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the annex to Human Rights Council resolution 16/21***

Nauru

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Introduction

1. The Government of the Republic of Nauru welcomes the opportunity to present its second human rights report to the Human Rights Council. Since the presentation of the Government report in 2012, the Republic of Nauru has made significant progress with regards the implementation of the first round of recommendations. Major accomplishments include the recent enactment of the *Cyber Crimes Act 2015*, *Adoption Act Amendment 2015*, *Citizenship Act Amendment 2015*, *Refugee Act 2012*, *Geneva Convention Act 2012*, *Asylum Seekers (Regional Processing Centre) Act 2012*, and *Constitutional Amendment Article 73* to name a few. Significant achievements also include the successful visit of the *Sub Committee on the Convention against Torture* on the Republic of Nauru plans on the implementation of the Convention against Torture.

2. Nauru continues to face on going challenges with regards the promotion and protection of human rights including the lack of capacity and insufficient resources. Notwithstanding the challenges, Nauru continues to make progress and strive for the best outcomes with regards to its human rights obligations.

I. Methodology and consultation process

3. The Department of Justice and Border Control (DJBC) remains the lead government department responsible for addressing human rights issues and concerns in Nauru. The Government of Nauru has in place a Working Group on Treaties (WGT) which is comprised of the various government department and is chaired by the Secretary for Foreign Affairs. The WGT occasionally include observers from other departments when relevant human rights issues, pertaining to those departments, appear. The WGT mandate is:

- to ensure that all of Nauru's treaty actions are accurately recorded;
- to monitor and plan for Nauru's compliance with its treaty obligations;
- to monitor and comply with Nauru's international reporting obligations, and to seek external technical assistance with reporting where required; and
- to prepare advice for government on recommended treaty actions (i.e. ratification of and accession to treaties to which we are not yet party).

4. DJBC in partnership with the Office of the High Commissioner for Human Rights (OHCHR), the Pacific Islands Forum Secretariat (PIFS) and the Secretariat of the Pacific Community (SPC) convened the first UPR consultations for the second round of reporting for the Republic of Nauru in 2014. The consultations for government was aimed at seeking and identifying relevant information for the second national Universal Periodic Review report. Two more consultations February and May 2015, were designed to collect, compile and analyse relevant and up to date data needed for the report. Additional discussion was held with various representatives from the different government departments on their respective roles and functions and in the acquisition of relevant responses to the recommendations.

5. A final consultations was held on the 29 June 2015–1 July 2015 to consolidate government's responses and to put together the second national report. Additionally, the writer's workshop was attended by representatives from the Department of Education, Department of Justice and Border Control, Department of Foreign Affairs, Department of Women, Department of Children Services, Department of Health, Department of Environment, Department of Sports, Parliament, Correctional Office, Auditor General's

Office and the Statistics Office. The Department of Justice and Border Control coordinated, planned and convened the UPR writer's consultation.

II. Developments since the previous review, background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights; constitution, legislation, policy measures, national jurisprudence, human rights, infrastructure including national human rights institution and scope of international obligations identified in the “basis of review” in resolution 5/1

A. National laws and legislation

6. Significant key achievements in the area of legislative reform by the Government of Nauru include the enactment of the: Cyber Crimes Act 2015, Adoption (Amendment) Act 2015, Naoero Citizenship (Amendment) Act 2015, Refugee Act 2012, Asylum Seekers (Regional Processing Centre) Act 2012, Education (Amended) Act 2015 and the Interpretation Act 2011.

B. National measures and policies and plans

1. National Disability Policy 2015

7. The *Nauru National Policy on Disability 2015* (NNPD) sets out a comprehensive framework to address the needs and rights of persons with disabilities in particular to improve the quality of their lives and their full and equal participation as empowered citizens. The NNPD reflects Nauru's vision of a disability-inclusive and barrier-free society where persons with disabilities are able to enjoy all human rights on an equal basis with others, and to live a life of dignity. The vision also reflects key principles and core values articulated under the *Convention on the Rights of Persons with Disability (CRPD)* to which Nauru acceded in June 2012, in particular the principles of non-discrimination, respect for inherent dignity, and full and effective participation and inclusion. It identifies priority strategic areas for building greater inclusion and dismantling the barriers that hinder the full participation of persons with disabilities in the political, cultural social and economic life of Nauru. Significant to note, the CRPD provides an overall guiding framework for the Nauru National Policy on Disability, and is referenced in each priority area along with two key regional frameworks – the *Incheon Strategy to Make the Right Real for Persons with Disabilities in the Asia Pacific Region 2013-2022* and the *Pacific Regional Strategy on Disability (PRSD): 2011–2015*. Nauru is a party to both key regional frameworks.

2. Nauru National Youth Policy 2009–2015

8. A comprehensive and consolidated *Nauru National Youth Policy (NYP), 2009–2015* was developed by the Nauru Youth Affairs (NYA) a division within the Ministry of Home Affairs. However, due to financial constraints at the time of completing the final draft, the *Nauru Youth Policy* paper was never formally adopted. Discussions are in progress to review its contents and to be submitted to cabinet for endorsement. The *Nauru National Youth Policy 2009–2015* outlines four core strategies which provide guidelines for key

programmes designed to address the emerging issues affecting young people of Nauru. The core strategies are:

- skills development through formal and informal education;
- employment and income generation;
- social development, supportive environment; and
- Cross cutting initiatives.

9. The Nauru National Youth Policy 2009-2015 defines youth as all males and females between the ages of fifteen and thirty four years. A proposal has been made to review the Nauru National Youth Policy particularly on the amendment of the age definition to complement the requirements of the Convention on the Rights of the Child. Additionally, gender is a critical component of all aspects of the development, implementation, monitoring and evaluation process of all National Youth Policy activities and programmes. It is also inclusive of youth living with disability.

3. Nauru National Women's Policy 2014-2019

10. The Government of Nauru's *National Women's Policy* is aimed at assisting the gender performance indicators contained in the *National Sustainable Development Strategy 2005-202*. It also provides a national framework for the articulation of areas of concern identified in the *National Plan of Action for Women*, consistent with CEDAW. The National Women's Policy calls for a multi-sectoral implementation response, and directs government, civil society and community representatives regarding Nauru's gender priorities. The National Women's Policy goals are:

- heightened participation of women in decision making and leadership in Government and state owned enterprise and at grassroots levels;
- elimination of all forms of violence against women;
- improved economic status of women including workplace equality with men;
- improved women's health (including reproductive health and rights) services; improved and equitable access to health services by women;
- improved and equitable participation in all levels of education by girls and women; and
- a strengthened women's affairs department and improved capacity government agencies to mainstream gender equality programs.

