



General Assembly

Distr.: General
16 December 2015

Original: English

Human Rights Council

Thirty-first session

Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Nauru

* The annex to the present report is circulated as received.

GE.15-22249(E)



Please recycle



Contents

	<i>Page</i>
Introduction	3
I. Summary of the proceedings of the review process	3
A. Presentation by the State under review	3
B. Interactive dialogue and responses by the State under review	6
II. Conclusions and/or recommendations	13
Annex	
Composition of the delegation	20

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-third session from 2 to 13 November 2015. The review of Nauru was held at the 4th meeting, on 3 November 2015. The delegation of Nauru was headed by the Minister of Justice, David Adeang. At its 10th meeting, held on 6 November 2015, the Working Group adopted the report on Nauru.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Nauru: Argentina, Kazakhstan and Kenya.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Nauru:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/23/NRU/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/23/NRU/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/23/NRU/3).

4. A list of questions prepared in advance by Belgium, Germany, Slovenia, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Nauru through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of the delegation of Nauru, David Adeang, Minister of Justice, stated that every nation benefited from having a mirror held before it. Every nation had challenges and could reach greater heights by participating seriously in the universal periodic review. This process provided the vital opportunity to self-assess, to listen to others and to more effectively address the concerns of individuals in our own country.

6. The Government of Nauru placed high importance on the review process, given its success in allowing Member States to be reviewed by their peers and, more significantly, tell their human rights stories to the international community. In addition, Nauru viewed the review as an opportunity to engage in an open and frank dialogue with the international community about the state of human rights in the country. In that regard, the Government of Nauru hoped that its responses to questions during the interactive dialogue and its ongoing follow-up action would prove that it takes its human rights obligations very seriously.

7. The national report of Nauru and overall preparations for the review were the product of an open and consultative process, involving stakeholders from both inside and outside the Government. In addition, the content of the universal periodic review of Nauru is a direct response to how it has implemented accepted recommendations from the first cycle of reporting. Furthermore, the creation of a dedicated human rights desk within the

Department of Justice and Border Control is a testament of the current commitment of the Government to its human rights obligations.

8. The Government of Nauru has had to grapple with its own set of challenges relating to the promotion, protection and enjoyment of human rights. Some of those challenges were not part of the recommendations provided by the Council in the first cycle of reporting, but it is worth sharing them with this august body.

9. The Government of Nauru confirmed that, since 5 October 2015, the country's Regional Processing Centre, which houses asylum seekers, was officially open 24 hours a day, seven days a week. This effectively meant that detention had ended and all asylum seekers were now free to move around the island at their own free will. That measure had been planned for a while after already implementing a daytime open centre programme, and had been waiting for confirmation of assistance from Australia in the transition. The new arrangements were simply an expansion of the existing open centre programme, which had been in effect for 12 hours per day. It is significant to note that the Government of Australia would be supporting Nauru with safety, security and law enforcement, including providing more Australian Federal Police assistance in that regard.

10. In addition, to facilitate the new arrangements and ensure that asylum seekers were integrated into the community safely and cohesively, the Government of Nauru had increased the number of community liaison officers from 135 to 320, including 30 refugees as settlement officers, to ensure that refugees were assisted in their transition to the community. The increase in numbers of officers indicated the commitment of the Government of Nauru to further ensuring that refugees were given the full support to becoming members of Nauruan community. The inclusion of refugees as officers was taken to ensure that cultural perspectives were met in ensuring safe transition in the community.

11. Refugees living in Nauru had complete access to all communications, including phone, Internet, e-mail and a myriad of social media platforms.

12. Regarding social media, the head of the delegation stated that certain Internet sites had been restricted in the second quarter of 2015. These were sites that contained or had been maliciously used to publish and broadcast explicit, obscene and pornographic material involving young Nauruan boys and girls. The decision had been made by the Government in its efforts to protect its citizens and people from the abuse of the Internet that had seen vulnerable individuals, especially young Nauruan girls, being maliciously targeted, harassed and even bullied.

13. It is also part of Government's efforts to curb the glorification of criminal activities and offences against Nauruan women and children through the posting of distressing images and footage of those individuals in compromising and dehumanizing positions. In addition, the decision had not been made overnight, but over a period of several months of investigation, consultation and outreach to sites to rectify what was, on their part, neglect of protection afforded to the Nauruan people, particularly women and children.

14. Furthermore, sites that were solely set up for the purpose of distributing explicit, obscene and pornographic contents would be permanently restricted. It had always been a crime in Nauru to obtain, sell or distribute such content and those closures were in line with our beliefs and fundamental objective of protecting our people particularly our children. Other sites, such as Facebook, that had been abused by malicious users, were under temporary restriction until the necessary protection mechanisms could be put in place to ensure that Nauruans and members of our community were not left exposed and vulnerable to the actions of criminals and cyber bullies. The ban was not designed to restrict asylum seekers in detention from communicating with the outside world, as had been reported widely.

15. The position taken by the Government of Nauru was in line with Facebook community standards on the prohibition of pornography, bullying, harassment and content that promotes sexual violence or exploitation.

