertension, dyslipidemia, type 2 diabetes, heart disease, stroke, gallbladder disease, osteoarthritis, sleep apnea, low quality of life, mental illness, and body pain.¹
20. Nauru has the world highest rate per capita of Type 2 Diabetes at 40%, and life expectancy is only 59.7 years.

Recommendations

21. According to General Comment 14, "the right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment." As such, the right to health is not solely contained to the right to healthcare. Thus, the government of Nauru has an obligation to both acknowledge and address the obesity epidemic in their nation by adopting legislation to allow their citizens to maintain their right to health.

Migrants and Refugees

22. Reports of poor conditions in Australia's off-shore asylum detention facilities in Nauru abound, specifically citing problems such as mistreatment of migrants by officials, failure to provide adequate access to personal hygiene items and facilities, as well as inadequate access to medical care. Refugees often are allowed to matriculate into the community of Nauru and there have been many reports of mistreatment by the community members.

Recommendations

23. Although the facilities belong to and are operated by the government of Australia, Nauru has an obligation to ensure humane treatment of refugees and should take the steps necessary to ensure Australia's refugee are treated with respect and in accordance with human rights protections. Article 7 of the ICCPR prohibits cruel, inhuman, and degrading treatment. The detention and processing facilities on Nauru may be in violation of this article and as such, Nauru should take steps to ensure such violations do not occur on their soil.

Women's Rights

24. Although women are afforded equality under the law by way of Nauru's Constitution, the nation has yet to formally grant women the benefits required by the Conventions on the Elimination of all Forms of Discrimination against Women.

¹ <https://www.cdc.gov/healthyweight/effects/index.html>



25. Women refugees and asylum seekers resettled on Nauru are particularly susceptible to gender-based violence.
26. Cultural and societal norms in Nauru lead to less reporting, charging, and prosecution of domestic violence, however, a report completed by the Nauru Department of Home Affairs found that nearly half of women surveyed have experienced sexual violence as well as violence of a non-sexual nature.
27. Additionally, Nauru boasts fault-based divorce and fails to consider non-financial contributions in property division upon divorce, both of which place women at a disadvantage.
28. The Women of Nauru experience discrimination in employment and wages. Culture, norms, and the state of poverty in Nauru limit employment opportunities for women. Women head roughly 33% of households in Nauru, but less than 25% of working heads of households are women.

Recommendations

29. The Declaration on the Elimination of Violence against Women reveals the universal rights of women to live free from violence and abuse, and, as such, the government of Nauru must act to curb violence against women on Nauru.
30. Nauru should adopt family law legislation that is not biased, both economically and socially, towards men.
31. As a party to The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Nauru should take steps to achieve gender equality in their nation and to prevent increased gender-based violence.

Persons with Disabilities

32. Five percent of the population of Nauru identify as disabled. Studies have shown that persons with disabilities are more likely to report having overall poorer health, less access to adequate healthcare, and smoking and physical inactivity. Persons with disabilities are more likely to report being treated badly by healthcare professionals and/or denied healthcare.
33. Nauru has not implemented specific legislation prohibiting discrimination against persons with disabilities nor have they enacted legislation that mandates services for persons with disabilities or access to public buildings.

Recommendations

34. In compliance with Article 7 of the Convention on the Rights of Persons with Disabilities, Nauru should take appropriate steps to protect persons with disabilities from discrimination by enacting anti-discrimination legislation as well as legislation that



mandates disability access to public buildings. The nation should also insure persons with disability have adequate access to healthcare.

Democracy, Transparency, and Corruption

35. Nauru lacks a public information access law and as such, are not required to disclose government financial information, which can inhibit government transparency. There have been reports of corruption.

Recommendations

36. The government of Nauru should pass public information legislation to increase transparency to improve the functioning of trust and democracy on the island.

Censorship and Freedom of Expression

37. The Constitution of Nauru explicitly provides for the freedom of expression, however, there have been multiple reports of media censorship in recent years.
38. In addition, the government of Nauru owns all media and as such, exercises ample editorial control over published content.
39. Nauru's libel and slander laws "unlawful vilification" and "criminal defamation" are punishable by a maximum three years' imprisonment. Laws like these can be socially perceived to greatly inhibit free press and media, especially due to their criminal nature.
40. Foreign journalists have a difficult time operating in Nauru both due to government refusal of visas as well as high visas costs for journalists—since 2014, a visa application fee of roughly \$6,000 (previously \$150).

Recommendations

41. International law affords individuals the rights to free speech, expression, and assembly, which Nauru is obligated to respect. Article 19 of the Universal Declaration of Human Rights protects freedom of expression. Thus, Nauru should repeal legislation with the effect of inhibiting freedom of expression and should cease censorship activities.

Acknowledgement

This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005)