

**Universal Periodic Review**  
**(23<sup>rd</sup> session, October–November 2015)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**Nauru**

**I. BACKGROUND AND FRAMEWORK**

**Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

| <i>Title</i>   | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i>                             | <i>Recognition of specific competences of treaty bodies</i> | <i>Reference to the rights within UNESCO's fields of competence</i> |
|--|--|---|---|---|
| Convention against Discrimination in Education (1960)                                      | Not State party to this Convention                   | <i>Reservations to this Convention shall not be permitted</i> |   | Right to education  |
| Convention on Technical and Vocational Education. (1989)                                   | Not State party to this Convention                   |   |   | Right to education  |
| Convention concerning the Protection of the World Cultural and Natural Heritage (1972)     |  |   | <i>N/A</i>  | Right to take part in cultural life                                 |
| Convention for the Safeguarding of the Intangible Cultural Heritage (2003)                 | 01/03/2013, Ratification                             |   | <i>N/A</i>  | Right to take part in cultural life                                 |
| Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) |  |   | <i>N/A</i>  | Right to take part in cultural life                                 |

## **II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

### **Right to education**

#### **NORMATIVE FRAMEWORK**

##### **Constitutional Framework:**

2. The Constitution of Nauru of 31 January 1968<sup>1</sup> does not enshrine the right to education. However, **Article 11** on Freedom of Conscience provides:

- 1) "A person has the right to freedom of conscience, thought and religion, including freedom to change his religion or beliefs and freedom, either alone or in community with others and in public or private, to manifest and propagate his religion or beliefs in worship, teaching, practice and observance. [...]"
- 2) Except with his consent or, if he is under the age of twenty years, the consent of his parent or guardian, no person attending a place of education is required to receive religious instruction or to take part in or attend a religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own religion or belief.
- 3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of the provisions of this Article to the extent that that law makes provision which is reasonably required[...] (c) for regulating the secular education provided in any place of education in the interests of the persons receiving instruction in that place."

##### **Legislative Framework:**

3. The legislative framework of Nauru is composed of:

The main legislation on Education in Nauru is based on the **Education Act 2011**<sup>2</sup>, which affirms that "**every child has the right to education**" (Section 7(a)). [It] came into operation on 14 July 2011 and provides the mechanism by which many of Nauru's obligations under the Convention may be achieved. The Education Act demonstrates a significant step towards

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/d2272fbc7078b26939b641bd1f9dfe97f97f4b7.pdf>

<sup>2</sup> <http://www.unesco.org/education/edurights/media/docs/a868721af1f953fbd0344fef4946e96165f7705e.pdf>

ensuring that there is no discrimination in the admission of pupils to, and in the operation of, educational institutions in Nauru.

In summary the objects of the Education Act, contained in Part 3, are to:

- a) make available to each school-age child in Nauru a high quality education that will maximise the child's educational potential and enable the child to become an effective and informed member of the community; and
- b) promote compulsory education.

Section 6(2) of the Education Act outlines specific ways in which the objects of the Act are to be achieved, which include:

- a) by placing responsibilities on parents and the Government in relation to the education of school-age children, which are defined as children between the ages of 4 and 17;
- b) providing for the education of school-age children with disabilities; and
- c) facilitating the operation of all schools as safe, supportive and inclusive learning environments.

The general principles intended to guide the achievement of the objects include:

- a) that every child has the right to education;
- b) that parents have the responsibility of choosing a suitable education environment for their children;
- c) that education should be provided to a child in a way that provides positive learning experiences that promotes a safe, supportive and inclusive learning environment and recognises a child's specific educational needs.

It is against the backdrop of these objects, general principles and implementation strategies that the specific provisions of the Education Act are to be implemented in practice. Nauru reports that this legislative backdrop demonstrates significant achievement in implementing the principles of the Convention in Nauru. [...]