16. Recently, the Government of Nauru had come under a lot of criticism regarding the revocation of the passport of a member of parliament. The Government of Nauru was of the view and strongly believed that the process of revocation had been done to ensure that the natural course of justice would unfold until such a time that the court ruled that the passport in question could be returned and that justice was met. In addition, the revocation of the passport of the individual, who had been charged with a crime in line with the laws of Nauru, would allow due process to be carried out.

17. The Government of Nauru was pleased to announce that it had officially completed its report to the Committee on the Rights of the Child; its report to the Committee for the Elimination of Discrimination against Women; and its common core document. The Government of Nauru looked forward to receiving recommendations from the various treaty committee bodies with regards to its national reports and looked forward to working with national, regional and international partners on the implementation of the said recommendations. The initial report to the Committee on the Rights of the Child contained an analysis on the status of children, law reforms in relation to children rights and the implementation of children's rights in Nauru. The report to the Committee for the Elimination of Discrimination against Women contained the initial commentaries on the status of women in Nauru. It provided an overview of the legal, civil, political, social and cultural status of women in Nauru. The common core document discussed issues relating to the economic, social, cultural and political environment of Nauru. It is envisaged that the report to the Committee on the Rights of Persons with Disabilities would be completed by the end of November 2015. In addition, the reports had been written in partnership with the Department of Justice and Border Control and other relevant government departments, namely, the Department of Women's Affairs and Division of Child Protection Services.

18. The Head of the delegation stated that the new Criminal Code endeavoured to provide more clarity in the characterization of offences and offered a more modernized view of addressing the various components of violence against women. It was envisaged that the current and urgent review of the Criminal Code 1899 would provide the most suitable opportunity to incorporate a strong definition of domestic violence offence, which currently was non-existent. Domestic violence provisions would form part of the Criminal Code dealing with offences against the person. In addition, work on stand-alone domestic violence legislation was under way with relevant partners and agencies. The Secretariat of the Pacific Community's Regional Rights Resource Team has been approached to provide guidance and support on the development of a stand-alone legislation for that purpose.

19. The Government of Nauru was pleased to state that there had been an increase in the number of Nauruans seeking the assistance of the both the Office of the Director of Public Prosecutions and the Public Defender. In addition, refugees had the protection of and access to the legal system. Both the Office of the Director of Public Prosecutions and the Public Defender's Office had worked on decreasing the backlog of cases that had been mounting for a number of years, largely owing to the increase in staff for both offices and, more importantly, a reporting and implantation system was in place.

20. The head of the delegation noted that, too often, the people of Nauru had been deprived of legal representation in a court of law, largely owing to their inability to pay legal fees to their legal representatives. Established in 2014, the Public Legal Defender's Office offered free legal assistance in and out of court primarily in criminal cases, in an attempt to promote better access to justice for Nauruans. This had paved the way for a healthy legal structure where no party was disadvantaged or left out. The Public Legal Defender's Office services were slowly being recognized and utilized by the people of

Nauru. Consequently, the Public Defender's work included giving free legal advice, drafting family applications, such as divorce petitions, providing legal representation, for example to refugees who were charged with criminal offences, and assisting correctional inmates applying for parole.

21. Article 10 (3) (e) of the Constitution of the Republic of Nauru guarantees the right of legal representation, if justice so requires. The establishment of that office strengthened this Constitutional requirement to ensure justice was afforded to every accused person in court. Legal representation in court had become more accessible now, and that ensured that justice was not only done, but seen to be done.

22. Access to justice for women and children victims had greatly improved with the setting-up of working groups with the Domestic Violence Unit of the Nauru Police Force and the introduction of women and family department counsellors, to ensure that cases were brought to court and eventually to trial, and the likelihood of conviction was high.

23. The court was deemed to be doing its own functions and this had strengthened the rule of law with everyone being equal before the law, irrespective of their status or standing. The rule of law had further been strengthened with the clear demarcation among law enforcement agencies and their respective powers.

24. The Office of the Director of Public Prosecutions had strengthened its relationship with the police and that had been a big success for the office and one which the Government hoped to continuously foster.

25. Currently, the Nauru Supreme Court had three judges, rather than just one, thus removing the limitation of only one justice making all decisions. In addition, members of the Nauru bench had tended to cases and were also currently dealing with cases that were constitutional and political in nature. The judiciary also held office for a female judge of the Supreme Court and a female Resident Magistrate of the District Court.

26. The Government of Nauru was currently embarking on a nationwide consultation with regard to the Leadership Code Bill and what that would mean in terms of transparency and governance generally among leaders in Nauru. It was envisaged that the Leadership Code would bind: (a) the Head of State; (b) the Speaker of Parliament; (c) the Chief Justice; (d) judges of the Supreme Court; (e) cabinet ministers; (f) members of parliament; (g) heads of government departments; (h) heads of statutory bodies; (i) heads of government commercial companies and board of directors; and (j) heads of church organizations.

27. Finally, the Government of Nauru called on the United Nations to make the 1951 Convention relating to the Status of Refugees and its 1967 Protocol to be elevated to be a core human rights treaty.

28. The head of the delegation concluded by assuring the Council that the Government of Nauru very much saw the review process as part of its national endeavours to ensure systematic human rights work. The recommendations Nauru had received would be an important reference point in its continued work.