4. Nauru Women's National Plan of Action 1998–2015 (reviewed in 2004)

11. Further to the above, there exists a Nauru Women's Plan of Action which is aimed at improving the quality of women's lives in Nauru. The National Plan of Action have identified 16 thematic issues that aims to improve the lives of women in Nauru, they are:

- women and health;
- education and training for women;
- violence against women;
- religion;
- human rights of women;
- women in decision making;

- women and culture;
- women and the media;
- community/family;
- child (girl);
- good governance;
- women and the economy;
- women in agriculture and fisheries;
- women and the environment;
- youth; and
- women in sports. It is envisaged that the realisation of key thematic issues will improve the quality of life of women in Nauru. The National Plan of Action is monitored by the Women's Affairs Department.

5. Nauru Gender Country Plan

12. The Nauru Gender Country Plan is in place with the deployment of a full-time psychosocial counsellor at the Republic of Nauru Hospital (RONH) for men, women, boys and girls affected by domestic violence, alcohol and teen pregnancy. Following this a referral system between Republic of Nauru Hospital through doctors and treatment staff, schools through liaison officers, NPF via the Domestic Violence unit and safe house is in the end stages of establishment. The three activities in the first country plan will:

- improve the health sector response and services to reduce domestic violence;
- increase access to justice and improved legislation and policy environment for reducing domestic violence; and
- increase leadership and decision making opportunities for women.

6. Department of Education Annual Operation Plan

13. The Education reform agenda was introduced in 2010. Critical issues identified in the revised reform agenda of 2014 includes:

- increasing student rates;
- improving teacher attendance and punctuality;
- improving enrolment, completion and transition rates of students;
- improving learning outcomes of all students;
- increasing level of literacy and numeracy in each sector;
- building and sustaining a skilled workforce;
- providing and maintaining safe, health; and
- welcoming learning facilities and sustaining implementation of recently developed modern and relevant curriculum.

14. The Annual Operation Plans identifies four key pillars aimed at improving the overall work of the Department of Education namely to:

- Improve quality and access to early years, primary and secondary education;
- Create a proactive and continually improving education system;

- Improve learning outcomes for all students;
- Maintain a sustainable and high quality workforce to meet future education needs.

15. As required by the *Education Act 2011*, a *Truancy Policy* has been developed to support the Education Annual Operation Plan (EAOP). This is coordinated by the Education Liaison Office (ELO) and resourced by a Chief Liaison and a School Liaison for each of the national schools namely – four infant schools, two primary schools, one secondary school, Kayser College and the Able Disabled Centre. Additionally, fifteen expatriate early childhood and primary teachers from the Papua New Guinea, Kiribati and Fiji are currently contracted by the government to fill in the teacher workforce gap as the local teachers are being trained to meet the Teacher Registration Requirements which is now in force.

7. National Development Sustainable Plan 2005–2025 (revised in 2009)

16. The *National Sustainable Development Strategy 2005-2025* (NSDS) launched in 2005 established for the first time, a national long term strategic development plan for Nauru. The NSDS identifies key national development goals and the accompanying strategies and activities required to achieve those goals. The NSDS is the Government of Nauru's core development agenda. The Nauru National Sustainable Development Strategy 2005-2025 focuses on economic and development issues and, has as one of its core principles *a just society that recognizes and respects the rights of women, promotes equal opportunities and commits to integrating gender across all sectors*. The coordinating body for the NDSP is the Planning and Development Division of the Ministry of Finance. The NSDS 2005-2025 as revised in 2009 has adopted human rights norms and standards in its core objectives. The five long term goals of the National Development Sustainable Plan that includes human rights and governance are:

- Stable, trustworthy, fiscally responsible government;
- Provision of enhanced social infrastructure and utilities services;
- Development of an economy based on multiple sources of revenue;
- Rehabilitation of mined out lands for livelihood sustainability;
- Development of domestic food production.

C. Official authorities and government organizations concerned with human rights

17. The following government offices and departments deal with human rights issues in Nauru:

- Office of the President;
- Office of the Director of Public Prosecutions;
- Department of Justice and Border Control;
- Department of Foreign Affairs;
- Department of Home Affairs;
- Department of Children's Affairs;
- Department of Education;
- Department of Health;

- Nauru Police Force;
- Correctional Office; and
- Judiciary.

III. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review”, national legislation and voluntary commitments, national human rights institutions, activities, public awareness of human rights, cooperation with human rights mechanisms

18. In February/March 2015, a study was undertaken by consultancy firm, Child Frontiers, with funding provided by UNICEF to:

- Review the current situation in legislation/policy, services and community attitudes and knowledge about child protection;
- Develop recommendations to help shape government plans, in particular in regards to a policy response; and
- Further promote capacity building, networking and interagency collaboration. Further, local staff were trained to conduct focus groups discussions over a two week period to assist in identifying how children are currently safeguarded, and to assess gaps and needs.

19. In February 2015, the Department of Justice and Border Control in partnership with the OHCHR and the Secretariat of the Pacific Community Regional Rights Resource Team (SPC RRRT) convened the second UPR Consultations for the Government of Nauru. The second consultation was aimed at ensuring that government was informed of the second round of reporting and its obligations as per the recommendations from the first round of reporting. A matrix was developed as a guide to collecting, analysing and finalising the second national UPR report.

20. In May 2015, a Sexual Assault First Responders Course was convened, funded and conducted by the Australian Federal Police (AFP) for members of the NPF and was aimed at enhancing the provision of responses to adult and child victims of sexual violence. The course included staff from the Ministry of Home Affairs, Safe House Counsellor, Child Protection staff and a Men’s Counsellor. It also established a victim focused response with the NPF responsible for the investigation and the Ministry Home Affairs responsible for victim support.

21. In May 2015, the Department of Justice and Border Control, the Department of Education, the Pacific Islands Forum Secretariat (PIFS) and the Pacific Disability Forum (PDF) convened a national consultation on the Nauru National Disability Policy. The consultation saw national disability organisations, civil society organisations, government departments and donor partners discuss and hold dialogue on the Nauru National Disability Policy. The result of the discussions and dialogue saw the development and confirmation of the Nauru National Disability Policy.

22. In June 2015, the Government of Nauru through the Department for Education also convened and completed the first Legislative Compliance review on the Convention on the Rights of Persons with Disabilities. This was done in partnership with the Pacific Islands Forum Secretariat, the UNESCAP and both the Department of Education and the Department of Justice and Border Control. The review involved stakeholders from both

government and civil society organisations. Additionally, a general workshop on CRPD including responsibilities, ownership and obligations was facilitated to compliment the work on the legislative review.

23. In September 2015, the Office of the High Commissioner for Human Rights in partnership with the Department of Justice and Border Control, the Department of Foreign Affairs and Trade convened a two and half day consultation on *Training on human rights treaty ratification and reporting for the Government of Nauru/Nauru Human Rights Working Group Focus on National Mechanisms for Monitoring and Follow-Up (NMRF), the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR)*. The objective of the training was to equip government departments with information on the process and purpose of treaty ratification, reporting and implementation.