In compliance with Article 3(e) of the Convention, every child in Nauru has the same access to free public education in Nauru, regardless of whether the child is a Nauruan citizen or a foreign national. The Education Act 2011 **makes no distinction in relation to citizens or non-citizens**, but provides for compulsory education for all school-age children in Nauru and imposes responsibilities on all parents of school-age children in Nauru, regardless of nationality. Section 73(2) of the Act provides that 'Education for school-age children in government schools is free and no fees may be charged for it.'"<sup>3</sup>

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<sup>3</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 3-4

“**The rights of persons with disabilities** are protected in the Education Act. Part 11 of the Act makes provision for students with special educational needs, at the heart of which is section 95(1) which provides that: *A school-age child with a disability must not be excluded from access to free primary and secondary education on the basis of the disability*”<sup>4</sup>.

“Nauru is proposing in early 2013 to introduce to Parliament an **Equal Opportunity Bill** which will, among other things, prohibit discrimination on the grounds of sex, race, disability, age, sexuality, marital status or pregnancy (with some limited exceptions). It is expected that this Bill will be enacted and enter into force during the course of **2013**. The anticipated Equal Opportunity Act will provide remedies for those who experience discrimination”<sup>5</sup>. “[This Act] will, [among others,] protect female students from discrimination on the grounds of pregnancy or breast feeding”<sup>6</sup>

### **Institutional Framework:**

4. “Part 5 of the Education Act 2011 provides for the **Minister for Education** to approve a curriculum for each school year level which is made on the recommendation of the **Teacher Registration and Curriculum Board (the “Board”)** which in turn receives submissions from the **Secretary for the Department** and any other **external experts** as necessary. Responsibility for adherence to the approved curricula is primarily with the **principal of a school**, however the Act also provides for the **Secretary of the Department for Education and the Board** to monitor a school’s adherence to approved curricula.”

“The Board is comprised of **members with skills and experience relevant to undertaking its functions**: 3 members are required to be qualified at a tertiary level (holding a Bachelors degree), at least one must be the parent of a school age child and one only may be a registered teacher. Additionally the members of the Board must, to the satisfaction of Cabinet, be of good character and strong integrity and capable of performing the functions of a member of the Board in a competent and objective manner. This assists Nauru in developing high quality curriculum for schools.”

“For the purposes of ensuring high standards of education, attendance and facilities at schools, the Education Act 2011 provides for the appointment of **school inspectors** who have

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<sup>4</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 11

<sup>5</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 2

<sup>6</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 5

the power to enter a school at any time to inspect the school or anything in it, including the school's records of enrolment and attendance.”<sup>7</sup>

5. “The Government of Nauru, which is Nauru’s largest employer, facilitates scholarships, fellowships and capacity building for staff through the **Human Resource Unit in the Department of the Chief Secretary (the Chief Secretary is the Head of the Public Service and runs the government administration)**.”<sup>8</sup>

### **Policy Framework:**

#### **A) General information**

6. “The **Nauru Sustainable Development Strategy (2009), Education Footpath Strategic Frameworks (2008-2015)** and the Education Act 2011 all commit to the achievement of equality and EFA”<sup>9</sup>.

7. “The **Footpath II Education and training strategic plan 2008-2013**<sup>10</sup> provides the goals for Education and Training for the next five years. [...] The government intends to introduce a new Education and Training Bill which will govern and support the goals of this Strategic Plan. The Bill provides for a new Teacher Registration Authority, a Curriculum and Reporting Authority, performance targets for literacy and numeracy, minimum standards for safety in schools, inclusive education policies and tighter definitions of school attendance and student performance. [...] This Plan streamlines the delivery of Education and Training Services by reorganizing the administrative structures Nauru uses. For the first time, government has recognized the value [of] Youth and significantly upgraded the **Youth Affairs program**. Youth will now have formal programs delivered through [the] Learning Village facility. [...]”<sup>11</sup>.