B. Interactive dialogue and responses by the State under review

29. During the interactive dialogue, 40 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

Georgia stated that substantial work must still be done in different areas, *inter alia*, in international human rights standards and children's rights. Georgia made recommendations.³⁰

31. Germany welcomed the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Germany encouraged Nauru to continue its efforts to implement the various recommendations from the first cycle of the review process and recognized the reporting burden Nauru was facing. Germany made recommendations.

32. Indonesia noted with appreciation the enactment of the Cyber Crime Act, the Adoption Act and the Education Act as amended, and the formulation of national policies on disability, women, education and the National Development Sustainable Plan. Indonesia welcomed the Framework for Climate Change and Disaster Risk Reduction of Nauru, and encouraged the possible establishment of a national human rights institution. Indonesia made recommendations.

33. Ireland commended Nauru on addressing domestic violence as a national priority, although it was concerned by reports that domestic violence against women was increasing and that very few cases were brought to court. Ireland was also concerned at reports of physical and verbal assault against unaccompanied refugee minors who were released into the Nauruan community. Ireland made recommendations.

34. Kenya welcomed the adoption of the National Policy on Women and the National Policy on Disability, and the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention against Torture. Kenya was concerned at reports of arbitrary detention of refugees, migrants and stateless persons. Kenya made recommendations.

35. Maldives noted that Nauru had accepted five out of the eight recommendations that it had made in the first review cycle. Maldives recognized the significant achievements towards legislative reforms, including the enactment of the Cyber Crime Act, the Adoption Act, the Education Act as amended and the Refugee Act. Moreover, Maldives appreciated the adoption of the Framework for Climate Change and Disaster Risk Reduction as an official policy to respond to the risks to sustainable development posed by climate change and natural disasters. Maldives made recommendations.

36. Montenegro welcomed the establishment of a working group on treaties for ensuring submission of outstanding reports on the implementation of major human rights instruments. It enquired about the abolition of the death penalty, and the planned activities for the full implementation of the National Disability Policy, the adoption of relevant legislation and the mainstreaming of the Convention on the Rights of Persons with Disabilities across all the sectors. Montenegro made recommendations.

37. Morocco welcomed the accession to the Convention on the Elimination of All Forms of Discrimination against Women and the adoption of a national policy on women aimed at increasing the role of women in posts of responsibilities, eliminating all forms of violence and increasing gender parity in working places. It also encouraged the decision of Nauru to set up a strategy to adapt to climate change. Morocco made recommendations.

38. Namibia noted the challenges faced by Nauru and the adverse impact of climate change. Namibia commended the national policy on women, which had been implemented recently. Nauru made recommendations.

39. The Netherlands commended Nauru for steps taken to strengthen their legal national human rights framework, most notably toward the ratification of international human rights treaties. It raised concerns about the legal protection of human rights in Nauru, the level of violence against women and children and about a perceived lack of independence of the judiciary. The Netherlands made recommendations.

40. New Zealand recognized the commitments undertaken by small island developing States in engaging in the processes of the Human Right Council. While noting encouraging developments, it remained concerned about the continued suspension of opposition Members of Parliament and the resulting denial of political representation to their constituents. New Zealand made recommendations.

41. Panama welcomed the accession of Nauru to the Convention on the Elimination of All Forms of Discrimination against Women in 2011, and to the Convention on the Rights of Persons with Disabilities and the Convention against Torture in 2012 following its first review process. It also appreciated the establishment of a working group on treaties, an important step in dealing with pending national reports before treaty bodies. Panama made recommendations.

42. Regarding recommendations about the ratification of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights, the delegation of Nauru stated that the consideration of the issue was in progress, while a child protection framework was already in place.

43. On recommendations on freedom of information, and more specifically on facilitating access to journalists, Nauru stated that it believed that the attitude of the media should be marked by fairness and trust, with the ultimate goal of factual reporting. This had not been the case for Nauru in recent times, in spite of efforts made by the Government on, inter alia, refugees matters. It stated that irresponsible reporting fuelled social disorder and had negatively affected relations between locals, refugees and asylum seekers. The Government had invited representatives of the media to come to Nauru.

44. Nauru accepted recommendations related to amending the Criminal Code, abiding by human rights obligations and upholding the rule of law, guaranteeing freedom of information, opinion, expression, assembly and association.

45. Several recommendations spoke about refugees and asylum seekers detention. Nauru stated that refugees were now processed without detention and that, since 5 October 2015, any sort of detention had ended and the Refugee Processing Centre was now open 24 hours a day, and that refugees and asylum seekers could move freely.

46. With regard to a recommendation made by Ireland, the delegation stated that, as part of the Education Act, school education was compulsory up to 18 years of age. Both refugees and Nauruans were liable to be taken to Court if they did not allow their children to attend school.

47. About a recommendation of Maldives, Nauru stated that it was embarking on the drafting of disability legislation after having ratified the Convention on the Rights of Persons with Disabilities.

48. Concerning the abolition of the death penalty, the delegation of Nauru stated that the provision was part of the Constitution and, owing to the reticence of the Nauruan people to revise the Constitution, the Government had decided to address the matter through the new Criminal Code, removing the death penalty for any type of crime.

