

# UNIVERSAL PERIODIC REVIEW OF NAURU

## Introduction

1. As the Republic of Nauru (hereafter referred to as Nauru) prepares for its second cycle review of the UPR in 2015, this submission is made by members of the UN Country Team (UNCT) in the Pacific. While the submission provides available information, it does not attempt to provide a comprehensive review of the human rights situation in Nauru.
2. UNCT Pacific regards the preparations for the second review as an opportunity for the Government and stakeholders to engage in consultations and exchange of views on new developments and implementation of 2010 UPR recommendations so as to further the enjoyment of human rights in Nauru.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations

*(1<sup>st</sup> cycle UPR recommendations 79.1 – 79.20, 79.22 – 79.25 and 79.27 on ratification of human rights treaties and optional protocols).*

3. Nauru ratified the CRC in 1994 and signed both CERD and ICCPR in 2001. In 2000, the Government signed the Optional Protocol to the CRC on Children in Armed Conflict (OP-AC) and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OP-SC). Nauru is not yet a State Party to the third Optional Protocol of the CRC on Communication Procedure. **UNCT encourages ongoing efforts towards the ratification of CERD and the three optional protocols to the CRC.**
4. Since its first cycle review, Nauru acceded to CEDAW in 2011 and CRPD in 2012 and ratified CAT in 2012. Nauru has also ratified the Optional Protocol to CAT in 2013. **UNCT welcomes these important steps** taken by Government.
5. **UNCT urges continued progress in the effective implementation of recommendations accepted during the first cycle UPR including with regard to ratification of ICCPR and its two Optional Protocols.**
6. **UNCT further encourages the ratification of ICERD, ICRMW, ICPPED, OP-IESCR, OP- CEDAW and OP-CRPD. UNCT recognises the challenges faced by Small Island States such as Nauru in the ratification and implementation of international conventions and to this end highly recommends that Nauru seek capacity building, guidance and technical support from the UN and regional partners to increase reporting on international human rights conventions.**

### B. Constitutional and legislative framework

7. The preamble to Part II of the Constitution of Nauru declares that every person in Nauru is entitled to fundamental rights and freedoms. While there is an implied prohibition of discrimination on the grounds of “race, place of origin, political opinions, colour, creed or sex”, the Constitution is silent on disability. **UNCT recommends that Nauru amends the**

**Constitution to include disability as a prohibited ground for discrimination, in line with its obligations as a State Party to the CRPD.**

**C. Institutional and human rights infrastructure and policies**

*(1<sup>st</sup> cycle UPR recommendations 79.30 – 79.32 on NHRI; recommendation 79.32 on the National Sustainable Development Strategy; and recommendation 79.93 on strengthening the legal sector)*

8. Presently, Nauru does not have a National Human Rights Institution or similar independent human rights body to provide critical monitoring, accountability and review of Government action, address complaints of individual human rights violations and oversee redress. The establishment of a national preventative mechanism and infrastructure is also stipulated as a State obligation in Part IV of the Optional Protocol to the Convention against Torture (OP-CAT) to which Nauru acceded in 2013.
9. **UNCT urges the Government of Nauru to establish a national preventative mechanism as obligated by OP-CAT. The establishment of a Paris Principles compliant National Human Rights Institution would serve that purpose. UNCT further encourages Nauru to seek technical assistance and support from the UN and regional partners in fulfilling this obligation.**
10. The Nauru National Sustainable Development Strategy (NSDS) 2005 – 2025 was last reviewed in 2009. Since then, the re-opening of the Regional Processing Centre (RPC) in 2013 had significant impact on the GDP, development priorities and employment levels in Nauru. While specific goals on gender equality and youth development are included, the NSDS attention to governance, institutional and regulatory frameworks, and streamlining of human rights as a development priority and as a means to achieving sustainable and rights-based development in Nauru could be further strengthened.
11. **UNCT suggests that a review of the NSDS would be useful to reflect the current economic and developmental situation of Nauru and to strengthen the mainstreaming and protection of human rights, across all sectors, as well as to prioritise the advancement of human rights protection as an immediate and long term priority for Nauru. UNCT further encourages Nauru to draw on technical assistance from the UN and development partners to support the review of the NSDS.**
12. In 2010 a comprehensive review of the Constitution of Nauru was undertaken and tabled in Parliament as a single package that did not pass. **UNCT finds that revisiting and updating this review is timely to reconsider adopting some of the recommendations, such as the inclusion of a comprehensive Bill of Rights and a review of the Leadership Code in order to strengthen consistency with international human rights standards and obligations.**