IV. Action taken regarding recommendations arising from the first UPR round

Recommendation

79.1/2/3/4/5/6/7/8/9/10/11/12/13/14/15/17/18/19/20/21/2/2/23/24/25/26/27

24. As part of its commitment to implementing the recommendation from the first round of reporting, the Government of Nauru has ratified the:

- Convention on the Elimination of All forms of Discrimination against Women (2011);
- Convention on the Rights of Persons with Disabilities (2012);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2012);
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2013).

25. Additionally, the Government of Nauru through the Department of Justice and Border Control is currently in discussions with the relevant government departments on the facilitation of specific human rights training particularly the:

- Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
- International Covenant on Elimination of all forms of Racial Discrimination;
- International Covenant on Economic Social and Cultural Rights;
- United Nations Convention against Transnational Organized Crime; and
- Convention relating to the Status of Refugees and its 1967 Protocol.

26. Discussions are under way with other regional and international organisation on the facilitation of the development of a framework towards the effective implementation and mainstreaming of human rights in national polices and legislation.

Recommendation 79/21/57

27. *Article 4 of the Constitution of the Republic of Nauru* provides for the protection to the right to life, however an exception is provided for parliament to pass a law imposing the death penalty. Parliament has yet to invoke a law on the death penalty and it is unlikely given its commitment and signing of the International Covenant on Civil and Political

Rights and the Second Optional Protocol to ICCPR. It is envisaged that this will be progressively realized upon further consultation with government and relevant stakeholders. In addition, the Constitutional Review Commission Report of 2009 found that generally the exception on the death penalty was to be completely removed from the Constitution. Parliament will need to agree for a Bill requiring the amendment of Article 4 of the Constitution and getting the required two third (2/3) for parliamentary approval.

Recommendation 79.27/53/102

28. The Government of Nauru is working on developing a specific MOU with the OHCHR on possible support that can be provided to the Government of Nauru with regards to its human rights commitments. The MOU will focus on the training, policy and legislative support to the Government of Nauru. Additional support is being sought by the Department of Justice and Border Control with regional partners on other human rights activities. The OHCHR support to Nauru is readily available and offered in different areas, such as: (a) establishment of a National Preventative Mechanism (NPM) under OP-CAT (jointly with APF and APT); (b) establishment of a National Mechanism for Reporting and Follow-up (with a focus on international human rights mechanisms such as Treaty Bodies, UPR and Special Procedures); and (c) technical assistance and capacity building with regard to implementing treaty obligations under the CRC, CEDAW, CRPD, CAT and OP-CAT.

Recommendation 79.28

29. The last recorded Constitutional Amendment was introduced in Parliament in 2014 and was defeated as it did not receive the required 2/3 majority of the votes. The Constitutional (Amendment) Act passed in 2009 proposed to amend a number of Articles but was defeated at the National Referendum. Significant to this is the introduction and passing of several rights based legislation namely *Electoral (Amendment) 2012* was passed to increase the number of MPs in the Constituency of Meneng from 2 to 3. In addition the amendments also confronted the issue of parliamentary stalemate in parliament which has affected the proper functioning of parliament. Furthermore, Parliament have also established a Committee on the Leadership Code and is tasked with the responsibility of holding and facilitating consultations on a Leadership Code and to introduce a Bill on the Leadership Code. In this regards the Committee is currently calling for champions in each district for the purpose of facilitating and convening community consultation.

Recommendation 79.29

30. The Supreme Court of Nauru in 2015 formally removed the corroboration rule. The Supreme Court in the case stated in relation to *Criminal Case No. CF 7/2015 The Republic v Saeed Mayahi* the question posed by the learned Resident Magistrate, through the submission of the *amicus curiae*, is whether the practice of the Courts requiring a corroboration warning for the evidence of women or girl victims relating to sexual offences, is contrary to Articles 2 and 3 of the Constitution. The amicus submitted that the ratification by the Republic of Nauru of the Convention on the Elimination of all forms of Discrimination against Woman (CEDAW) and being a signatory to the International Covenant on Civil and Political Rights (ICCPR) committed to compliance with treaty obligations, negates the rule of practice in requiring corroboration for female complainants in sexual offence cases.

31. The court held that "...the rule of practice requiring the giving of a corroboration warning relates to cases in this jurisdiction in which only a woman or girl can be the complainant. Thus to require a corroboration warning to be given in relation to these complainants only, is to discriminate against them on the basis of their sex. This offends

against the tenet of section 3 of the Constitution of Nauru.” Accordingly the Court ruled that there will be no rule of practice or requirement that a corroboration warning is to be given in all cases involving complainants in sexual offence matters before the Courts in Nauru.

Recommendation 79.30/31/32

32. The Ministry of Justice through the Department of Justice and Border Control has developed a concept note on the possible establishment of a dedicated office tasked with the responsibility of managing Nauru’s human rights issues and concerns. In addition, the Government of Nauru through the Department of Justice and Border control has begun preliminary discussions with official’s from the Ombudsman Office of the Government of Samoa with regards to the possible establishment of a national human rights institution.

Recommendation 79.33/37

33. In order to ensure a stronger focus on children and young people, a dedicated *Division of Child Protection Services* was established in 2015 aimed at providing stronger, consistent and efficient technical, policy and support service on children’s issues in Nauru. The newly established Division of Child Protection Services is currently resourced and housed by the Ministry of Home Affairs Three government positions are now in place and deals exclusively with matters relating to children in Nauru – *Director of Child Protection, Senior Protection Officer, and Child Protection Officer*. Additionally, the Division of Child Protection Services has the mandate of establishing national systems and processes to respond effectively and efficiently to cases of child abuse and neglect. Additionally, documentation is also available for the newly created positions within the Department of Children Services. In addition to the above, support to the work of the Division of Child Protection Services is provided for by the by DVU of the Nauru Police Force, whose mandate is to investigate, report and respond to victims of domestic violence and child abuse.

Recommendation 79.34

34. The Department of Foreign Affairs and Trade has not considered establishing an office in Geneva. Internal discussions are currently on going with relevant government stakeholders on this issue.

Recommendation 79.35/36

35. The government of Nauru through the Ministry of Home Affairs and particularly the Women’s Affairs Division, and the Division of Child Protection Services have facilitated specific human rights training for community leaders and members of the community on human rights. The Department of Women have also provided assistance and training on women’s rights. The Women’s Affairs Division have also undertaken the facilitation of a National Consultation on Violence against Women together with the Secretariat of the Pacific Community. The aim of the national consultation was to discuss and ascertain the need for a stand-alone rights based approach domestic violence legislation.