49. The Philippines lauded Nauru for taking steps towards the ratification of a number of international human rights instruments, despite its financial and human resource constraints. It noted the difficulties faced by Nauru to address the negative impacts of climate change to the human rights of its people. The Philippines welcomed the commitment of Nauru to the promotion and protection of the rights of the persons with disabilities. It raised concerns over reported abuses in immigration detention facilities. The Philippines made recommendations.

50. Portugal welcomed the establishment of a national working group on treaties. It welcomed the standing invitation for all special procedure mandate holders that had been extended after the first review cycle. It welcomed the recent ratification of the Convention against Torture and its Optional Protocol. Portugal made recommendations.

51. Sierra Leone commended the various laws put in place since the first review cycle to strengthen human rights promotion and protection, as evidenced by the enactment of the Refugee Act of 2012 and the amended Education Act of 2015. It applauded the creation of the Division of Child Protection Services (2015) and the National Sustainable Development Strategy (2005-2015). It encouraged the Government to continue its efforts in reporting to treaty bodies and drafting new legislation on eliminating violence against women, developing disability acts and addressing climate changes. Sierra Leone made recommendations.

52. Slovenia noted the positive developments in the country since the first review, such as the accession to the Convention on the Elimination of All Forms of Discrimination against Women, the ratification of the Convention against Torture and its Optional Protocol as well as the issuance of a standing invitation to special procedure mandate holders. However, it raised concerns about alarming reports regarding the rights of asylum seekers, especially the rights of children. Slovenia made recommendations.

53. Solomon Islands noted the challenges that Nauru continued to face and commended the measures taken since the first review in the legislative area. It noted the progress made with national policies and plans, particularly acknowledging the Disaster Risk Management Plan and the Disaster Risk Management Act and the role these measures played in the protection of human rights. Solomon Islands made recommendations.

54. Spain recognized the challenges and efforts to address climate change by setting up a Climate Change Unit. It welcomed the decision of the authorities to reform the Criminal Code to bring it into line with international obligations including on human rights. Spain made recommendations.

55. Switzerland welcomed the ratification of the Convention against Torture, but remained concerned about the conditions of detention in processing centres for asylum seekers. It noted that Nauru still had not established a national prevention mechanism, despite the ratification in 2013 of the Optional Protocol to the Convention against Torture. Switzerland made recommendations.

56. Timor-Leste acknowledged the progress made by Nauru in the field of human rights. It congratulated the Government for the establishment of a working group on treaties, which was an important step to fulfil its international obligations. Timor-Leste commended the positive visit to Nauru by the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture. Timor-Leste made recommendations.

57. Trinidad and Tobago recognized the commitment of Nauru towards the Sustainable Development Goals and the combat against the devastating global effects of climate change. It highlighted the accession to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the drafting of a national disability policy, and commended the National Sustainable Development Strategy. Trinidad and Tobago made recommendations.

58. The United Kingdom welcomed the positive steps made on the protection and promotion of women's rights and on the integration of refugees within the community. It hoped that the opposition members of parliament currently suspended would return to their duties soon. It noted with concern the restrictions on the use of social media, changes to the criminal code inhibiting political dialogue and the critical importance of an independent

judiciary. It hoped that defendants were able to choose their own counsel. It also suggested that Nauru reduce visa fees charged to visiting journalists. The United Kingdom made recommendations.

59. The United States of America reiterated that Nauru should consider ratifying the International Covenant on Civil and Political Rights. It supported the establishment of a public defender position, but remained concerned over the lack of affordable, effective and available legal services. It supported the stated commitment of Nauru to decriminalize same-sex conduct between consenting adults, but was troubled that no action had been taken yet. The United States made recommendations.

60. Uruguay welcomed the accession of Nauru to the Convention on the Elimination of All Forms of Discrimination against Women, the interdiction of corporal punishment for children in education centres and the priority given to combat the scourge of domestic violence, including the creation of institutions such as the Domestic Violence Unit and the Committee Against Domestic Violence. It noted the visit of the United Nations High Commissioner for Refugees, underscoring advances in the legal framework and the determination of the refugee status. Uruguay made recommendations.

61. The Bolivarian Republic of Venezuela highlighted legislative reforms and the ratification of international treaties, including the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and its Optional Protocol and was pleased with the advances in school registration rates and the strategy against school absence in the framework of the Annual Operative Education Plan. It stated that the community of nations should provide support, cooperation and technical assistance in order to help Nauru to achieve its objectives. The Bolivarian Republic of Venezuela made recommendations.

62. Algeria congratulated Nauru for the significant progress in human rights areas, noting the adoption and amendment to the legislation on citizenship, cybercrime, education, refugees and asylum seekers. Algeria welcomed the efforts made and steps taken, particularly in the framework of the National Youth Policy 2009-2015, the National Policy on Disability 2015, the National Policy on Women and the National Sustainable Development Plan 2005-2025. Algeria made recommendations.

63. Argentina congratulated Nauru for acceding to the Convention on the Elimination of All Forms of Discrimination against Women in 2011 and the Convention on the Rights of Persons with Disabilities in 2012, as well as for having ratified the Convention against Torture the same year. Argentina made recommendations.

64. Armenia stated that, despite some progress towards the promotion of the rights of women, women in Nauru were still reported to face several challenges, such as lack of accessible medical services. It encouraged the Government to provide the necessary medical facilities for women for early detection of health problems and appropriate medical intervention. It noted with appreciation the ratification of the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and its Optional Protocol. Armenia made recommendations.