#### **8. The Strategic Plan Aims:**

- a) “Every Nauruan is literate and numerate
- b) Individuals recognize the importance of, and their right to, Education
- c) Individuals have equal and easy access to Education and Training”<sup>12</sup>

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<sup>7</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 8-9

<sup>8</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 7-8

<sup>9</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 5

<sup>10</sup> <http://www.unesco.org/education/edurights/media/docs/07712bcf3c71c7853a4d4628be2356b6843d5357.pdf>

<sup>11</sup> Footpath II Education and training strategic plan 2008-2013, p. 2

<sup>12</sup> Footpath II Education and training strategic plan 2008-2013, p. 3

9. According to the **Strategic Plan Mission Statement**, Nauru will:

- a) “provide all Nauruans with access to Education and training of high standards which is relevant to their development and growth
- b) equip all Nauruans with the skills and knowledge they need in their endeavours as individuals
- c) inspire and encourage broad participation by:
  - i. Offering relevant course
  - ii. Providing continuous effective and efficient management and support
- d) be accountable to all Nauruans through regular performance reporting and encouraging community partnerships with the Education and Training System”<sup>13</sup>.

10. Seven key focus areas are developed in the Plan:

- a) “Students
- b) Curriculum
- c) Teachers
- d) Schools
- e) Place in the community
- f) Accountability
- g) Education and training system”<sup>14</sup>

## **B) Inclusive Education**

11. “As Nauru is a small island developing state, there is no discernible group of **children or students that is particularly economically marginalised** relative to the rest of the population, however where individual students face financial hardship, the Education Department endeavours to assist in the provision of uniforms and books. Government also subsidises food for primary schools”<sup>15</sup>

12. “It is difficult to identify any group that might be regarded as a ‘**national minority**’ in Nauru. Indigenous Nauruans form the vast majority of the population and are racially and linguistically homogenous. The population living on the island also includes small numbers of people from Kiribati, Fiji, Tuvalu, Philippines, Australia, New Zealand and other countries.

In support of the [1960 UNESCO] Convention [against Discrimination in Education], and the obligation to provide choices, for example, to national minorities to carry out their own educational activities, **home education** is also provided for under Part 12 of the *Education Act*,

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<sup>13</sup> Footpath II Education and training strategic plan 2008-2013, p. 3

<sup>14</sup> Footpath II Education and training strategic plan 2008-2013, p. 13

<sup>15</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 5

which provides that a parent of a school-age child may apply to the Secretary for registration of the child for home education. Conditions are stipulated so that the home schooling environment is conducive for learning and that the child will be provided with high quality education as must be shown by the parent before registration will be granted. [...] There are **no schools run by national minorities in Nauru.**<sup>16</sup>

13. “The **rights of persons with disabilities** are protected in the Education Act. [...] The Education Act achieves this requirement in 2 express ways. Firstly, through the principle of **inclusive education under which school-age children who have a disability must, where practicable, be enrolled in and attend a school.** Their attendance at a school is to include the opportunity to participate together with the other students at the school in the education and extra-curricular activities offered by the school. The Government is required under the *Education Act* to implement the principle of inclusive education, for example, by requiring schools to **accommodate and support school-age children who have a disability** and by ensuring that **teachers are trained with additional modes of communication and educational techniques** as may be required. These matters are specifically required by the *Education Act* to be considered in detail by a principal of a school in relation to the enrolment of a school-age child with a disability at the school.

Secondly, the *Education Act* requires the Minister for Education to establish a **centre for special education of school-age children with disabilities** who cannot attend school. The **Able-Disable Centre** currently has 37 students enrolled and 5 staff, including an expatriate special education adviser.”<sup>17</sup>

### C) Teachers

14 “There is currently **no teacher training institution** in Nauru, but the government has made provision for **external providers (Divine Word University PNG, UNESCO/SPBEA, the University of the South Pacific)** so that training packages can be delivered to teachers in Nauru. There is no gender discrimination in the provision of teacher training in Nauru, however very few men have opted to join the teaching profession, and it is therefore dominated by women.

