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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Nauru

* The annex is being circulated without formal editing, in the language of submission only.



Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirty-seventh session from 18 January to 8 February 2021. The review of Nauru was held at the 18th meeting, on 2 February 2021. The delegation of Nauru was headed by the Minister for Justice and Border Control, Maverick Eoe. At its 19th meeting, held on 8 February 2021, the Working Group adopted the report on Nauru.
2. On 12 January 2021, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Nauru: Cuba, France and Somalia.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Nauru:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a);¹
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b);²
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c).³
4. A list of questions prepared in advance by Germany, Liechtenstein, Panama, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Nauru through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. China made a point of order on the use of terminology that was not in accordance with that used at the United Nations in the national report of Nauru; there was only one China in the world and Taiwan Province of China was an inalienable part of its territory. In its resolution 2758 (XXVI), the General Assembly had resolved the issue of the representation of China to the United Nations. China considered that the erroneous use of United Nations terminology in the national report of Nauru violated the Charter of the United Nations and General Assembly resolution 2758 (XXVI), undermined the sovereignty and territorial integrity of China and was contrary to the principles of non-confrontation and non-politicization of the universal periodic review process. China demanded that Nauru correct its national report and requested that the secretariat of the universal periodic review change the footnote on the cover page of that report.
6. The President of the Human Rights Council gave the floor to the secretariat, which clarified the fact that the cover pages of national reports submitted for the universal periodic review were standard documents of the United Nations Secretariat, used to transmit national reports which were reproduced, as received, from States under review. Designations employed in national reports did not imply the expression of any opinion whatsoever on the part of the Secretariat concerning the legal status of any country, territory or area, or of its authorities. The specific standard language in the footnote was in accordance with United Nations editorial practice.
7. China reiterated its firm opposition to the erroneous use of certain terminology and indicated that its participation in the review did not mean that it recognized the erroneous practice. The President of the Human Rights Council recalled that issues of a political,

¹ A/HRC/WG.6/37/NRU/1.

² A/HRC/WG.6/37/NRU/2.

³ A/HRC/WG.6/37/NRU/3.

bilateral and territorial nature should be kept out of the deliberations of the Working Group on the Universal Periodic Review and that the question of Taiwan in the United Nations was regulated by General Assembly resolution 2758 (XXVI) on restoration of the lawful rights of the People's Republic of China in the United Nations.

8. The Minister for Justice and Border Control of Nauru recalled General Assembly resolution 60/251 establishing the Human Rights Council, in which the General Assembly reaffirmed the purposes and principles contained in the Charter of the United Nations, including respect for the principle, *inter alia*, of self-determination of peoples.

9. China made another point of order to reiterate its opposition regarding the use of erroneous terminology and demanded that Nauru correct its national report and statement. The President of the Human Rights Council indicated that, as a subsidiary body of the General Assembly, the Council and the Working Group on the Universal Periodic Review should adhere to the official United Nations position and terminology as reflected in relevant General Assembly and Security Council resolutions and requested, in line with the Working Group practice, that United Nations terminology and standards be adhered to when referring to countries.

10. The Minister for Justice and Border Control of Nauru, reporting on progress made with regard to human rights since the previous review, underlined the limitations faced by small islands such as Nauru. Some of the articles about Nauru that had been published in the media had no merit. He acknowledged that the basic principles of human rights were one of the pillars of the United Nations. Nauru had signed, ratified and translated into national legislation several human rights instruments. Ratification of the International Covenant on Civil and Political Rights would be attended to; assistance from international bodies was needed in that regard.

11. With regard to the rule of law, Nauru acknowledged that the separation of powers was necessary for the enforcement of human rights. Parliament had recently adopted a law providing for the separation of its administrative, financial and other support services from the executive branch, therefore giving Parliament full autonomy. As a developing nation with limited resources, Nauru relied on expatriate judicial officers who did not have links to Parliament or the Government. There was no interest for a judicial officer to lean towards one group or another. In 2015, a group of politicians had instigated a protest against the Government, resulting in damage to parliamentary premises, assault of police officers and a riot. When those who had been involved in the riot were prosecuted, Nauru had been accused of violating the right to freedom of expression. Those who undermined the law needed to face the full consequences of the law, as was the case in other countries. Nauru respected the separation of powers and its legislative framework made it a leading nation in the Pacific in that regard.