36. In May 2015, the Department of Justice and Border Control in partnership with the Women’s Affairs Division and the Division of Family and Community Services facilitated an open forum on the Convention on the Rights of Child (CRC) with teachers from Nauru. The aim of the open forum was to discuss the need to apply the CRC in schools and how to effectively gauge monitoring. Furthermore, the Ministry of Justice through the Department of Justice and Border Control is currently coordinating and convening the Pleders Course. The Pleders course is aimed at Nauruans citizens interested in undertaking paralegal work in Nauru. The programme is designed to assist court pleaders with information to provide

legal assistance to Nauruans. Currently, twenty four students are enrolled in the one year course. The Pleaders course include Constitutional Law, Torts Law, Contract Law, Land Law, Civil Law, Criminal Law and Family Law.

Recommendation 79.38

37. *Section 211 of the Criminal Code 1899* makes it an offence for a male person to commit any act of indecency with another male; however the Code is silent on females. There has been no amendment to the Criminal Code and to decriminalise sexual behaviour between consenting adults. Internal discussion and consultations with relevant stakeholders are being planned on the revision of the criminal code to consider the issue raised in the given recommendation.

Recommendation 79.39

38. The National Development Sustainable Plan 2005-2025 as revised in 2009 has adopted human rights norms and standards in its core objectives. The five long term goals of the National Development Sustainable Plan that includes human rights and governance are:

- stable, trustworthy, fiscally responsible government;
- provision of enhanced social infrastructure and utilities services;
- development of an economy based on multiple sources of revenue;
- rehabilitation of mined out lands for livelihood sustainability;
- development of domestic food production.

39. In addition areas that has significantly strengthened in the new NSDS Strategies and Milestones are:

- environment;
- community development;
- youth;
- law and justice;
- land;
- fisheries;
- women and development;
- civil society.

Recommendation 79.40

40. The Government of Nauru has in a place a national disaster risk management plan which is reviewed on a yearly basis. To administer and manage this work, the Government of Nauru also created the Department of National Emergency Management Services. There exists a *Disaster Risk Management Plan* and a *Disaster Risk Management Act*. Internal discussions on going to strengthen and broaden the human capacity of the *National Disaster Risk Management Office* and of the *Climate Change Unit*. A national disaster risk management council is in place to monitor the successful implementation of programs and policies. The mandate of the management council is to regularly monitor and revise national disaster management policies in line with changing needs and circumstances.

Recommendation 79.41

41. In September 2015 the Department of Justice and Border Control, Department of Foreign Affairs and Trade in partnership with the Office of the High Commissioner for Human Rights (Pacific Regional Office) convened human rights training for representatives from the fourteen government departments including civil society organisation (CSO) representatives. The human rights training focused on treaty ratification and reporting for the government of Nauru and the added value of ratifying already signed treaties. It also provided an opportunity for the different government departments to plan and map out a plan of action on how best to integrate human rights in national policies and development plans. Additionally, in May 2015 the Department of Education and the Department of Justice and Border Control in partnership with the Pacific Islands Forum Secretariat and the UNESCAP convened the first legislative compliance on the Convention on the Rights of Persons with Disabilities on behalf of government. The legislative compliance saw partners consult and meet with representatives of the fourteen government departments including members of the Able Disable, Nauru Persons with Disabilities Association to discuss the status of person with disabilities in law and policy.

42. Furthermore, the Ministry of Home Affairs through the Department of Women continues with their ongoing training on women's rights for the 12 districts in Nauru. The human rights training focused on the articles of the Convention on the Elimination of all forms of Discrimination against Women and how it can be best translated and implemented nationally. Additionally, the Department of Justice and Border Control in partnership with the Department of Women and the Division of Child Protection Services convened a consultation on the Convention on the Rights of the Child for teachers in Nauru.

43. In February and March of 2015 government officials from the Ministry of Home Affairs and the Department of Justice and Border Control conducted community consultations in all the fourteen districts in Nauru on the CEDAW, CRPD and CRC treaty report. The consultation team included the Gender Based Violence Counsellors, Director for Family and Community Services, Safe House Counsellors, director for women's Affairs, the senior human rights lawyer, prosecution lawyer, public defender and the Country Focal Officer from the Secretariat of the Pacific Community – Human Rights Section (RRRT).

44. In March 2015, SPC and supported by the Department of Justice and Border Control convened a workshop on the Universal Periodic Review for civil society organisations. The objective of the weeklong consultation was to encourage CSOs to prepare and submit reports based on areas of concerns. CSOs also discussed how they could engage effectively with the Human Rights Council through effective networking and the facilitation of side events.

45. In July 2015, the Ministry of Home Affairs invited the SPC to conduct a five day workshop on Eliminating Violence against Women (EVAW), Human Rights and on the Convention on the Rights of the Child. Invitations were extended to faith based organizations such as Principal of Assembly of God School, President of the Legion of Mary Catholic Women's Fellowship, Secretary for the Nauru Congregational Women's Fellowship Council, President for Nauru Youth Fellowship Council, Nauru Disabled Person's Association, Coordinator for NIANGO, Community leaders along with government departments that deal with issues relating to women and children.

Recommendation 79.42/43/44/45/46/47/48

46. In May 2015, the Government of Nauru received and facilitated the visit of the UN Subcommittee on the Prevention of Torture in Nauru. The UN Subcommittee on the Prevention of Torture focussed its visit on the situation of detainees on the island and that

of the need to establish an independent body to monitor places of detention. The three-day visit, gave the opportunity for the UN Subcommittee on the Prevention of Torture to visit Nauru's police station and prison, as well as the Regional Processing Center (RPC) for asylum-seekers, a large facility comprising three separate units housing men, women and families with children. In addition, the UN Subcommittee on the Prevention of Torture also visited the Nauru Correctional Office and the asylum seekers centres in Nauru. The UN Subcommittee on the Prevention of Torture also facilitated interviews with asylum seekers and refugees to determine compliance with international standards and procedures.

47. Significant to the visit of the UN Subcommittee on the Prevention of Torture was the discussions on the Optional Protocol on the Convention Against Torture implementation, in particular support for the establishment and functioning of National Preventive Mechanisms. Nauru became a party to OPCAT in January 2013 and is in the process of initiating discussions and consultations on the establishment of an independent National Preventive Mechanisms.

Recommendation 79.49/50/51

48. The Government of Nauru has in the past months worked to finalise its overdue reports namely the:

- Convention on the Rights of the Child;
- Convention on the Elimination of all forms of Discrimination against Women; and
- the Convention on the Rights of Persons with Disabilities.

49. To date the government of Nauru has finalised the CRC and CEDAW report with the CRPD to be finalised by November 2015.

Recommendation 79.52

50. A draft Common Core Document is in place and in the process of circulation to relevant stakeholders for comments before finalisation. The CCD was developed by the Department of Justice and Border Control with support from the Pacific Islands Forum Secretariat. It is envisaged that the Common Core Document will be finalised by November 2015.