65. Concerning recommendations calling for the decriminalization of same-sex interaction, Nauru acknowledged that it was an emerging matter globally and, taking into account the long-held social and religious feelings of the Nauruans, the Government believed that a national open consultation would be the best way to address the matter.

66. Regarding the treatment of refugees and asylum seekers, the delegation stated that the Government extended an invitation to all United Nations organizations and mechanisms and the media to visit the country.

67. Nauru accepted recommendations for the ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It stated that its periodic reports to the Committee on the Rights of the Child and the Committee for the Elimination of Discrimination against Women were ready, while the report to the Committee on the Rights of Persons with Disabilities should be finalized by the end of November 2015. On free legal services for all, Nauru had already made clear that those services were now available through the Public Legal Defender's Office.

68. Australia welcomed the establishment of a Gender Violence and Child Protection Directorate and was pleased to assist the efforts of Nauru to address gender violence and child protection through the support for a gender-based violence counsellor. It encouraged Nauru to continue to uphold the principles of democratic processes, including freedom of speech and the rule of law, and recognized concerns, including on press freedom, Internet censorship and suspension of opposition members of parliament. Australia made recommendations.

69. Belgium welcomed the efforts made, particularly in strengthening the National Framework on Human Rights and the ratification of a number of treaties. It enquired about the measures implemented to end violence against women and their results. Belgium also asked Nauru to justify the drastic increase in the rates applicable to the press for obtaining a visa. Belgium made recommendations.

70. Brazil welcomed accession by Nauru to the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women. It recognized the publication of the first national study on violence against women and stated that challenges still remained in the field of gender and discriminatory practices against women. It asserted that domestic violence remained a concern and regretted the lack of a specific law to address the problem, to make sure that all criminal acts were investigated and perpetrators were prosecuted. It expressed concern about the conditions of asylum seekers, including children, in Nauru. Brazil made recommendations.

71. Canada welcomed the steps taken by Nauru to strengthen its national human rights framework, most notably toward ratification of outstanding international human rights treaties, despite resource constraints. It encouraged Nauru to continue to strengthen the legal protection of human rights, particularly the elimination of gender-based violence, by reviewing and implementing revisions to the Criminal Code. It asked that Nauru make public the report of the Subcommittee on the Prevention of Torture. Canada made recommendations.

72. Chile welcomed advances to accede to and ratify international human rights instruments, such as the Convention against Torture and its Optional Protocol, as well as the reinforcement of Nauru of national sectorial policies and its domestic legislation in areas such as education and citizenship. Chile made recommendations.

73. Costa Rica welcomed the work done by the Government of Nauru in coordination with OHCHR to advance in its human rights commitments and be able to establish a national human rights institution. It considered that actions taken by Nauru from a human rights perspective regarding vulnerability to natural disasters and climate change, both at the national and regional levels, would contribute to preparing the population to face these situations. Costa Rica made recommendations.

74. Cuba stated that, despite challenges faced by Nauru, particularly the lack of capacity and resources, it continued to make important progress in the search for better compliance with its human rights obligations. It underscored the National Policy on Disability 2015, the National Policy on Young People 2009-2015 and the National Policy on Women 2014-

2019 as examples of the importance that Nauru gave to improving the enjoyment of human rights by its population. Cuba made recommendations.

75. Djibouti welcomed the progress achieved in the promotion and protection of human rights. Djibouti made recommendations.

76. Fiji noted the memorandum of understanding signed by Nauru with the Government of Australia to implement a third-country processing regime, under which asylum seekers' claim to seek asylum in Australia could be processed in Nauru. It believed that the bilateral policy should be implemented in compliance with the international obligations of Nauru. It acknowledged aims of the Government to expand the opening of a centre for asylum seekers, but stated that Fiji deprecated other restrictions on the right of asylum seekers, including their right to use the Internet to communicate, their right to be protected from sexual assaults and their right to freedom of assembly, movement and expression. Fiji made recommendations.

77. France enquired about the actions planned by the Government following the publication of the reports on the degrading and inhuman treatments in the regional centre for asylum seekers, as the reports mentioned simulated drowning, rapes and violence, including against children. It also asked for clarification about the provisions regarding freedom of expression, particularly the prohibition of social networks, the imprisonment of opposition parliamentarians and the increase in the visa tax for journalists. France made recommendations.

78. Ghana noted that Nauru had ratified a significant number of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention against Torture. Ghana made recommendations.

79. Mexico congratulated Nauru for the advances reached with regard to the previous review cycle, underscoring efforts to combat domestic violence and the development of the National Policy on Disability. It also welcomed the indefinite moratorium in force on the application of the death penalty, and expressed hope that the esteem given by Nauru to the right to life would translate into a reform that led to the abolishment of the death penalty. Mexico made recommendations.

80. Nauru stated that it took seriously its human rights commitments as a responsible member of the international community. Nauru made its best efforts to ensure the safety and security of people from all communities, be they locals, expatriate workers, refugees or asylum seekers. Those efforts included the upgrading of the Criminal Code, the Leadership Code and stand-alone legislation on domestic violence.