**II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

**D. Cooperation with international human rights mechanisms**

*(1<sup>st</sup> cycle UPR recommendations 79.42 – 79.46 on Special Procedures; recommendations 79.47 and 79.48 on the Working Group against Arbitrary Detention; recommendations 79.49 – 79.52 on reporting)*

13. UNCT positively notes the visit to Nauru by the Subcommittee on the Prevention of Torture scheduled for 4 – 6 May 2015.
14. In 2014, the Government of Nauru agreed to the request by the Working Group on Arbitrary Detention (WGAD) to visit Nauru in April 2014. The Government of Nauru later requested the visit to be postponed. **UNCT urges the Government of Nauru to reschedule the visit by the Working Group on Arbitrary Detention.**
15. **UNCT further urges the Government of Nauru to consider extending a standing invitation to Special Procedures in order to receive guidance and expert advice on how to address existing challenges and gaps in the promotion and protection of human rights of all persons in Nauru, including refugees and asylum seekers.**
16. Globally, Nauru is one of the two countries that remains delinquent on the submission of its Initial CRC report. **UNCT encourages increased efforts in the submission of this long overdue report and further encourages the sourcing of technical support from the UN, particularly UNICEF, and other partners in finalising and submitting this report.**
17. Nauru has yet to submit its initial and subsequent CEDAW reports and its initial CRPD report. **UNCT encourages Nauru to submit its initial CEDAW report at its earliest convenience and further encourages the sourcing of technical support from the UN, particularly from UN Women on CEDAW and UNESCAP on CRPD, and other partners in finalising and submitting the noted outstanding reports.**
18. UNCT positively notes the establishment of a Working Group on Treaties by the Government of Nauru as an important step in advancing progress on outstanding reporting, including UPR, CRC and CEDAW reports. **UNCT encourages ongoing support for the Working Group through the provision of adequate financial and human resources. UNCT further encourages the Government and the Working Group to seek technical support and capacity building from the UN and partners.**

## **1. Implementation of international human rights obligations**

### **E. Equality and non-discrimination**

*(1<sup>st</sup> cycle UPR recommendations 79.73 and 79.94 on same sex relationships and 79.63 on women's policy)*

19. Sexual activity between two consenting adults of the same sex continues to be criminalized in Nauru. **UNCT urges the Government of Nauru to amend national legislation to decriminalize consensual sexual activity between same sex couples as recommended and accepted in the first cycle UPR.**
20. UNCT acknowledges the development and release of the Nauru National Women's Policy 2014 as an important step in promoting and mainstreaming gender equality across all sectors. **UNCT encourages ongoing efforts to fully implement the action plan including through adequate financial and human resourcing and support of the Women's Affairs Department to implement and monitor the policy.**

## **F. Right to life, liberty and security of the person**

*(1<sup>st</sup> cycle UPR recommendations 79.57 on the death penalty; recommendations 79.69 – 79.72 on protection of children; 79.57 – 79.68 on violence against women)*

21. Whilst Nauru is abolitionist in practice with no executions since independence in 1968, Article 4(1) of the Constitution provides for death penalty for murder, treason and other offences not resulting in death. **UNCT urges amendment of Article 4(1) of the Constitution to abolish the death penalty in Nauru.**
22. The Constitution of Nauru guarantees the right to life and equal protection for all persons under the law. However, the current Criminal Code does not have explicit provisions for the protection of children, including protection from child pornography or child prostitution. **UNCT encourages the amendment of the Criminal Code to prohibit physical abuse and sexual and other exploitation of children including children with disabilities and to increase penalties and sentencing against perpetrators of such abuse.**
23. Nauru has recently finalized and made publicly available the Nauru Family Health and Support Study (NFHSS) in partnership with UNFPA and Australian Aid. UNCT recognizes and commends the Government of Nauru for undertaking and finalizing this research which provides valuable data on the prevalence of violence against women and girls in Nauru.
24. The NHFSS found that 48% of women who participated in the survey experienced physical and/or sexual violence by a partner at least once in their lifetime. In light of the evidence of violence against women documented by the study, as well as the obligations on the State under CEDAW, **UNCT encourages the Government of Nauru to develop gender equality legislation and family violence and/or domestic violence legislation to provide protection and redress for survivors and prosecution of perpetrators of domestic and family violence. UNCT further encourages increased efforts to promote gender equality through community awareness and education, to uproot patriarchal norms and attitudes which limit recognition and protection of women's rights.**
25. Under Nauru's Criminal Code, founded on the 1899 Queensland Criminal Code, corporal punishment is permitted under section 280. **UNCT urges amendment of the Criminal Code to explicitly prohibit corporal punishment in all areas as a matter of priority. It also encourages Nauru to harmonize the Code with the Education Act 2011 (s. 37) which already includes a prohibition.**
26. Presently, Nauru does not have a child protection system or policy as required to support the domestication of the CRC. **UNCT encourages the introduction of a child protection program and policy and the subsequent implementation across all relevant legislation and instructions, including the Education Act, to strengthen compliance with CRC.**
27. **UNCT further encourages the introduction of reporting guidelines in schools, whereby complaints relating to any form of violence or abuse, including bullying in all forms can be dealt with in a proper manner. Guidelines should also include engagement with parents and the police.**