Recommendation 79.54

51. The Department of Education and the Department of Justice and Border Control and, in partnership with the Pacific Disability Forum and the Pacific Islands Forum Secretariat convened national consultation with both government and NGO stakeholders with regards a national disability policy for the Government of Nauru. The Nauru National Policy on Disability sets out a comprehensive framework to address the needs and rights of persons with disabilities in particular to improve the quality of their lives and their full and equal participation as empowered citizens. In addition through *UNICEF – United Nations Children's Fund* a draft *Work Plan for 2014-2015* has been discussed with government counterparts, Ministry of Health and Medical Service (MHMS) and Ministry of Home Affairs (MoHA), and presented in late May 2015 to the Department of Foreign Affairs (DFAT) to facilitate formal confirmation. It proposes continuing work with MHMS (in close coordination with UNFPA and WHO) and starting a work with the newly established Family and Community Services Division of MoHA. The work is in two main areas: a) Pregnant women, mothers and children equitably benefit from improvement of neonatal, child and maternal survival, health and nutrition; and b) Child Protection situation analysis and related CRC reporting requirements completed.

Recommendation 79.56

52. The National Sustainable Development Strategy identifies six key performance indicators by which to measure the development of women in Nauru:

- proportion of CEDAW related programs established and mainstreamed in all government plans, policies and strategies and programs;
- proportion of women in Parliament;
- proportion of women in leadership positions in Government, Government Boards and the Private Sectors;
- proportion of women in paid employment;
- percentage share of average household income contributed by women;
- proportion of community projects/programs managed and implemented by women's groups/NGOs/Civil Society.

53. In addition, the Nauru National Sustainable Development Strategy 2005-2025 focuses on economic and development issues and, has as one of its core principles...*"a just society that recognizes and respects the rights of women, promotes equal opportunities and commits to integrating gender across all sectors."*

Recommendation 79.58/59

54. The Ministry of Home Affairs through the Department of Woman have in place a *Nauru National Women's Policy (2014-2024)*; *Nauru Women's Action Plan-2005-2015* and the *Nauru Young Women's Action Plan-2009-2015*. This policy documents outline and guide development work related to women's issues, particularly that of eliminating violence against women. The Department of Women also rely on monthly and annual reports to monitor and measure progress made in the area of women's rights. Furthermore, in 2014 the Women's Affairs Division with the technical support of the United Nation Family Protection Association (UNFPA) and financial support of Australian Aid (AusAID) conducted the Nauru Family Health and Support Study (NFHSS). This was an exploratory study on violence against women and girls. The findings of the NFHSS report were fully disseminated through the publication of brochures, on-air television and radio interviews to raise awareness at the community level of impacts of VAW on children.

Recommendation 79.55/60/61/62/63/64/65/66/67/68

55. Work continues to replace the *Criminal Code 1899* with a new Nauru Criminal Code. The Australian Attorney Generals' Department (Pacific Section) is working with the Department of Justice and Border Control and the Nauru Police Force to draft a new Criminal Code for Nauru, in three separate parts. The first part, concerning offences against the person, is the part of most relevance in terms of compliance with CEDAW. It is envisaged that all of the existing gender distinctions and discriminatory provisions will be removed in the new Code. The passage of this important law reform through Parliament will allow for and ensure compliance with the obligations of CEDAW. Suffice to say that there is now a strong call for stand-alone domestic violence legislation. The objective of the new Criminal Code is to modernize Nauru's criminal laws so that it can meet the interests and needs of the developing society and the various facets of the criminal justice system. Most of the sexual offences in the Nauru Criminal Code are located in Chapter XXII of the Criminal Code. While these offences cover a broad range of sex offences, they do not include many modern offences, particularly in relation to child sexual exploitation and assault of a person. Consequently, this indicates more options for criminal culpability of violence instigated by men against women. The new Criminal Code will also move all

sexual offences to one Division, which makes it more user friendly for the Nauru Police Force and the Director of Public Prosecutions when proffering the appropriate charge for offences containing violence against women. Other new developments that will be seen in the Criminal Code is the offence of stalking, which is designed to capture behaviours that stops short of assault, but which could raise fear or apprehension in the victim. It can also be used to prosecute a person prior to the commission of a more serious offence. Consent in sexual offenses by women is a common issue, which traverses all offences containing violence against women and so the Criminal Code proposes to address this fundamental issue by providing a non-exhaustive list of circumstances in which consent is not taken to be given freely and voluntarily, for example, if force is used.

Recommendation 79.69/70/71/72

56. In the case of *The Republic of Nauru v Jacko Gadeanag Criminal Case No 83/2015* involving the indecent treatment of a boy under the age of 14 contrary to *section 210 of the Criminal Code 1899*. The victim was two years old at the time of the offence. The District Court sent the case to the Supreme Court for sentencing. The Supreme Court sentenced the accused to four years. This has become a landmark decision as it provides increased sentencing for child victims.

57. The Child Protection Services with the support of the Pacific Technical Assistance Mechanism (PACTAM) Gender Based Violence Advisor are in the process of developing the Mandatory Reporting Framework for Nauru. The plan takes into account best practices from the region and how it can be best implemented nationally given the limited resources. It is considerate of the fact that the Nauru Police Force (NPF) DVU is resourced by two officers, the Child Protection Service (CPS) division has three staff members, and the laws of Nauru are vague or nonexistent on some issues relating to child protection and insufficient child counseling capacity.

58. The *Cyber Crime Act 2015* is a significant piece legislation aimed exclusively at cyber safety particularly the protection of children from abuse. The Cyber Crime Act 2015 was enacted by parliament to combat the growing cases of sexual assault and abuse of minors via social media. Cybercrime is used to describe both: crimes directed at computers or other information communications technologies (ICTs) (such as hacking and denial of service attacks), and crimes where computers or ICTs are an integral part of an offence (such as online fraud, identity theft and the distribution of child exploitation material).

Recommendation 79.73

59. The Nauru judiciary has professionally benefited from the *Judicial Pacific Participation Fund* a professional development initiative supported by New Zealand's Ministry of Foreign Affairs and Trade and Ministry of Justice. It recognises the good will and close relationships which exist between the New Zealand and Pacific Island judiciaries and provides development opportunities and activities for Judges, judicial officers and court officers throughout the Pacific. The Institute of Judicial Studies is the education arm of the judiciary and provides education programmes and resources which:

- support judges in the ongoing development of their judicial careers;
- promote judicial excellence; and
- foster an awareness of developments in the law, its social context, and judicial administration.

60. In June 2015 staff of the Nauru Judiciary attended the Courtroom Communications seminar in New Zealand. The seminar provided an opportunity for court registrars to practice communication skills relevant to the unique environment of the courtroom. The

programme is aimed at identifying current presentation style on the elements of a good presentation, vocal and body language dynamics, clarity and managing courtroom demeanour in the courtroom in stressful situations.