12. With regard to the regional processing centre for asylum seekers in Nauru, the Minister noted that the issue of irregular migration had been discussed at the Bali ministerial meeting. Nauru was hosting refugees under the Convention relating to the Status of Refugees. As a result of irregular migration into Australia, Nauru, a close ally of Australia, had acceded to its request to assist with the processing of irregular migrants seeking refuge in that country. Criticism in that regard was coming from persons with vested interests and from irregular migrants themselves. That criticism should stop and be replaced with more offers of support for Nauru to assist asylum seekers and refugees, and other countries should give asylum seekers and refugees visas based on Nauru travel documents, allowing them to travel and return to Nauru. The regional processing centre was an open centre where asylum seekers and those granted refugee status were allowed to enjoy the same rights as every other person on the island, including the right to work under the same conditions as Nauruans and to establish and operate businesses. In addition, asylum seekers and refugees were granted access to free education, free health services and documents to travel abroad. Nauru had not forcefully returned any person in violation of the non-refoulement principle.

13. With regard to the coronavirus disease (COVID-19) pandemic, Nauru was looking after the human rights of medical professionals. It had not had a single case of COVID-19.

14. The Secretary for Justice and Border Control of Nauru recalled that the national report submitted for the universal periodic the review was the report of Nauru. The legal,

administrative and financial reforms undertaken by Nauru were in line with international standards.

15. With regard to the implementation of treaties and conventions, the Working Group on Treaties was reviewing all the country's human rights obligations. The working group was composed of representatives of several departments, and when necessary, the judicial sector. Other members could be invited on an ad hoc basis. With the working group, Nauru hoped to make progress in the signing or ratification of instruments, as recommended by some countries.

16. With regard to the situation in prisons, a new correctional centre had been built with the support of a third country, in accordance with that country's standards. The new facility ran rehabilitation programmes for detainees such as vegetable farming, piggery, chicken farming and fishing. Nauru acknowledged the substantial support provided by a friendly partner for those programmes.

17. China made a point of order, reiterating its opposition regarding the use of erroneous terminology. The President of the Human Rights Council again appealed to speakers to use United Nations terminology when referring to countries and territories, and reiterated that, as a subsidiary body of the General Assembly, the Human Rights Council adhered to the official United Nations position and terminology as reflected in relevant General Assembly and Security Council resolutions. The Secretary for Justice and Border Control of Nauru took note of that point of order.

18. The Secretary provided additional information on the new correctional centre, including the fact that prisoners were able to leave the centre for health reasons and to undertake some activities outside it, such as community work.

19. On the rights of persons with disabilities, the Department for Persons with Disabilities had recently been established, in recognition of the Government's obligations under the Convention on the Rights of Persons with Disabilities. Most persons with disabilities in Nauru lived with their families, who took care of them. In addition, the Government provided a fortnightly allowance of \$200 to each person with disabilities. Furthermore, free health care and education were provided, including in the homes of the persons with disabilities.

20. With regard to non-governmental organizations, the enactment of the Registration of Associations Act had provided formal recognition for such organizations, allowing them to be formally registered and for them to lawfully operate in the country. The Act also allowed foreign non-governmental organizations to register their compliance with the Act and to operate in Nauru.

21. The death penalty was still part of the Constitution, as the Constitution could be amended only by a mandate of the people by referendum, which was a complicated process. However, Nauru had made it a policy not to issue death penalties and therefore no subsequent pieces of legislation contained such penalties. The maximum penalty was life imprisonment. Unfortunately, the death penalty would remain in the Constitution until that instrument could be amended. Nevertheless, the death penalty would not be carried out in the future.