## **G. Administration of justice, including impunity, and the rule of law**

(1<sup>st</sup> cycle UPR recommendation 79.93 on strengthened legal and judicial sector; 79.41 on human rights education; and 79.96 – 79.78 on freedom of information)

28. In January 2014, the Government of Nauru deported and terminated the employment of its only Magistrate and denied its Chief Justice a visa to re-enter the country. The actions taken by the Government of Nauru did not provide for due diligence in exploring the grounds leading to the termination of the Magistrate. The loss of these two positions, without contingency planning, also resulted in significant delays in the processing of existing hearings and the administration of justice.
29. The existence of an independent, impartial and competent judiciary is an essential component of the rule of law. This extends to ensuring that the term of office of judges and their independence and security, are adequately protected by law. **UNCT urges the Government of Nauru to uphold the independence of judges, including through the introduction of appropriate safeguards in the Constitution and supporting legislation. UNCT further encourages the Government of Nauru to extend an invitation to the Special Rapporteur on Independence of Judges and Lawyers to support current efforts to strengthen the justice system. UNCT also encourages the Government of Nauru to seek technical assistance from the UN and partners to support efforts to strengthen the rule of law and the justice system in Nauru.**
30. The Nauruan Police Force and the Nauru Correctional Services are both significantly lacking capacity with regard to parameters on the administration of justice and international human rights standards. The independent ‘review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru’ better known as the Moss Review noted that *“Nauruan authorities have limited capacity to investigate, record and prosecute incidents of sexual or other physical assault at the Centre [RPC] or in Nauru”*.<sup>1</sup>
31. **UNCT urges the Government of Nauru to implement capacity development on human rights for law enforcement officials as a matter of priority, so as to prevent violence against women and children as well as to prevent torture and other acts of ill-treatment. UNCT further encourages the Government of Nauru to seek technical assistance from the UN, particularly OHCHR, and partners in the development and delivery of capacity building activities as well as in the design and implementation of organizational policy and procedure consistent with international human rights standards.**
32. **UNCT further encourages the amendment of the Correctional Services Act 2009 to restrict the use of solitary confinement as a disciplinary measure in the management of prisoners in line with State obligations under CAT. UNCT urges that Nauru Correctional Services desist from this practice immediately.**
33. Access to information is limited in Nauru with only State owned media resources available. In May 2013, the Government of Nauru issued a ban on political reporting by the state-owned media resources two weeks ahead of the National elections, which was then rescinded with the provision that all requests for interviews of parliamentarians be first approved by the office of the President. In May 2015, three members of Parliament were suspended from Parliament following participation in critical interviews on Nauru with international media. In January 2014, Nauru increased its non-refundable fee for visas for international journalists

from USD 155 to USD 6220 (a raise of 3900%). This has significantly limited access of journalists to Nauru and to the Refugee Processing Centre, strongly affecting public and international scrutiny of key human rights issues as well as freedom of expression in general. **UNCT urges the Government of Nauru to protect and respect media freedom, freedom of expression and freedom of information. UNCT further urges the Government of Nauru to consider the retraction of procedures and fees which restrict media freedom and freedom of information.**

#### **H. Right to privacy, marriage and family life**

*(1<sup>st</sup> cycle UPR recommendation on 79.56 and 79.80 on women's participation in the political process)*

34. The minimum legal age for marriage without parental consent is sixteen years for girls and eighteen years for boys. **UNCT urges legislative amendment to raise the minimum age for consent to marriage for girls to eighteen years in line with the CRC and article 16 (2) of CEDAW.**

#### **I. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

35. The Constitution of Nauru protects the right to peaceful assembly and association. Government restrictions placed in March 2015, on the location, time and date for holding of peaceful protests by refugees in February are inconsistent with the rights provided in the Constitution and as well as with the fundamental freedom and constitutional right of assembly.