One of the roles of the **Teacher Registration and Curriculum Board** [...] is to maintain the teachers register. Part 7 of the Education Act provides for teacher registration, and requires all teachers to be registered in order to teach at a school. The requirements for full registration are that a person has a recognised teaching qualification and has successfully completed at least one

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<sup>16</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 13

<sup>17</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 11

year of full-time teaching (or equivalent part-time) to the satisfaction of the Board, and that the person is of good character.

There are additional provisions permitting people to teach if they have **provisional registration** (for a person who has a recognised teaching qualification but does not yet have 12 months' teaching experience) or a limited authority (for people who may be authorised to teach a particular trade skill for example).

It is an offence to teach without being registered or authorised, and it is an offence to employ a person to teach if that person is not registered or authorised to teach.

**Salaries of teaching staff at all levels in Nauru are low** compared to other regions. Teachers' salaries are comparable to other public servants with equivalent qualifications. However, the salaries do not have much distinction from others with different or no qualifications. Another difference in salaries is in relation to the local/regional teacher with equivalent qualifications.

A more attractive package is in place for **expatriate teachers**. Because of a lack of qualified local teachers, Nauru continues to employ many expatriate teachers, most of whom come from Fiji, Papua New Guinea and other Pacific island nations.<sup>18</sup>

#### D) Quality education

15. **Human Rights education**: "Respect for human rights and fundamental freedoms is strengthened through the observance by schools of **world literacy day**, participation by pupils in **campaigns to end violence against women**, the observance of **international women's day**, and similar events."<sup>19</sup>

#### E) Curriculum

16. "The Department of Education has recently completed a **review of the curriculum at all levels**, with the objective of raising the standard of education and ensuring that is regionally competitive. **Nauru's academic program for secondary school** is accredited by the **Queensland Department of Education (Australia)**, giving students who complete secondary school in Nauru access to greater tertiary educational opportunities."<sup>20</sup>

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<sup>18</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 9-10

<sup>19</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 10-11

<sup>20</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 8-9



17. “Nauru’s education system is directed towards the full development of the human personality. It is [...] demonstrated in the **breadth of the school curriculum and extra-curricular activities**, which include **arts and culture, sport and social events**.”<sup>21</sup>

#### F) Financing of education

18. “Nauru currently provides **government-funded scholarships** for a limited number of students who are Nauruan citizens to travel abroad to study in Fiji from year 9 (middle secondary school) onwards. These scholarships are not available to non-citizens”<sup>22</sup>. “These scholarships are generally **funded by development assistance partners** and are accessible only to Nauruan citizens, with applicants being selected based on merit. Some teachers are being funded by the **government of Nauru to pursue teaching qualifications at Goroka University in Papua New Guinea**”<sup>23</sup>.

19. “The **resources devoted to education have increased substantially** in recent years, through the prioritising by government of education and through generous assistance from development partners, particularly Australia and New Zealand. Education receives a greater portion of the annual government budget than any other sector except health.”<sup>24</sup>

#### G) Gender equality

20. “There is **no affirmative action** in relation to gender, as there is no recognisable distinction in Nauru between boys and girls in terms of educational access and attendance.”<sup>25</sup>

#### H) School levels and private education

##### 21. Secondary education

“[...] Significant progress has been made in secondary education in Nauru in the last few years. Through development assistance from Australia, a new secondary school has been constructed which boasts excellent **facilities for students**, including a library, gymnasium/hall and fully equipped science classrooms. The Education Act has imposed **qualification requirements on teachers** and government has funded teacher training (elaborated on below). **The rates of school**

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<sup>21</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 10-11

<sup>22</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 5

<sup>23</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 7

<sup>24</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 6-7

<sup>25</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 5

**attendance and retention of students in the later years of secondary school have improved dramatically.** A **re-entry program for early school-leavers** is being implemented at the secondary level for students 16 years old and above.”<sup>26</sup>

## 22. Technical and vocational education

“Technical and vocational education (“TVET”) is also accessible in Nauru. TVET is provided **free of charge to school-age children (up to 18) and modest fees are charged for adult evening classes.** TVET was reintroduced in Nauru in 2008 after a hiatus of a few years. Some of the **TVET courses delivered in Nauru are accredited by the Australian Technical Training College.** Students are able obtain **Certificates I and II** in certain trades, which enables them to access scholarships to further their studies abroad, as well as providing them access to job opportunities in their chosen industries locally and internationally.”<sup>27</sup>

## 23. Higher education

“Higher education in Nauru is limited; The Island has a centre of the University of the South Pacific – a regional University with its main campus in Suva, Fiji.