22. Concern about judicial independence was linked to the 2015 riot case. The Constitution provided for the separation of the three branches of government; the judiciary had always enjoyed independence. With the recently adopted Parliamentary Services Act, there would be no administrative control of Parliament by the executive. Since 2016, considerable efforts had been made to ensure that the judiciary was re-established in accordance with international norms. The Nauru Court of Appeal had been established, replacing the High Court of Australia as the final appellate court. In the wake of the reforms, the judicial system in Nauru now consisted of the Nauru Court of Appeal, the Supreme Court, the District Court, the Family Court and other subsidiary or quasi-judicial bodies such as the refugee status determination tribunal. A specific act had been passed concerning each court to ensure the vertical and horizontal independence of the judiciary and the establishment of a proper appeals process. The details of those changes were provided in annexes 11 A and B to the national report. The establishment of the Nauru Court of Appeal was an important event as it had expanded the appellate court's jurisdiction on matters that could be presented to that court. Before its establishment, only criminal cases and a restricted category of civil

cases could be appealed before the High Court of Australia. The Nauru Court of Appeal included members of the judiciary appointed from other Pacific countries, including a number of current and former chief justices. While the court had been unable to hold a session in 2020 owing to the COVID-19 pandemic, legislation had been passed recently to allow for virtual sittings of courts.

23. With regard to judicial officers, judges were appointed until retirement age and their conditions of service, salaries and allowances were protected by the Constitution. The Constitution clearly provided for security of tenure of a serving judge, and that judges could be removed only by an impeachment process in Parliament. Judicial officers' salaries and allowances were charged directly to the Treasury Fund. The Judicial Complaints Tribunal had been established to address any complaints regarding the Resident Magistrate. The Tribunal was appointed by the Chief Justice and by the executive branch.

24. Other developments that had taken place since the previous cycle of the universal periodic review included the introduction of a social security programme and of measures to protect people's financial interests, the establishment of a buffer fund to prevent financial crises, investments in education and the establishment of a special allowance for people over 60 years of age and a pension scheme for Members of Parliament. In addition, the Government had passed the Natural Disaster Risk Management Act in 2016 and had implemented it in 2020 with regard to the COVID-19 pandemic. Special centres had been established to accommodate all persons arriving in Nauru, in accordance with the requirements of the World Health Organization. The travelling population was housed in the designated residences merely for the purposes of monitoring.

25. Another representative of the Department of Justice and Border Control stated that both the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women had been translated into national legislation in the form of the Child Protection and Welfare Act 2016 and the Domestic Violence and Family Protection Act 2017. In addition, other laws had been amended to reflect the definition of a child and to include gender-sensitive provisions. Between July 2017 and 2019, the number of safety orders, protection orders and couples ordered to undergo mandatory counselling had significantly increased. Furthermore, under the Crimes Act, the age of criminal responsibility had been increased from 7 to 10 years.

26. Children were now more involved in consultations on the formulation of comprehensive child rights policies under awareness programmes conducted by the Child Protection Unit. In addition, the plan to implement the recommendations contained in the 2016 concluding observations of the Committee on the Rights of the Child⁴ had been completed in July 2017 with a time frame of three years to allocate the necessary budget and establish the processes for their implementation. Improvements had been made in the data collection and management systems by working with the Pacific Community to create the Nauru Strategy for the Development of Statistics.

27. Under the Births, Deaths and Marriages Registration Act 2017, the statutory marriage age for girls had been raised from 16 to 18 years. In addition, the Government was raising awareness among the general population on the importance of the representation of women in Parliament. In May 2019, the first Nauru National Women's Summit had been held, and the outcome document, the Tomano Declaration, proposed the revision of the National Action Plan For Women. Under the revised plan, Nauru would: (a) participate in regional and international organizations and bodies working on issues relating to women and girls and have access to technical assistance from them; (b) develop an inclusive framework for social inclusion and youth and cultural development; (c) maximize capacity-building activities for the Domestic Violence Unit of the Nauru Police Force and the victims support services; (d) call for action to establish a juvenile detention centre to house juvenile offenders separately from adults; (e) promote financial literacy and financial inclusion; and (f) launch a pilot programme on gender-responsive budgeting.

⁴ CRC/C/NRU/CO/1.