36. **UNCT encourages the full protection of the fundamental and constitution right of peaceful assembly and expression. To this end, it proposes amendment of the Nauru Criminal Code which imposes unreasonable restrictions on the assembly of 3 or more persons and severe penalties. UNCT further encourages withdrawal of the excessive restrictions placed on the location and time of planned protests.**

37. Nauru has a unicameral Parliament comprising 19 elected representatives. After 20 years since the election of the first woman into Parliament, 2013 saw the successful election of the second woman into Nauru's parliament. **UNCT urges the Government of Nauru to put in place measures, including temporary special measures such as quotas, to effectively promote an increased participation of women in decision-making structures including Parliament.**

#### **J. Right to social security and to an adequate standard of living**

*(1<sup>st</sup> cycle UPR recommendation 79.81 and 79.83 on socio-economic rights and poverty alleviation)*

38. There is wide disparity in incomes across Nauru. While the average income for the top 50% of households is approximately \$29,000 AUD, the average income for the bottom 50% is just \$9,000<sup>2</sup>. There is also limited social assistance provided by the Government through old age and disability pensions, widow's and sickness benefits and child endowment which are administered by the Local Government Council. **UNCT encourages legislative safeguards**

**for social protection benefits to ensure there are safeguards for vulnerable groups such as children, the elderly and persons with disabilities.**

#### **K. Right to health**

*(1<sup>st</sup> cycle UPR recommendation 79.89 on right to health)*

39. As a small and geographically isolated population, Nauru faces particular challenges in ensuring access to health for all. There is a low life expectancy of 58 for men and 63 for women, and a rising incidence of non-communicable diseases (NCDs) is resulting from high alcohol consumption, smoking, limited physical activity and poor diet linked to a lack of agricultural land and the reliance on unhealthy food imports. The high prevalence of NCDs and lack of early treatment are in turn resulting in an increase in disability.<sup>3</sup> **UNCT encourages Nauru to consider addressing NCDs as a priority, and to take a cross-sectoral and human rights approach, supported by development and health partners able to provide technical assistance. Efforts should also be made to ensure that free school meals provided by Government are healthy and balanced.**
40. In 2014, Nauru became a signatory to the Pacific Sexual Health and Well-Being Shared Agenda. As a signatory to this agenda, **Nauru is strongly encouraged to establish, strengthen and expand integration and linkages between STIs/HIV, sexual and reproductive health services.**
41. The under-five mortality rate (U5MR) for Nauru has dropped by 27 per cent from 51/1000 in the year 2000 to 37/1000 in 2012. However, immediate postnatal care for newborns and mothers remains very limited. **UNCT encourages ongoing work to strengthen services and awareness around pre-natal and post-natal care, including regular health check-ups for mother and baby. UNCT further encourages Nauru to upgrade the RON Hospital to become a fully functioning Comprehensive Emergency Obstetric and Neonatal Clinic status to cater for emergencies.**

#### **L. Right to education**

*(1<sup>st</sup> cycle UPR recommendations 79.89 – 79.91 on education)*

42. UNCT positively acknowledges the status of Nauru as the only Pacific country that has activities for both early childhood education (ECE ages 3-5 years) and early childhood development (ECD, ages 3 and under, as a play centre) with curriculum for both. However, while primary school enrolment is almost universal, less than a quarter complete secondary school, and only 5% have a tertiary or trade qualification.<sup>4</sup> These education deficits are evidenced in the high capacity gap in technical fields like science, technology, ICT and healthcare and also contribute to the high reliance on expatriate workers and consultants.<sup>5</sup> **UNCT encourages the Government to take decisive measures towards ensuring access to education at all levels, increasing also educational standards and skills.**
43. The Ministry of Education has introduced a Truancy Policy in schools. However, enforcement has been constrained by frequent absenteeism of teachers and a lack of parental and community support and awareness. **UNCT encourages investigation into the underlying causes of the high teacher absenteeism and stepped up efforts to provide free quality education for all.**