Recommendation 79.74/75

61. The Department of Justice and Border Control is currently engaging in discussions with relevant partners on the proposed reforms to the Criminal Code. The proposed Criminal Code Bill is divided into three parts: part I includes issues involving persons; part II includes issues regarding properties and part III will include general issues. Currently, discussions are underway to hold further consultations to engage the community more on the decriminalization of sexual activity between consenting adults.

Recommendation 79.76/77/78

62. Currently, access to government information is made readily available to the general public. The Government Information Office provides daily information on government activities including employment opportunities, development initiatives undertaken by government and in partnership with other development partners and or donors, meeting updates undertaken by senior government officials. This information is accessible to all government employees and the general public. In addition, the GIO prepares and distributes media releases for the Nauru government and publishes a fortnightly newsletter called the Nauru Bulletin which contains news and information on government ministries and its instrumentalities. The Nauru Bulletin is circulated via email both on Island and abroad. The Government has also established a new Twitter account.

Recommendation 79.79

63. The Government of Nauru is planning on holding more discussions with regards the reduction of the voting age from 20 years to 18 years. It is envisaged that further community consultations will need to be facilitated to allow for this to happen. It is also expected that relevant government department will need to be consulted before formal approval from Parliament is sought.

Recommendation 79.80

64. Women's Action Plan-2005-2015 identifies taking affirmative actions by promoting or putting in place, policies and practices that enhance gender parity and women's political representation. The Ministry of Home Affairs, Women's Affairs Division currently engages the community on awareness programs on the need to increase the number of women in Parliament. Furthermore, a general election was held in 2013 where more women stood for seats and the result of which has led to a woman candidate elected in Parliament and is currently holding a Ministerial position and various portfolios.

Recommendation 79.81

65. Nauruans have been able to increase their income and improve the livelihoods of their families through the Enterprise Resource Centre. The Enterprise Resource Centre has assisted many Nauruans who have accessed the Centre's services including financial literacy training and access to a micro-credit fund that provides loans of up to AUS\$2000. Support from the Centre has led to the establishment of 16 successful businesses and five new jobs have been created. The Centre has funded 17 business projects were funded of which 14 of them were led by women, including 10 young women, and three by men, of which two were youths. Robust economic growth, since the Government was elected in 2013, has seen economic growth rate of at least 15%. Last year saw job creation exceed the employment market and the Government of Nauru implementing welfare and education

incentives to strengthen programs to fight poverty. The Centre was set up in 2010 as part of the Nauru Entrepreneurship Development Programme, a joint initiative between the Government of Nauru and the United Nations Development Programme (UNDP) with US\$211,693 funding from the Government of Australia through the Australian Agency for International Development (AusAID). The Nauru Entrepreneurship Development Programme has made a contribution to the development of the Small and Medium Enterprise sector – a priority identified in Nauru’s National Sustainable Development Strategy 2005-2025. Additionally, the Government of Nauru has approved opening of the Bendigo Ban which has provided the much needed banking services for Nauru. Further, the government of Nauru has in place a welfare system which allows for payment of allowance to senior citizens and new born babies.

Recommendation 79.82

66. The Government of Nauru has in place a *Food Safety Regulations 2011* which gives regulatory backing to the *Food Safety Act*. The Regulations apply to all stages of production, processing and distribution of food and to imports and exports, and without prejudice to more specific requirements relating to food hygiene and safety. The regulation aims to prescribe rules for food business operators on the hygiene and the safety of food, protect the health of the public from unsafe food, and to protect consumers from deception and food of unacceptable and poor quality, by establishing minimum standards for food products. The Regulations take particular account of the following principles:

- primary responsibility for food safety rests with the food business operator;
- it is necessary to ensure food safety throughout the food chain, starting with primary production;
- it is important, for food that cannot be stored safely at ambient temperatures, to maintain the cold chain; and
- it is necessary to ensure that imported foods are of at least the same hygiene and safety standards as food produced in Nauru.

Recommendation 79.83

67. The *Pacific Adaptation to Climate Change* (PACC) project initiated the Solar Water Purifier project which will see the installation of solar purifiers onto the community water tanks. The concept was developed to complement the existing Japan funded Community Water Tank project. Also a Major Rapid Biodiversity Assessment (Bio-Rap) was undertaken back in June 2013 and this was in co-ordination with the NBSAP project. The end-result from the Bio-Rap will be a comprehensive State of Environment Report. The GCCA-PSIS project is nearing its end and is aimed at improving water catchment at the household level. Two hundred houses were identified for this project.

68. The *Island Biodiversity Programme of Work* is also a project nearing its end. The objective of the program is to contribute to the implementation of the *Convention of Biological Diversity’s Island Biodiversity Programme* body of work by supporting an integrated ecosystem approach to biodiversity conservation management at local level. A national water resource management policy was developed and implemented and this important document will provides the framework for a coordinated action in the efficient management and sustainable use and of Nauru’s water resources.

69. The Ridge to Reef project is expected to commence in the next 2015-2016 year. This project is intended to help maintain and enhance Nauru’s ecosystem goods and services (provisioning, regulating, supporting and cultural) through integrated approaches to land,

water, forest, biodiversity and coastal resource management that contribute to poverty reduction, sustainable livelihoods and climate resilience.

Recommendation 79.84/85/86/87/100/101

70. Nauru ratified the *UN Framework Convention on Climate Change* (UNFCCC) in 1993 and the *Kyoto Protocol* in 2001. The Government of Nauru has taken concrete steps and measures to ensure compliance with the obligations under these international conventions. Nauru's First National Communication was submitted to the UNFCCC in 1999, and its Second National Communication is under development. Nauru also participates in regional climate change meetings, including the *Pacific Climate Change Roundtable* which monitors the implementation of the *Pacific Island Framework for Action on Climate Change* (PIFACC) providing the overall regional agenda for responding to the challenges of climate change. In 2014, the Government of Nauru committed to the *Small Islands Developing States Conference* (SIDS) and actively participated in the development of the post – 2015 cooperation framework for the *Barbados Program for Action and Mauritius Strategy*. Nauru has demonstrated this commitment through their current chairmanship of the Alliance of Small Islands Developing States (AOSIS) and its position on the United National Open Working Group on the Sustainable Development Goals.

71. Mainstreaming disaster risk reduction is a key government commitment as is reflected in its approval of the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities in Disasters (HFA) and the Pacific Regional DRM Framework. Additionally, Nauru introduced the Disaster Risk Management Act and in 2010 established the National Disaster Risk Management Office (NDRMO) to coordinate day today activities. In 2013, a Joint meeting of the Pacific Climate Change Roundtable and the Pacific Platform for Disaster Risk Management encouraged greater linkages between responding to climate change, reducing disaster risks, and the pursuit of sustainable development. The Government of Nauru in 2015 presented the Nauru's Framework for Climate Change and Disaster Risk Reduction (RONAdapt). The Framework for Climate Change and Disaster Risk Reduction (RONAdapt) is a result of consultation process beginning in 2010 that involved stakeholders from both government, and the community. It clarifies priority actions for government departments and ministries and further supports the implementation of the National Sustainable Development Strategy 2005-2015. Additionally, the RONAdapt contributes to the mainstreaming of climate change and disaster risk considerations across the public sector.

