

2RP: Responses to Recommendations & Voluntary Pledges

NAURU

Second Review Session 23

Review in the Working Group: 3 November 2015
Adoption in the Plenary: 16 March 2016

Nauru's responses to recommendations (as of 01.07.2016):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
78 recs accepted (19 of which are considered as implemented or in the process of implementation), 30 left pending	Out of the pending 30 recs left, 1 was accepted, 28 were noted, and 1 did not receive any answer	The State added that rec no. 87.30 was also accepted – information that was omitted in the Addendum	Accepted: 80 Noted: 28 Total: 108

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/31/7:

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

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

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

A - 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);



A - 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);

A - 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);

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

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 85.13 Consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

A - 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);

A - 85.15 Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);

A - 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);



A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 85.23 Further progress in the incorporation of the Convention on the Rights of the Child to legislation and national policies (Chile);

A - 85.24 Develop specific legislation on the elimination of discrimination against women (Cuba);

A - 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);

A - 85.26 Develop disability legislation (Maldives); Develop specific legislation on disability matters (Cuba);

A - 85.27 Provide adequate financial and human resources to support the Treaty Working Group (Timor-Leste);

A - 85.28 Establish as soon as possible a national human rights institution (France);

A - 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);

A - 85.30 Continue efforts with a hope of establishing a national human rights institution in line with the Paris Principles (Indonesia);

A - 85.31 Establish an effective protection system for children (France);

A - 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);

A - 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);

A - 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);

A - 85.35 Reschedule the postponed visit of the Working Group on Arbitrary Detention to Nauru (Canada);

A - 85.36 Seek to increase women's political participation and representation in decision-making and women's economic empowerment (Maldives);

A - 85.37 Continue taking active measures to eliminate all forms of discrimination against women (Namibia);

A - 85.38 Include in the Criminal Code provisions that refer to the express protection against sexual and gender violence (Uruguay);

A - 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);

A - 85.40 Enact domestic violence legislation to ensure that women survivors of violence have legal protection from domestic violence (Ireland);

A - 85.41 Adopt a comprehensive legislation on equality and gender violence (Spain);

A - 85.42 Strengthen domestic legislation to include provisions that provide explicit protection from sexual and gender violence (Chile);

A - 85.43 Expand education and awareness programmes to eradicate sexual and gender violence (Chile);

A - 85.44 Take the necessary measures, including the reinforcement of the legal framework, to combat violence against women and early marriages (Algeria);

A - 85.45 Implement effective measures against domestic violence, including spousal rape, bring perpetrators to justice, and develop public education campaigns in this area (Canada);

A - 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);

A - 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);

A - 85.48 Take measures to ensure the dignity of detainees and their rights to life, liberty and physical and mental integrity (Slovenia);

A - 85.49 Pass legislation increasing the legal age of marriage to 18 (Sierra Leone);

A - 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);

A - 85.51 Continue to strengthen the rights of persons with disabilities particularly by facilitating their access to public buildings and facilities (Djibouti);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 85.58 Actively seek funding to mitigate the harms from environmental degradation and adapt to the effects of climate change (Sierra Leone);

A - 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:

A - 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);

A - 86.2 Introduce and implement a national child protection framework (Georgia);

A - 86.3 Continue efforts to strengthen the role of the National Plan of Action for Women (Morocco);

A - 86.4 Develop a national strategy to implement obligations under the Convention on the Elimination of All Forms of Discrimination against Women (Australia);

A - 86.5 Promote gender equality in law and in practice, particularly through education and public awareness (Mexico);

- A - 86.6 Consider adopting measures to enhance the fight against domestic violence (Brazil);
- A - 86.7 Combat domestic violence particularly by raising public awareness on the problem of violence (Djibouti);
- A - 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);
- A - 86.9 Strengthen the independence of the judiciary, notably by ensuring that magistrates are not dismissed arbitrarily from their functions (Belgium);
- A - 86.10 Commit to upholding the rule of law and independence of the judiciary (Netherlands);
- A - 86.11 Steps be taken to enhance and strengthen the independence of the judiciary (Trinidad and Tobago);
- A - 86.12 Allow the opening of independent investigations on allegations of crimes committed in the Centre for asylum seekers (France);
- A - 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);
- A - 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);
- A - 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);
- A - 86.16 Amend the Criminal Code to lift restrictions on the freedom of movement, freedom of assembly and freedom of expression (Germany);
- A - 86.17 Actively address issues of freedom of expression and association in Nauru, and support political representation for all Nauruan (Australia);
- A - 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);
- A - 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:

- N - 87.1 Abide by its international human rights obligations and to uphold freedom of the press, freedom of information and freedom of speech (Netherlands);
- N - 87.2 Make public the whole report of the Subcommittee on the Prevention of Torture, following its visit to Nauru in May 2015 (Switzerland);

N - 87.3 Seize the opportunity of the Criminal Code of Nauru to decriminalize homosexual relations between consenting adults (Spain);

N - 87.4 Take swift action to decriminalize same — sex sexual conduct between consenting adults (United States);

N - 87.5 Swiftly decriminalize sexual behaviour between consenting adults of the same sex (Australia);

N - 87.6 Advance towards the derogation of the provisions that criminalize consenting same-sex relations between adults (Chile);

N - 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);

N - 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);

N - 87.9 Take the necessary measures for the abolition of death penalty (Costa Rica);

N - 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);

N - 87.11 Amend article 4 of the Constitution to abolish the death penalty (Slovenia);

A - 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);

N - 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);

N - 87.14 Lift restrictions on access to the Internet within Nauru and facilitate access of journalists to the country, (Germany);

N - 87.15 Allow international media organizations increased access, including through a reduction of prohibitively expensive visa fees (New Zealand);

N - 87.16 Reduce entry visa fees for foreign journalists (Timor-Leste);

N - 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);

N - 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);

N - 87.19 Ensure that asylum seekers, refugees and migrants, particularly unaccompanied minors and children are given all necessary protection and social support (New Zealand);

N - 87.20 Grant access of independent observers to detention centres for migrants and clarify their status (Spain);

N - 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);

N - 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);

N - 87.23 Avoid mandatory deprivation of liberty for asylum and refugee applicants while their petitions are processed (Uruguay);

N - 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);

N - 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);

N - 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);

N - 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);

N - 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);

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

A - 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).

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