81. Moreover, restrictions to access to social media had been put in place temporarily to protect women and children from abuse, but the intention of the Government was to find a way to continue that protection through the implementation of the Cybercrime Act, without restricting forms of expression through social media.

82. On climate change, Nauru welcomed the invitation, made at the regional level, for vulnerable communities to relocate.

83. The suspension of Members of Parliament had been dealt with by the Supreme Court at the request of the Members of Parliament in question, and the Supreme Court had decided to revert to Parliament. Members of Parliament should abide by the resolution of the Supreme Court.

84. Nauru had participated in the review exercise with great openness and sincerity, and valued all statements and recommendations it had received. The Government was dedicated to human rights and hoped to make human rights a genuine way of life, and had been

reassured by the keen interest for Nauru that had emerged during the discussion. Finally, the delegation thanked all participants in its review for their contribution.

II. Conclusions and/or recommendations**

85. The recommendations formulated during the interactive dialogue and listed below have been examined by Nauru and enjoy the support of Nauru:

85.1 **Ratify the International Covenant on Civil and Political Rights (Montenegro) (United Kingdom) (Armenia);**

85.2 **Ratify the International Covenant on Civil and Political Rights and its two Optional Protocols (Slovenia) (Switzerland);**

85.3 **Consider ratifying the International Covenant on Civil and Political Rights and its Optional Protocols with a view of abolishing the death penalty (Namibia);**

85.4 **Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Kenya); Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Algeria); Take the necessary steps to ratify the International Covenant on Civil and Political Rights and accede to the International Covenant on Economic, Social and Cultural Rights, as accepted during the previous universal periodic review of Nauru (Canada);**

85.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro) (Spain); Abolish permanently the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**

85.6 **Ratify the International Covenant on Economic, Social and Cultural Rights (Armenia);**

85.7 **Study the possibility of ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (Panama); Consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (Morocco);**

85.8 **Ratify the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, signed since 2001, as well as the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

85.9 **Consider ratifying the International Covenant on Civil and Political Rights without further delay in order to demonstrate the earnest commitment of Nauru to respect the civil and political rights of all those within its borders (United States);**

** The conclusions and recommendations have not been edited.

- 85.10 Take steps to ratify the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (Ghana);
- 85.11 Ratify the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and the three Optional Protocols to the Convention on the Rights of the Child (Portugal);
- 85.12 Ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights (Trinidad and Tobago);
- 85.13 Consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 85.14 Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications on the subject (France);
- 85.15 Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);
- 85.16 Ratify the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (France);
- 85.17 Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (France);
- 85.18 Ratify the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination; sign and ratify the International Covenant on Economic, Social and Cultural Rights (Georgia);
- 85.19 Ratify the International Convention on the Elimination of All Forms of Racial Discrimination, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New Zealand);
- 85.20 Comply with the provisions of the international conventions it has freely ratified, in particular those relating to women, children and the prohibition of torture (France);
- 85.21 Continue to seek capacity-building assistance, guidance, and technical support from the United Nations and regional partners to fulfil its human rights obligations (Philippines);
- 85.22 Meet obligatory reporting requirements for the conventions to which Nauru is a party and extend invitations to relevant working groups and special rapporteurs to visit Nauru (New Zealand);
- 85.23 Further progress in the incorporation of the Convention on the Rights of the Child to legislation and national policies (Chile);

- 85.24 **Develop specific legislation on the elimination of discrimination against women (Cuba);**
- 85.25 **Carry out all necessary efforts to continue to align national law with provisions of the Convention on the Elimination of All Forms of Discrimination against Women and of the Convention on the Rights of the Child (Uruguay);**
- 85.26 **Develop disability legislation (Maldives); Develop specific legislation on disability matters (Cuba);**
- 85.27 **Provide adequate financial and human resources to support the Treaty Working Group (Timor-Leste);**
- 85.28 **Establish as soon as possible a national human rights institution (France);**
- 85.29 **Establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (Portugal);**
- 85.30 **Continue efforts with a hope of establishing a national human rights institution in line with the Paris Principles (Indonesia);**
- 85.31 **Establish an effective protection system for children (France);**
- 85.32 **Implement all the necessary measures to set up a National Mechanism of Prevention in line with the provisions of the Optional Protocol to the Convention against Torture (Panama); Establish as soon as possible a National Prevention Mechanism, in accordance with the Optional Protocol to the Convention against Torture (Switzerland); Establish a national prevention mechanism in line with the Optional Protocol to the Convention against Torture (Ghana);**
- 85.33 **Expedite the submission of national reports to the human rights treaty bodies, including to the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Rights of Persons with Disabilities (Kenya);**
- 85.34 **Reschedule the postponed visit of the Working Group on Arbitrary Detention and set the date for the visit of the Special Rapporteur on the human rights of migrants (Portugal);**
- 85.35 **Reschedule the postponed visit of the Working Group on Arbitrary Detention to Nauru (Canada);**
- 85.36 **Seek to increase women's political participation and representation in decision-making and women's economic empowerment (Maldives);**
- 85.37 **Continue taking active measures to eliminate all forms of discrimination against women (Namibia);**
- 85.38 **Include in the Criminal Code provisions that refer to the express protection against sexual and gender violence (Uruguay);**
- 85.39 **Amend the Criminal Code to include provisions to protect women against sexual and gender-based violence and to train and sensitize security and police officers as well as the population in general (Belgium);**
- 85.40 **Enact domestic violence legislation to ensure that women survivors of violence have legal protection from domestic violence (Ireland);**