72. UN ESCAP – Economic and Social Commission for Asia and the Pacific – ESCAP facilitates the Pacific Climate Change Migration Project, the long name is: Strengthening the Capacity of Pacific Island Countries to Manage the Impact of Climate Change to Migration. The initiative has a regional aspect and national implementation in Tuvalu, Kiribati and Nauru. The duration of the project is confirmed for 2013-2016. Four national activities have been identified for Nauru namely:

- improve data and analysis of labour migration;
- Gain an understanding of the attitudes of communities and individuals on migration, through community consultations and a survey;
- Develop and begin implementation of evidenced-based national strategies on climate change induced migration and relocation; and
- Enhance national capacity to effectively participate in regional, bilateral and global schemes on migration.

Recommendation 79.88

73. A Health Sector review was recently carried out and preparations are underway for the development of a new sector strategy. Appropriate and promising work continues towards the drafting, revision and passing of Health legislation such as the *Health Act* and National Medicine Policy. Work also continues not only draft and pass legislation but to also implement and monitor legislation. A major development within the Health Department is the progress made towards the Hospital Redevelopment program. To date, scoping works have been completed and a design has been decided upon out of 3 options. Nauru's major development partner Australia MFAT has agreed to commit \$11.5 million towards this project and will be implemented through the Department of Immigration and Border Control (DIBP), Australia. This project will see significant improvements to the infrastructure capacity of the Republic of Nauru Hospital which is Nauru's only medical service provider.

74. The Mental Health services of RON Hospital also continue to improve. Regular visits from specialist professionals in Mental Health are scheduled to visit Nauru on a quarterly basis. Awareness and Community Outreach Programs continue to take place through the Public Health team. A toll free line is available for this purpose. Significant to note are that home visits are made through multi-sectorial collaborations.

Recommendation 79.89/90/91

75. In the Education sector, school enrolment rates continue to improve, however, truancy also continues to plague the Education Department as one of its biggest challenges. In response the Education Department is in the process of developing a truancy strategy to address this issue. Some of the activities already in place to address this issue include the School Feeding program which provides free lunches to all school students and enforcement of the *Education Act* by which parents of children found to be truant are prosecuted and fined. The newly implemented school allowance program, to reward students attending and participating in school, greatly increased attendance by 20%–30%.

76. Capacity building in the Education Department continues to enjoy great success with the continuation of teacher up-skilling programs with the University of New England (UNE) as well as University of the South (USP). In the early 2016 the Education Department will see their first batch of teachers graduate from UNE with an Associate Degree in Pacific Education. USP has already successfully graduated another successful group of teachers with a Diploma in Early childhood education while also continuing to train another group for a certificate in early childhood education. Capacity building within the Education Department is not exclusive to teachers but is also extended to other members of the department such as senior management/administration and operational staff also undergoing training. Education has also enjoyed great success in terms of infrastructure with school refurbishments continuing to take place. In particular much needed major works have taken place at Kayser College while other schools have enjoyed repairs. The Learning Village continues to progress steadily albeit not at the desired rate. As of May 2015, Phase 1 of the Learning Village was successfully completed and the TVET Automotive centre was officially opened.

Recommendation 79.92

77. Children with disabilities are not integrated into streamline education, however, a center of has been established which caters to their educational needs. The 'Able Disable Centre' of Nauru was established in 2002. This is the first centre established in Nauru for children with special needs. To date, the Able Disable Centre is resourced by a teacher in charge, 2 teachers, 3 trainee teachers with one, teacher being hearing impaired. Currently, 42 students, with ages ranging from 4 to 34 attend classes at the Able Disabled Centre.

Classes are held from Monday to Friday and as follows: minors start at 9:00am to 12:00pm; and primary and secondary level from 9:00am to 3:00pm. Current programs taught at the Able Disable Centre focus on: (a) life Skills in gardening, cooking, health and art and craft; and (b) Individual Education Program (IEP). Inclusive education will be progressively realized in the coming years.

Recommendation 79.93

78. Within the framework of the Japanese Funds-in-Trust project “Capacity Building to Support the Conservation of World Heritage Sites and Enhance Sustainable Development of Local Communities in Small Island Developing States (SIDS)” the World Heritage Centre organized a national workshop on World Heritage for government officials and community representatives, NGOs and civil society of Nauru, that was held in Nauru from 19 to 23 January 2015. The workshop aimed at providing multi-stakeholder consultation on the safeguarding of the World Heritage in Nauru, and building capacity of the Nauru authorities and various stakeholders on the process and procedures of the 1972 World Heritage Convention, World Heritage as part of the sustainable development agenda, and strategies for sustainable tourism at World Heritage sites. The national workshop also allowed participants to discuss identification and protection of the country’s outstanding cultural and natural heritage, its presentation to the global community, and a strategic and action plan for World Heritage in the country.

79. Nauru became a party to the Intangible Cultural Heritage (ICH) Convention in March 2013. A recommendation was given to the Government of Nauru to join the ICH Convention and develop a strategy for the ICH safeguarding. Upon receiving the recommendation of the WGT, the Cabinet made a decision to accede to the ICH Convention. The Instrument of Ratification signed by the President of Nauru was received by UNESCO in March 2013. Areas of significant progress/achievements in relation to the conservation of culture and traditional knowledge include:

- setting up the Community Cultural Resource Persons & Elders Committee;
- setting up the Cultural Studies Programme with the Nauru Secondary School and the Youth Affairs Department;
- organising the UNESCO sponsored national workshop on Safeguarding of the Intangible Cultural Heritage of Nauru in May 2011;
- being part of the EU funded ECH programme.

Recommendation 79.94/95

80. As of 21 August 2015, Nauru has 642 Asylum Seekers (151 Female and 491 Male) and 523 Refugees (351 Male and 172 Female). All Service Providers are contracted by the Australian Government to provide required education, recreation and welfare services on Nauru to asylum seekers and refugees (including children and their families, childless couples and single adult women). All services in Nauru are supplied under contract with the Commonwealth of Australia through its representative, Australian Border Force. All services are delivered in accordance with the contract, the RPC Guidelines and associated Codes of Conduct. Nauru currently offers an open centre policy for all asylum seekers. This policy is open to all asylum seekers with unrestricted movement from 9am–9pm daily.