The **Nauru Centre of USP** provides some **courses locally** and also facilitates **distance learning.** Higher education is also being provided to teachers through **Divine Word University (Papua New Guinea)** which offers courses that can be done partly by distance learning and partly through face-to-face teaching done during visits to Nauru by academics from the University.”<sup>28</sup>

## 24. Literacy

“The **Youth Affairs Division within the Department of Education** offers **programs that address (il)literacy** for early school leavers. These programs also include life skills and entrepreneurial skills. A concreting project involving functional literacy and numeracy plus concreting skills has also been implemented also in the local communities. In the secondary school system, the **re-entry programs endeavour to provide basic education** to people aged 16 years to 18 years”<sup>29</sup>.

## 25. Private education

“In line with Article 5(1) of the Convention, **Nauru respects the liberty of parents to choose an educational institution for a child.** [...] **Conditions of registration of non-Government schools** include the provision of a **safe, clean and secure environment with adequate facilities,**

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<sup>26</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 6-7

<sup>27</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 6

<sup>28</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 7

<sup>29</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 7-8

the provision of **high quality education to all students enrolled**, submission to **inspections and assessments** and compliance with any other conditions imposed on the registration. [...]

**Registered non-government schools are not constrained by the 1 hour per week limit on religious education or the requirement that education be secular.** However, in order to ensure that religious education in non-government schools does not interfere with regular academic learning, the Education Act requires non-government schools to **adhere to the approved curriculum**, and makes it a condition of **registration** of a non-government school that the principal of the school must **not allow extra-curricular teaching or activities to interfere with the teaching of the full approved curricula**. There are two registered non-government schools in Nauru: one is run by the **Catholic Church** and the other by the **Assembly of God church**.<sup>30</sup>

### **Cooperation:**

26. Nauru is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

27. Nauru did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)

28. However, Nauru reported to UNESCO within the framework of the **Eighth Consultation** of Member States (covering the period 2006-2011).

29. Nauru did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

30. Nauru did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- a) **First Consultation** of Member States (1993)
- b) **Second Consultation** of Member States (2011)

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<sup>30</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, pp. 12-13

31. Nauru is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

32. **Note**<sup>31</sup>:

*“Nauru regards itself as a state party to the Convention, by virtue of the fact that Australia became a party to the Convention in 1966 when Nauru was still a UN Trust Territory administered by Australia, and Australia expressly declared that its acceptance of the Convention extended to all of its external territories including Nauru. When Nauru became independent in 1968, it submitted a letter to the UN Secretary General stating that it would review its treaty obligations over the following 2 years, and that: ‘In respect of multilateral treaties, the Government of Nauru intends to review each of them individually and to indicate to the depositary in each case what steps it wishes to take, whether by way of confirmation of succession, confirmation of termination or accession, in relation to each such instrument. During such period of review, any party to a multilateral treaty which was, prior to independence, validly applied or extended to Nauru may, on a basis of reciprocity, rely as against Nauru on the terms of the treaty.’ In subsequent letters to the UN Secretary General, Nauru has extended this period of review indefinitely.*

*Nauru is not yet a state party to the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention Against Discrimination in Education (Australia ratified in 1974, after Nauru became independent). Nauru intends to refer the Protocol to its Working Group on Treaties during 2013, so that the Working Group can make a recommendation to the Cabinet as to whether Nauru should accede to the Protocol”.*<sup>32</sup>

### **Freedom of opinion and expression**

#### Constitutional and legislative framework:

33. Freedom of expression is guaranteed under Part II, Article 3 of the 1968 Constitution of Nauru and is further formalised under Part II, Article 12.<sup>33</sup>

34. There is no freedom of information legislation in Nauru.<sup>34</sup>

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<sup>31</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p.1

<sup>32</sup> Nauru Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p.1

<sup>33</sup> See the Constitution of Nauru at Nauru’s Online Legal Database:

[http://ronlaw.gov.nr/nauru\\_lpms/Links/constitution.html](http://ronlaw.gov.nr/nauru_lpms/Links/constitution.html)

<sup>34</sup> Pacific Media Assistance Scheme (PACMAS) report on [Nauru: State of media & communication report 2013](#), 5.