## L. Persons with disabilities

44. The Government has made some progress in promoting the human rights of persons with disabilities.<sup>6</sup> In the NSDS, Nauru has committed to an inclusive, barrier-free and just society for persons with disabilities and has identified short, medium and long term targets to achieve this, including policies, legislation and practices aligned to the CRPD and support (including capacity building) for the national disabled person's organization, and inclusive education. However, its national disability policy is still in draft form and there is currently no legislation that specifically addresses the right of persons with disabilities. **UNCT encourages the Government to continue efforts to implement CRPD including through, but not limited to, the adoption of a national disability policy and legislation, and the mainstreaming of CRPD across all sectors.**
45. **UNCT further encourages Nauru to seek and utilize ongoing partnerships with the UN and other partners to attain technical support and guidance on promoting and protecting the human rights of persons with disabilities through an effective implementation of the CRPD.**

## M. Migrants, refugees and asylum seekers

*(1<sup>st</sup> cycle UPR recommendations 79.94 – 79.96 on asylum seekers and refugees)*

46. In August 2013, the Government of Nauru signed a Memorandum of Understanding (MOU) with the Government of Australia regarding the implementation of offshore processing for asylum seekers. This policy and implementation have been heavily criticized by the international human rights community including the Committee against Torture citing the practice of the arbitrary and indefinite detention of asylum seekers as inconsistent with international human rights standards including the Refugee Convention and the Convention against Torture.
47. In December 2013, UNHCR published a report on the situation of asylum seekers in Nauru. The report acknowledged a number of positive developments notably 'in relation to the establishment of the legal framework and implementation of refugee status determination (RDS) processing and the considerable efforts made by officials and service providers to ameliorate the harsh conditions for asylum seekers'.<sup>7</sup> However current policies, conditions and operational approaches at the processing centre largely do not comply with international standards and in particular: (a) constitute arbitrary and mandatory detention under international law; (b) despite a sound legal framework, do not provide a fair, efficient and expeditious system for assessing refugee claims; (c) do not provide safe and humane conditions of treatment in detention; and (d) do not provide for adequate and timely solutions for refugees.
48. The UNHCR report further noted significant concerns regarding the impact that the punitive nature of the policy and implementation is having on the physical and mental well-being of asylum seekers. This is evidenced by regular reporting of attempts at self-harm including by children.
49. UNCT notes efforts taken by the Government of Nauru in increased RSD processing and the commencement of the open centre model trial as positive steps towards reducing the indefinite detention of asylum seekers. **However, UNCT is highly concerned at the overall**



**practice of mandatory offshore processing of asylum seekers as implemented in Nauru, leading to the arbitrary and indefinite detention of asylum seekers. UNCT is also concerned at the impact of detention on the physical and mental health of asylum seekers, particularly of children. UNCT is further alarmed at the physical conditions of housing at the processing center which are against the dignity of the persons held at the facilities.**

50. **UNCT finds that the offshore processing centres as implemented in Nauru, do not offer durable solutions for asylum seekers and migrants and therefore urges the government to consider their immediate closure.**
51. **UNCT urges the Government of Nauru to extend invitations to Special Procedures representatives such as the Working Group on Arbitrary Detention, the Special Rapporteur on Health, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment or the Special Rapporteur on the Rights of Migrants, who can provide constructive guidance on human rights issues under their respective mandate. UNCT also encourages the Government of Nauru to seek technical assistance from the UN, particularly OHCHR, with regard to the State's obligations under international law, including the Convention against Torture and its Optional Protocol and the CRC.**
52. Prolonged detention is having profound negative impacts on the mental and physical health and development of children.<sup>8</sup> The report by the Australian Human Rights Commission attest to numerous reported incidents of assaults and self-harm involving children indicating the danger of the detention environment. It further reports that there is limited clinical data about the mental health impacts of detention on children over time.
53. **UNCT urges that all children are released from immigration detention as a matter of priority. Detention of children should be a measure of last resort and for the shortest appropriate period of time.**
54. On 25 February 2015, the Government of Nauru announced that it had commenced a trial of an 'open centre' model for the Regional Processing Centre. The trial allows for a small number of asylum seekers to leave the RPC three days a week, from 9am to 5pm. **UNCT welcomes the increased access to freedom of movement and the reduction of detention for those who participate in the trial. UNCT encourages ongoing efforts by the Government of Nauru to end arbitrary detention and to ensure freedom of movement for all people in Nauru.**
55. UNCT is concerned about the human rights and the safety of Unaccompanied Refugee Minors (URM) released into the Nauruan community. URMs have allegedly been subject to physical and verbal assaults as well as regular break-ins at their place of residence following their resettlement. URM's have also had limited access to education following their release into community.
56. **UNCT urges the Government of Nauru to address the alleged human rights violations of Unaccompanied Refugee Minors regarding their physical and mental health, their right to safety and security of persons and property and their right to education as obligated under CRC and other international human rights conventions**