81. Transfield Services’ Welfare team provide education, recreation and cultural programs and activities within Regional Processing Centre 2 and more recently into Regional Processing Centre 3. The delivery within Regional Processing Centre 3 is supplementary to the current programs and activities that are on offer by Save the Children. The purpose of the case management and meaningful activities program is to ensure the

well-being of transferees so that they can remain engaged with their status resolution process. These services form part of a holistic, integrated approach to maintaining the wellbeing of the centre and its people. Transfield Services employees work in accordance with the *RPC Guidelines and Employee Code of Conduct* at all times ensuring the promotion and protection of asylum seeker and refugees rights. Programs and activities are both structured and unstructured across a number of program areas including: *education; cultural and religious; recreation and sporting programs and excursions*. All programs aim to build emotional resilience and cultural spirit, whilst enhancing the wellbeing of the transferees and aim to ensure that transferees are active and motivated whilst at the Regional Processing Centre (RPC).

82. Whilst International Health and Medical Services (IHMS) are the designated medical service provider, Save the Children Australia's care model also includes prenatal and postnatal support for parents, and a maternal and child health program delivered through SCA community health nurses. This model has been developed in consultation with IHMS to ensure that best practice is achieved through collaborative and integrated case management. In addition, recreation services focus on providing both structured and unstructured activities as a means of safeguarding asylum seekers' physical and mental health.

83. In order to help protect children who are particularly vulnerable, Save the Children Australia focuses on ensuring enhanced monitoring and regular reporting of vulnerable children, and escalates individual cases to the Australian Border Force (ABF) and Government of Nauru (GoN) as required. In addition, SCA holds responsibility for coordinating the response and investigation, where an incident has occurred involving a child, and making an assessment as to whether police should be notified or referrals to other service providers such as IHMS.

84. Transfield Services' Programs and Activity schedule is developed for the participation of asylum seekers only albeit some activities are conducted in the community such as recreation activities (soccer), cooking, beach walks etc. Asylum seekers are able to participate in Open Centre arrangement promoting self-agency however there have been events such as the Nauru Fun Run. A committee has recently been initiated (Community Integration Committee) who meet each month and is a collaborative forum for all stakeholders both in the Regional Processing Centre (RPC) and the Nauru Community to liaise and support transitional programs to improve continuity of services asylum seekers and refugees. Additionally, essential services such as health, education, transportation to name a few are also available to refugees currently living in the community and at refugee centres.

Recommendation 79.97

85. The Government of Nauru continues to engage the civil society organisation in the Universal Periodic Review process. Government has through the Department of Justice and Border Control provided assistance to civil society organisations in their endeavours to promote human rights in Nauru. The Government of Nauru have included civil society organisations in the UPR process nationally.

Recommendation 79.98

86. The Government of Nauru will in the coming month seek to pursue bilateral arrangements with the Government of Samoa in relation to the possible establishment of a dedicated human rights desk that has both mal administrative and human rights functions. A draft TOR have been developed which explores possible means of both technical and policy assistance by the Government of Samoa to the Republic of Nauru.

Recommendation 79.99/100

87. Donor countries and partner organisations such as Australia and the Food and Agriculture Organization (FAO) to name a few have financially assisted Nauru in improving domestic food production and overall performance of the agriculture sector. Included in this are technical assistance and cooperation are:

(a) training methods which include families in communities practicing food production activities; and

(b) the provision of propagation materials for home garden activities.

88. Additionally, key development project activities include:

(a) construction of Reverse Osmosis unit in June which daily produces more water than the Nauru's daily needs;

(b) refurbishment of existing RO units to increase production; and

(c) improving water security and storage. The design and construction of a new RO shed is currently ongoing.

89. A Water Master Plan funded by ADB is in initial discussion stage. In addition, the Government of Japan has pledged to provide additional 8 solar water pump systems as well as 6,000 litres Poly water tanks to the communities. There are no natural fresh water reservoirs in Nauru however the Reverse Osmosis units have been properly maintained for optimal water supply.

90. The design and construction of a new RO shed is currently ongoing. A Water Master Plan funded by ADB is in initial discussion stage. In addition, the Government of Japan has pledged to provide additional 8 solar water pump systems as well as 6,000 litres Poly water tanks to the communities. There are no natural fresh water reservoirs in Nauru however the Reverse Osmosis units have been properly maintained for optimal water supply.

91. Land resources and water for agriculture are highly limited. Agriculture makes up 1.2% of the GDP. Nauru is primarily dependent on imports for food security. Nutrition and school gardening programmes have been introduced to build awareness in local communities. Food security is being considered in a number of sectoral issues such as land resources, coastal and marine resources and health. It has also been recognized as a key issue related to the rehabilitation of the land affected by the mining. Additionally, donors have assisted in the installation of an agricultural and animal farm. Both these farms have been operating for more than five years. The agriculture farm grows tomatoes, cucumbers, corn, cabbages, lettuce and some bananas; and, the animal farm produces mainly pigs and eggs. Both farms educate members of the community in methods of agriculture and animal husbandry.

V. Achievements, best practices, challenges and constraints

A. Achievements

92. Achievements in the advancement of human rights since 2010 include the newly enactment of the:

- Cyber Crimes Act 2015;
- Adoption Act Amendment 2015;
- Citizenship Act Amendment 2015;

- Refugee Act 2012;
- Geneva Convention Act 2012;
- Asylum Seekers (Regional Processing Centre) Act 2012.

93. Significant achievements also include the successful visit of the Sub Committee on the Convention against Torture on the Republic of Nauru plans on the implementation of the Convention against Torture; Removal of the corroboration warning by the Supreme Court of Nauru; Creation of the Child Protection Service Division' Creation of the Social Welfare Division; Increasing sentencing in child abuse cases; Establishment of national policies relating to women, children, person with disabilities and youth.

B. Challenges and constraints

94. Human resource – Lack of capacity continues to be a hurdle in the promotion and protection of human rights in Nauru; Finance – Budget constraints continue to prevent Nauru from implementing projects addressing human rights issues to the fullest degree; Climate change – continues to threaten livelihood and the environment.

VI. Key national priorities and initiatives and commitments that's the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situation in the State

95. The Republic of Nauru commits itself to the following and intends to:
- submit human rights treaty reports and the common core document in the coming months;
 - work on progressing the realisation of a dedicated national human rights body;
 - develop a stand-alone legislation on eliminating violence against women;
 - develop a stand-alone disability legislation;
 - address climate change issues nationally, regionally and internationally.

VII. Expectation of the state concerned in terms of capacity building and request if any, for technical and support received

96. The Government of the Republic of Nauru would like to express its appreciation for the continued assistance of development partners in assisting Nauru in meeting its human rights obligations, both technical and financial. Additionally, the report recognizes that the Republic of Nauru requires further assistance in relation to its human rights commitments. This report is calling on relevant regional and international organizations, partners and donors to assist in the coordination of current, ongoing and planned human rights activities in Nauru.

VIII. Voluntary commitments

97. The Government of the Republic of Nauru will continue to pursue the development of necessary and relevant national policies in line with its international commitments.

IX. Conclusion

98. The Republic of Nauru welcomes the opportunity provided by the Human Rights Council to report on the implementation of the first round of recommendations and welcomes suggestions on best to improve on its human rights obligations.