Media self-regulation:

35. A national media self-regulation body is not present in Nauru.<sup>35</sup> The Micronesian Media Association, a regional media self-regulation body, was co-founded in 2007 with members from different countries of the Micronesian archipelagoes, including Nauru. It aims to promote journalistic freedom and independence as well as to ensure wide public access to information.<sup>36</sup>

Safety of journalists:

36. UNESCO recorded no killing of journalists in Nauru between 2008 and 2013. Journalists operate in a safe environment.

### III. RECOMMENDATIONS

**Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

#### **Right to education**

In the Report of the Working Group on the Universal Periodic Review of 8<sup>th</sup> March 2011, various recommendations were made to Nauru.

37. (79). The following recommendations will be examined by Nauru which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council, in June 2011:

- i. 79.38. *Continue its efforts to address domestic violence, promote the empowerment of women, improve the quality of education, address unemployment and to draft a new criminal code that would, inter alia, decriminalize sexual activity between consenting adults of the same sex (Slovenia);*
- ii. 79.89. *Continue to implement programmes and measures to improve the enjoyment of the right to education and the right to health (Cuba);*

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<sup>35</sup> Ibid., 5.

<sup>36</sup> The establishment of the Micronesian Media Association was reported in several news bulletins (see: <http://www.radionz.co.nz/international/pacific-news/172921/micronesian-media-association-formed>, [http://www.grady.uga.edu/coxcenter/Activities/Act\\_2007\\_to\\_2008/Act0708\\_2.php](http://www.grady.uga.edu/coxcenter/Activities/Act_2007_to_2008/Act0708_2.php), and <http://www.saipantribune.com/index.php/ad0345d1-1dfb-11e4-aedf-250bc8c9958e/>). Similarly, the North Pacific Federation of Media Professionals was launched, forming a regional organization encompassing other countries of Micronesia. See their official website at: <http://pacificfederation.org/>

- iii. 79.90. Continue *pursuing efficient educational policies* to ensure a better future for its children (Slovakia);
- iv. 79.91. Continue *promoting education at all levels*, bearing in mind the cooperation of friendly countries (Bolivia);
- v. 79.92. Adopt measures to *assure to all persons with disabilities access to educational and vocational training programmes*, in consultation with these persons and their representatives (Spain);

### **Analysis:**

38. Nauru made efforts to further implement programmes and policies to improve the enjoyment of the right to quality education for all and at all levels. It also strives to ensure persons with disabilities have access to schools or to special centres for education according to their capacity or not to attend to a school. However, such measures are not sufficient to ensure access to quality education for all. There is also need for further measures to fully eliminate discrimination against disabled persons as regards their access to education.

### **39. Specific Recommendations:**

**39.1 Nauru should be strongly encouraged to ratify the UNESCO Convention against discrimination in education**

**39.2 Nauru should be encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.**

**39.3 Nauru could be encouraged to take further action to improve quality education at all levels.**

**39.4 Nauru could be strongly encouraged to further make efforts to ensure students with disabilities or students with special needs' access to education.**

### **Freedom of opinion and expression**

40. Nauru is encouraged to continue with the introduction of an access to information law that is in accordance with international standards.<sup>37</sup>

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<sup>37</sup> See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002

### **Cultural rights**

41. Nauru is encouraged to ratify the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Nauru is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

42. As a State Party to the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), Nauru is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Nauru is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

43. **Nauru**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The

Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Nauru** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Nauru** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.