- 85.41 **Adopt a comprehensive legislation on equality and gender violence (Spain);**
- 85.42 **Strengthen domestic legislation to include provisions that provide explicit protection from sexual and gender violence (Chile);**
- 85.43 **Expand education and awareness programmes to eradicate sexual and gender violence (Chile);**
- 85.44 **Take the necessary measures, including the reinforcement of the legal framework, to combat violence against women and early marriages (Algeria);**
- 85.45 **Implement effective measures against domestic violence, including spousal rape, bring perpetrators to justice, and develop public education campaigns in this area (Canada);**
- 85.46 **Expand the Public Defender programme to ensure that all those who do not have sufficient means to pay for legal services — citizens and non-citizens alike — can receive them (United States);**
- 85.47 **Introduce measures to ensure judicial independence, including through the establishment of an independent regulatory commission or body to oversee the appointment and removal of members of judiciary (United Kingdom);**
- 85.48 **Take measures to ensure the dignity of detainees and their rights to life, liberty and physical and mental integrity (Slovenia);**
- 85.49 **Pass legislation increasing the legal age of marriage to 18 (Sierra Leone);**
- 85.50 **Incorporate the provisions of the Convention on the Rights of Persons with Disabilities in its domestic law, and eliminate the remaining provisions that consent discrimination against persons with disabilities (Mexico);**
- 85.51 **Continue to strengthen the rights of persons with disabilities particularly by facilitating their access to public buildings and facilities (Djibouti);**
- 85.52 **Further strengthen its programmes and social policies, paying particular attention to the fields of education, health and nutrition, giving priority to the neediest sectors of the population (Bolivarian Republic of Venezuela);**
- 85.53 **Continue to protect the population against climate change by pursuing the efforts undertaken under the framework of the United Nations Framework Convention on Climate Change (Djibouti);**
- 85.54 **Continue its efforts to implement the Framework for Climate Change and Disaster Risk Reduction, including through appropriate international cooperation that enhance the resilience and adaptability of Nauru (Indonesia);**
- 85.55 **Consider with high priority strengthening and broadening the human capacity of the National Disaster Risk Management Office and of the Climate Change Unit before its next universal periodic review (Solomon Islands);**
- 85.56 **Continue with its efforts to address climate change and its adverse effects on people's livelihood and health, while ensuring that all climate action is guided by its human rights obligations (Philippines);**

- 85.57 Incorporate in its Framework a plan to undertake vulnerability assessments and to institute a plan for relocation of Nauruans living in vulnerable or high-risk zone to safer and habitable locations (Fiji);
- 85.58 Actively seek funding to mitigate the harms from environmental degradation and adapt to the effects of climate change (Sierra Leone);
- 85.59 Seek for technical capacity development assistance from the United Nations as well as its international development partners (Timor-Leste).
86. The following recommendations enjoy the support of Nauru which considers that they are already implemented or in the process of implementation:
- 86.1 Continue its cooperation with Treaty Bodies by submitting all its overdue reports, namely the initial reports on the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (Portugal);
- 86.2 Introduce and implement a national child protection framework (Georgia);
- 86.3 Continue efforts to strengthen the role of the National Plan of Action for Women (Morocco);
- 86.4 Develop a national strategy to implement obligations under the Convention on the Elimination of All Forms of Discrimination against Women (Australia);
- 86.5 Promote gender equality in law and in practice, particularly through education and public awareness (Mexico);
- 86.6 Consider adopting measures to enhance the fight against domestic violence (Brazil);
- 86.7 Combat domestic violence particularly by raising public awareness on the problem of violence (Djibouti);
- 86.8 Ensure specific training to police concerning certain types of crimes, in particular rape with regard to the offences reported in the Centre for asylum seekers (France);
- 86.9 Strengthen the independence of the judiciary, notably by ensuring that magistrates are not dismissed arbitrarily from their functions (Belgium);
- 86.10 Commit to upholding the rule of law and independence of the judiciary (Netherlands);
- 86.11 Steps be taken to enhance and strengthen the independence of the judiciary (Trinidad and Tobago);
- 86.12 Allow the opening of independent investigations on allegations of crimes committed in the Centre for asylum seekers (France);
- 86.13 Adopt adequate safeguards in the Constitution and in relevant legislation to ensure the independence of judges and magistrates as well as the independent practice of the law profession. Consider extending an invitation to the Special Rapporteur to strengthen such efforts (Mexico);
- 86.14 Allow the courts or another politically independent body to hear final appeals against the cancellation or denial of passports, visas or other Nauruan travel documents (New Zealand);