B. Interactive dialogue and responses by the State under review

28. During the interactive dialogue, 55 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.
29. India noted with appreciation the efforts of Nauru to address climate change, despite the COVID-19 pandemic, in particular its adoption in 2020 of the Environmental Management and Climate Change Act.
30. Indonesia welcomed the positive steps Nauru had taken to enact national laws that gave effect to the human rights treaties to which it was a party.
31. The Islamic Republic of Iran recognized the challenges Nauru faced in ensuring sustainable social and economic development owing to the scarcity of freshwater resources, its geographical isolation, environmental degradation and chronic health problems.
32. Ireland commended Nauru for its continued prioritization of efforts to combat domestic violence, its adoption of the Domestic Violence and Family Protection Act 2017, the broadening of the definition of rape and the criminalization of marital rape.
33. Israel acknowledged the climate change challenges faced by Nauru and commended it for its efforts to address violence against women and to achieve gender equality. Israel congratulated Nauru on establishing the Department for Persons with Disabilities and on its public health efforts.
34. Italy commended Nauru for its abolition of the death penalty, as well as its adoption of the Domestic Violence and Family Protection Act, the Child Protection and Welfare Act, the Public Service Act and the Crimes Act.
35. Japan appreciated the adoption of the Domestic Violence and Family Protection Act 2017 and the Child Protection and Welfare Act 2016. Nevertheless, it noted that challenges remained regarding the rights of women and children.
36. Lesotho applauded Nauru for enacting the 2020 Environmental Management and Climate Change Act and for establishing the Department of Climate Change and National Resilience, which dealt specifically with climate change.
37. Luxembourg congratulated Nauru on amending its penal code, abolishing the death penalty and establishing the National Action Plan for Women, as well as on its efforts to address domestic violence.
38. Malaysia welcomed the adoption of the Domestic Violence and Family Protection Act 2017, the efforts to strengthen the National Plan of Action for Women, and the 2019 National Women's Summit.
39. Maldives took positive note of the legislative reforms that had been implemented, aligning national laws and regulations with international treaties and conventions.
40. The Marshall Islands commended Nauru for its Climate Change Strategic Plan for Adaptation and Mitigation, while remaining concerned about the threat to access to drinking water due to saltwater intrusion resulting from climate change.
41. Mexico acknowledged the decriminalization of sexual relations between people of the same sex and commended Nauru for its legislative harmonization to adapt to the Convention on the Rights of Persons with Disabilities.
42. Montenegro welcomed the adoption of the Domestic Violence and Family Protection Act and urged Nauru to ensure full protection of children's rights by explicitly prohibiting the corporal punishment of children.
43. Morocco welcomed the efforts of Nauru to harmonize its domestic legislation with the international conventions to which it was a party.
44. Nepal commended Nauru for the adoption of the Domestic Violence and Family Protection Act and the Child Protection and Welfare Act and noted the Nauru Sustainable Development Strategy 2018–2030 and its National Development Goals. Nepal noted the social security schemes that had been established to improve school attendance.

45. The Netherlands commended Nauru for decriminalizing sexual activity between adults of the same sex and establishing the National Action Plan for Women. It remained concerned about violence against women and acts that limited freedom of the press and the media and freedom of expression.
46. New Zealand welcomed the opportunity for dialogue with Nauru on its human rights record.
47. Pakistan noted that, despite resource constraints and climate challenges, Nauru had strengthened its national capacity to meet its international obligations. Pakistan also noted the measures Nauru had taken to establish preventive mechanisms, including a national human rights commission, and urged it to finalize the Human Rights Commission Bill. Pakistan commended Nauru for its efforts to empower women, increase gender equality and address domestic violence.
48. The Philippines praised the efforts of Nauru to address climate change and its adverse effects on people's livelihood and health. It noted the efforts Nauru was making to guarantee that the rights of asylum seekers and refugees, particularly women and children, were upheld in immigration detention.
49. Portugal commended Nauru for abolishing the death penalty and decriminalizing sexual activity between consenting adults of the same sex.
50. The Russian Federation appreciated the policy Nauru had adopted in order to implement its international human rights obligations, and welcomed the adoption of national legislation aimed at strengthening national capacities to protect and promote human rights.
51. Senegal welcomed the delegation of Nauru, thanked it for its national report and congratulated it on its efforts.
52. Serbia noted that Nauru had shown genuine commitment to the universal periodic review process and welcomed the measures it had taken under its social inclusion programme.
53. Singapore commended the efforts of Nauru to promote and protect the rights of women and of persons with disabilities. It acknowledged the considerable challenges Nauru faced from climate change and hoped that it would achieve its human rights and sustainable development goals.
54. Slovenia welcomed the adoption of the Crimes Act 2016 and the abolition of the death penalty. It noted that, despite efforts to protect victims of domestic violence, domestic violence remained a serious problem. It urged Nauru to adopt a national action plan to address that scourge. It also urged Nauru to make available sufficient financial, human and technical resources to effectively implement the Domestic Violence and Family Protection Act.
55. Spain welcomed the establishment of the Child Protection Unit and congratulated Nauru for its policies to protect the rights of lesbian, gay, bisexual, transgender and intersex persons, particularly the decriminalization of homosexuality.
56. Switzerland welcomed the repatriation in February 2019 of the last refugee child under the agreement with Australia for the extraterritorial procedure for refugees. It noted that access to Nauru remained severely hampered for foreign journalists.
57. Timor-Leste applauded the efforts of Nauru to develop a child protection system and welcomed the establishment of the new Child Protection Unit and the adoption of the Child Protection and Welfare Act. It commended the adoption of the framework for climate change adaptation and disaster risk reduction.
58. Trinidad and Tobago appreciated the work Nauru was undertaking on climate change, in particular the adoption of the Environmental Management and Climate Change Act 2020. Trinidad and Tobago encouraged Nauru to enhance its engagement with the international community for any necessary technical support.
59. Ukraine welcomed the legal reforms that had been undertaken since the previous review cycle and the efforts of Nauru to develop a child protection system, particularly the

