



人权理事会

普遍定期审议工作组

第十届会议

2011年1月24日至2月4日，日内瓦

人权事务高级专员办事处根据人权理事会第 5/1 号决议附件 第 15(b)段汇编的资料

瑙鲁

本报告汇编了条约机构和特别程序报告中所载的有关资料(包括所涉国家的意见和评论)，以及其他相关的联合国正式文件所载资料。除联合国人权事务高级专员办事处(人权高专办)对外发布的报告中所载意见、看法或建议外，本报告不含人权高专办的其他任何意见、看法或建议。报告采用的是人权理事会通过的一般准则的结构，所载资料均在尾注中一一注明出处。编写本报告时考虑到第一轮审议周期为 4 年。在无最新资料的情况下，也参考了现有日期最近的报告和文件，但已过时的除外。由于本报告只汇编联合国正式文件中所载资料，某些具体问题如资料不全或重点不突出，可能是由于该国尚未批准某项条约，及/或与国际人权机制的互动/合作程度不足。

一. 背景和框架

A. 国际义务的范围¹

世界人权条约 ²	批准、加入或继承日期	有无声明/保留	是否承认条约机构的特定权限
《儿童权利公约》	1994年7月27日	无	-
<p>瑙鲁未成为缔约国的人权条约：《经济、社会、文化权利国际公约任择议定书》(OP-ICESCR)³、《消除一切形式种族歧视国际公约》(ICERD)(2001 年仅签署)、《经济、社会、文化权利国际公约》(ICESCR)、《公民权利和政治权利国际公约》(ICCPR)(2001 年仅签署)、《公民权利和政治权利国际公约第一任择议定书》(ICCPR-OP1)(2001 年仅签署)、《公民权利和政治权利国际公约第二任择议定书》(ICCPR-OP2)、《消除对妇女一切形式歧视公约任择议定书》(CEDAW)、《消除对妇女一切形式歧视公约任择议定书》(OP-CEDAW)、《禁止酷刑公约》(CAT)(2001 年仅签署)、《禁止酷刑公约任择议定书》(OP-CAT)、《儿童权利公约关于儿童卷入武装冲突问题的任择议定书》(OP-CRC-AC)(2000 年仅签署)、《儿童权利公约关于买卖儿童、儿童卖淫和儿童色情制品问题的任择议定书》(OP-CRC-SC)(2000 年仅签署)、《保护所有移徙工人及其家庭成员权利国际公约》(ICRMW)、《残疾人权利公约》(CRPD)、《残疾人权利公约任择议定书》(CRPD-OP)和《保护所有人免遭强迫失踪国际公约》(CED)。</p>			
其他相关主要国际文书	是否批准、加入或继承		
《防止及惩治灭绝种族罪公约》	否		
《国际刑事法院罗马规约》	是		
《巴勒莫议定书》 ⁴	否(已签署)		
难民和无国籍人 ⁵	否		
《一九四九年八月十二日日内瓦四公约》及其《附加议定书》 ⁶	是，但第三附加议定书不在此列。		
《劳工组织基本公约》 ⁷	否		
《联合国教科文组织取缔教育歧视公约》	否		

1. 瑙鲁不是 1951 年《关于难民地位的公约》或其 1967 年《议定书》的缔约国。人权高专办建议瑙鲁加入这些文书。⁸ 人权高专办还建议瑙鲁加入 1954 年《关于无国籍人地位的公约》和 1961 年《减少无国籍状态公约》。⁹

B. 宪法和立法框架

2. 尽管瑙鲁尚未批准《禁止酷刑公约》，但其立法符合该公约关于对酷刑定罪的要求。在瑙鲁，已根据 1899 年昆士兰州刑法第 320A 款，将酷刑定为犯罪；瑙鲁宪法第七条也禁止“酷刑”或“不人道或有辱人格待遇和处罚”。¹⁰

C. 体制和人权基础结构

3. 截止 2010 年 8 月 2 日，瑙鲁尚未建立增进和保护人权国家机构国际协调委员会认可的国家人权机构。¹¹

二. 实际增进和保护人权的情况

A. 与人权机制的合作

1. 与条约机构的合作

条约机构 ¹²	最近提交和审议的报告	最近的结论性意见	后续答复	报告提交情况
《儿童权利公约》				自 1996 年以来逾期未提交初次报告

2. 与特别程序的合作

发出了长期邀请		否		
最近访问或出访报告				
原则上同意访问				
提出请求但尚未同意的访问			任意拘留问题工作组(2002 年提出请求, 2006 年和 2008 年再次提出请求)。	
访问期间提供了便利/合作				
访问的后续行动				
对指控信和紧急呼吁的答复			在审查所涉期间, 未发出任何信函。	
对专题调查问卷的答复			瑙鲁对特别程序任务负责人发送的 23 份调查问卷均未答复。 ¹³	