## **N. Right to development, and environmental issues**

*(1<sup>st</sup> cycle UPR recommendations 79.82 on food security and 79.83 on environment)*

57. Asbestos poses an urgent health risk with one quarter of roofs surveyed indicating the use of asbestos cement sheeting.<sup>9</sup> **UNCT encourages immediate management of this situation to protect the right to health and reasonable standard of living.**
58. Phosphate mining, underway since the early 1900s, has had a devastating impact on the physical environment of the island, starkly captured in the permanent damage to 80 per cent of land, effectively lost to human habitation, agriculture or any type of development.<sup>10</sup> In addition, cadmium residue, phosphate dust, and other contaminants have caused air and water pollution with negative impacts on health.<sup>11</sup>
59. Nauru's phosphate resources are not yet exhausted. The Government's NSDS prioritizes the continuation and long-term expansion of phosphate mining as a source of national revenue and prospecting for secondary mining based on high quality phosphate is currently underway.<sup>12</sup> Limited attention is being given to rehabilitation.<sup>13</sup>
60. Nauru has no legislation or environmental standards in place to regulate the mining industry or its environmental (including health) impacts. **UNCT encourages the Government to prioritize the enactment of legislation for sustainable development including provisions for environmental impact assessment, environmental reporting and planning, waste management and pollution control. In view of the heavy toll that phosphate mining has taken on community health and wellbeing, UNCT further recommends that no phosphate or other mining activity be undertaken until a comprehensive impact assessment has been undertaken and there is a robust regulatory framework in place to ensure that operations are undertaken sustainably and without further interference with the rights of Nauruans to health and a reasonable standard of living.**
61. **UNCT further encourages the engagement of technical support, including a standing invitation to Special Procedures of the UN Human Rights Council, to provide expert analysis of the situation of phosphate mining as it relates to the protection and enjoyment of human rights by Nauruans with particular attention to the impact on health, wellbeing, access to agricultural land, food and water security.**

<sup>1</sup> Philp Moss, 'Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru – Final Report'. 20 March 2015. <https://www.immi.gov.au/about/dept-info/nauru.htm>

<sup>2</sup> Nauru 2012/13 Household Income and Expenditure Survey (HIES)

<sup>3</sup> Nauru National Assessment – Assessment Report for the Third International Conference on Small Islands Developing States (SIDS), 17 May 2013.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> NSDS

<sup>7</sup> UNHCR monitoring visit to the Republic of Nauru 7 to 9 October 2013. Summary of Key findings.

<sup>8</sup> Australian Human Rights Commission Report. (2014). The Forgotten Children: National Inquiry into Children in Immigration Detention. Retrieved from [https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten\\_children\\_2014.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf)

<sup>9</sup> <http://ict.sopac.org/VirLib/ER0080.pdf>

<sup>10</sup> Nauru National Assessment – Assessment Report for the Third International Conference on Small Islands Developing States (SIDS), 17 May 2013. The legacy of this 'environmental disaster' is aggravated by the lack of national capacity and resources to rehabilitate phosphate land. It reaches across all development sectors and severely limits the rights of Nauruans to food and water security, sustainable livelihoods, good nutritional health and well-being. In particular, the loss of agricultural land and lost access to fresh food have led to heavy dependence on expensive and poor quality food imports and more sedentary lifestyles, both of which contribute to the high incidence of NCDs. (Ibid) Only 13 per cent of Nauruan households undertake vegetable gardening and food cropping (Nauru's Fifth National Report on the Convention on Biological Diversity, Government of the Republic of Nauru, March 2014).

<sup>11</sup> Nauru National Assessment – Assessment Report for the Third International Conference on Small Islands Developing States (SIDS), 17 May 2013.

<sup>12</sup> Nauru's Fifth National Report on the Convention on Biological Diversity, Government of the Republic of Nauru, March 2014. Secondary mining will degrade the small remaining areas of fertile soil in the central plateau and involve the levelling of limestone pinnacles through (dust generating) rock blasting and crushing for the phosphate to be removed.

<sup>13</sup> Rehabilitation of mined land is a subordinate activity under NSDS and is aimed at covering only nominal proportion (7.5%) of the total mined area. In terms of implementation, rehabilitation work by the state-owned Nauru Rehabilitation Corporation has achieved very little progress in nearly two decades (Nauru's Fifth National Report on the Convention on Biological Diversity, Government of the Republic of Nauru, March 2014).