- 86.15 Release the parliamentarians from the opposition who have been imprisoned and take the necessary legal measures to ensure freedom of expression, in the media and on the internet (France);
- 86.16 Amend the Criminal Code to lift restrictions on the freedom of movement, freedom of assembly and freedom of expression (Germany);
- 86.17 Actively address issues of freedom of expression and association in Nauru, and support political representation for all Nauruan (Australia);
- 86.18 Guarantee the right to social security of the population, especially of groups in vulnerable situations such as children and people with disabilities (Mexico);
- 86.19 Establish a comprehensive regulatory framework to reduce the physical and environmental health-care risks associated with phosphate mining (Trinidad and Tobago).
87. The following recommendations will be examined by Nauru which will provide responses in due time, but no later than the thirty-first session of the Human Rights Council, in March 2016:
- 87.1 Abide by its international human rights obligations and to uphold freedom of the press, freedom of information and freedom of speech (Netherlands);
- 87.2 Make public the whole report of the Subcommittee on the Prevention of Torture, following its visit to Nauru in May 2015 (Switzerland);
- 87.3 Seize the opportunity of the Criminal Code of Nauru to decriminalize homosexual relations between consenting adults (Spain);
- 87.4 Take swift action to decriminalize same — sex sexual conduct between consenting adults (United States);
- 87.5 Swiftly decriminalize sexual behaviour between consenting adults of the same sex (Australia);
- 87.6 Advance towards the derogation of the provisions that criminalize consenting same-sex relations between adults (Chile);
- 87.7 Reform the Penal Code to abolish the ban imposed on sexual relations between same sex adults, in order to comply with the commitments made in 2011 (France);
- 87.8 Modify national legislation to decriminalize consensual sexual relations between persons of the same sex, as recommended and accepted during the first review (Argentina);
- 87.9 Take the necessary measures for the abolition of death penalty (Costa Rica);
- 87.10 Amend the Constitution in order to abolish the death penalty (Portugal); Amend its Constitution with a view to abolishing the death penalty (Sierra Leone);
- 87.11 Amend article 4 of the Constitution to abolish the death penalty (Slovenia);
- 87.12 Consider improving the conditions of detention centres in the country, particularly the Regional Processing Centre, in line with the Standard Minimum Rules for the Treatment of Prisoners (Ghana);

- 87.13 Ensure that all criminal law provisions, including Section 244A of the Criminal Code, which imposes harsh penalties for a wide range of legitimate expression, are fully consistent with the enjoyment of the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association (Canada);
- 87.14 Lift restrictions on access to the Internet within Nauru and facilitate access of journalists to the country, (Germany);
- 87.15 Allow international media organizations increased access, including through a reduction of prohibitively expensive visa fees (New Zealand);
- 87.16 Reduce entry visa fees for foreign journalists (Timor-Leste);
- 87.17 Adopt a legislative framework that protects effectively activists in the civil society against all types of reprisals, in particular journalists and human rights defenders (Belgium);
- 87.18 Take legal and institutional measures to strengthen the independence of the judges, ensure freedom of expression and lift the restrictions on access to Internet and social media (Costa Rica);
- 87.19 Ensure that asylum seekers, refugees and migrants, particularly unaccompanied minors and children are given all necessary protection and social support (New Zealand);
- 87.20 Grant access of independent observers to detention centres for migrants and clarify their status (Spain);
- 87.21 Authorize independent entities, such as journalists and local, national and international organizations, to travel freely in all areas of the detention centre for migrants with the aim to monitor the conditions of detention (France);
- 87.22 Take immediate measures to improve the physical conditions and security situation in detention and processing centres for asylum seekers, especially for women and children. Invest in finding timely, adequate and durable solutions for refugees (Germany);
- 87.23 Avoid mandatory deprivation of liberty for asylum and refugee applicants while their petitions are processed (Uruguay);
- 87.24 Address the question of the conditions offered to asylum and refugee seekers during the processing of their applications and once the procedure is completed, ensure that these people enjoy the human rights which they are entitled to under the Convention relating to the Status Refugees of 1951 and other applicable international norms (Uruguay);
- 87.25 Consider reviewing the policy regarding asylum seekers and take appropriate measures to guarantee they are treated in accordance with applicable international human rights standards (Brazil);
- 87.26 Take measures to implement and guarantee international human rights for asylum seekers, and in particular the right of women and girls who are seeking asylum to be protected from gender-based violence (Fiji);
- 87.27 Review the regional resettlement arrangement with a view to ending or reforming the offshore processing and offshore detention of asylum seekers; and to release asylum seekers from detention while their claims are being processed, priority being given to releasing children and families as soon as

possible; and, in the interim, to provide adequate safeguards for the detainees in detention, including providing reasonable standards of security and hygiene (Kenya);

87.28 Establish concrete measures to guarantee that the rights of asylum seekers and refugees are upheld, particularly women and children in immigration detention or processing centres (Philippines);

87.29 Release all children from immigration detention as a matter of priority (Slovenia);

87.30 Ensure that minors have access to education in a safe environment in line with its obligations under the Convention on the Rights of the Child and other international human rights instruments (Ireland).

88. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Nauru was headed by H.E. Mr. David Adeang, Minister of Justice and composed of the following members:

- H.E. Ms. Charmaine Scotty, Minister for Home Affairs;
 - Mr. Lionel Aingimea, Secretary for Justice and Border Control;
 - Ms. Mary Tebouwa, Secretary for Home Affairs;
 - Ms. Joy Heine, Director for Women's Affairs;
 - Mr. Filipino Masaurua, Senior Government Lawyer Human Rights/Gender.
-