B. 履行国际人权义务的情况

1. 社会保障权和适足生活水准权

4. 2010 年联合国统计司的资料表明, 2008 年五岁以下儿童每 1,000 名活产儿的死亡率估计为 45 例。¹⁴

5. 卫生组织指出, 除了鱼类, 多数食品从国外进口, 水也需要从国外进口, 而且食品、燃料、设备和物资的供应常常中断。¹⁵

6. 卫生组织指出, 与许多发展中国家一样, 瑙鲁致力于实现千年发展目标, 将其列入了卫生部 2007 年业务计划的高端成果中。¹⁶

2. 受教育权

7. 2010 年联合国统计司的资料表明，2007 年小学入学净比率估计为 72.3%。¹⁷ 在瑙鲁，中学中男童比例大大低于女童。¹⁸

3. 移民、难民和寻求庇护者

8. 人权高专办建议瑙鲁特别是在政府官员中开展寻求庇护者和难民问题的意识/教育活动，并建设有关制定难民地位确定国家程序的机构能力。¹⁹

三. 成绩、最佳做法、挑战和制约因素

9. 卫生组织指出，恢复采矿的土地和摆脱对磷酸盐收入的依赖，是一个严峻的长期挑战。该国因与外界隔离、过度依赖国内航空公司，没有安全港口停泊，阻碍了集装箱船和磷酸盐运输船之外的船舶进入。²⁰

四. 国家重要优先事项、举措和承诺

无

五. 能力建设和技术援助

10. 人权高专办鼓励瑙鲁在区域和联合国机制范围内制定以权利为基础的抗灾和减灾计划，强调减灾战略程序和适应，解决人口潜在的境内和国际流离问题。瑙鲁应参加 2011 年初在密克罗尼西亚举办的应急协调和灾害管理研讨会的规划。已为美拉尼西亚(2009)和玻利尼西亚(2010)举办了类似的研讨会。²¹

11. 人权高专办欢迎瑙鲁参加各种太平洋区域机制，包括太平洋移民局局长会议和政府间亚太地区难民、流离失所者和移民问题磋商会议。它认为，瑙鲁在区域和国际一级的积极参与有助于国家和集体应对区域问题，包括确保在护守边境和管理移民的大框架内提高难民的保护标准。²²

12. 2010 年，人权高专办与瑙鲁有关官员一起制订了工作方案，完成范围界定和情景分析，提供政策和法律咨询，协助起草立法、规章和标准作业程序，联合举办提高意识的讲习班和官员专题培训班。²³

注

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights,
ICCPR-OP 1	Optional Protocol to ICCPR,
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ UNHCR submission to the UPR on Nauru, p. 2.

- ⁹ Ibid., pp. 2–3.
- ¹⁰ OHCHR, Regional Office for the Pacific. A Region-Wide Assessment of Laws on the Prevention of Torture and Other Ill Treatment of Detainees, p. 9, available at http://pacific.ohchr.org/docs/Torture_ill_treatment_Study.pdf.
- ¹¹ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ¹² The following abbreviations have been used for this document:
CRC Committee on the Rights of the Child.
- ¹³ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ¹⁴ United Nations Statistical Division coordinated data and analyses, available at mdgs.un.org/unsd/mdg.
- ¹⁵ WHO, Country Health Information Profiles, 2009, available at <http://www.wpro.who.int/NR/rdonlyres/2A8BC1C3-B2F6-4500-AF56-00C5515F6758/0/23finalNAUpro09.pdf>, p. 249.
- ¹⁶ WHO, Country Health Information Profiles, 2009, available at http://www.wpro.who.int/countries/2009/nau/national_health_priorities.htm, p. 251.
- ¹⁷ United Nations Statistical Division coordinated data and analyses, available at mdgs.un.org/unsd/mdg.
- ¹⁸ UNICEF, Education for All Mid-Decade Assessment, Gender Equality in Education, East Asia and Pacific, Progress Note, Bangkok, 2009, available at http://www.ungei.org/resources/files/Gender_progressNote_web.pdf, p. 27.
- ¹⁹ UNHCR submission to the UPR on Nauru, pp. 3–4.
- ²⁰ WHO, Country Health Information Profiles, 2009, available at <http://www.wpro.who.int/NR/rdonlyres/2A8BC1C3-B2F6-4500-AF56-00C5515F6758/0/23finalNAUpro09.pdf>, p. 249.
- ²¹ UNHCR submission to the UPR on Nauru, p. 3.
- ²² Ibid., p. 3.
- ²³ Ibid., p. 3.