establishment of the Child Protection Unit and the adoption of the Child Protection and Welfare Act 2016.

60. The United Kingdom of Great Britain and Northern Ireland acknowledged the challenges Nauru faced in addressing its human rights obligations, especially given the growing impact of climate change. It encouraged Nauru to draw on international technical assistance and expertise.

61. The United States of America commended Nauru for working to reduce the number of individuals held at immigration facilities. It applauded Nauru for decriminalizing consensual adult same-sex sexual activity.

62. Uruguay encouraged Nauru to accept and implement the recommendations received and called upon the international community to support such efforts through technical cooperation and assistance.

63. Vanuatu commended Nauru for adopting the framework for climate change adaptation and disaster risk reduction in 2015 to respond to extreme natural disasters due to the heavy impact of climate change.

64. The Bolivarian Republic of Venezuela noted the significant progress Nauru had made in terms of women's representation in decision-making positions, access to water, food and housing for communities, the implementation of the school feeding programme and the availability of pensions for persons with disabilities.

65. Argentina congratulated Nauru on its enactment in 2016 of legislation decriminalizing sexual intercourse between persons of the same sex.

66. Armenia expressed appreciation for the domestication of international human rights treaties. It welcomed the adoption of the Crimes Act 2016, which included a broader definition of rape. It encouraged Nauru to step up its efforts to protect vulnerable women and girls.

67. Australia commended Nauru for its legal and policy reforms to protect the rights of women and children and persons with disabilities. It welcomed the decriminalization of same-sex relations and the formal abolition of the death penalty.

68. The Bahamas recognized the challenges faced by Nauru, including limited human and financial resources and threats posed by climate change. It encouraged Nauru to avail itself of technical assistance and capacity-building support.

69. Barbados commended Nauru for its steadfast efforts to build resilience in the face of climate change and sea level rise.

70. Brazil commended Nauru for its adoption of the Domestic Violence and Family Protection Act, its prohibition of child marriage and the services it provided for victims and survivors. Brazil congratulated Nauru on the 2019 parliamentary elections.

71. Bulgaria welcomed the adoption of the Domestic Violence and Family Protection Act and the Child Protection and Welfare Act.

72. Canada commended Nauru for its implementation of the Crimes Act 2016 and the Domestic Violence and Family Protection Act 2017 and urged it to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

73. Chile welcomed the enactment of the new penal code, the substitution of the death penalty for alternative penalties, the decriminalization of suicide and the criminalization of marital rape.

74. China expressed opposition to the national report of Nauru because it used the name of an area in violation of General Assembly resolution 2758 (XXVI) and the Charter of the United Nations. China expressed concern regarding the discrimination and violence suffered by Nauruan women, widespread human trafficking, severe poverty, poor health and education systems and the high child mortality rate.

75. Cuba recognized the enactment of numerous norms and policies that had a direct impact on the promotion and defence of human rights.
76. Denmark commended Nauru on its abolition of the death penalty and its decriminalization of same-sex relations, as enshrined in the Crimes Act 2016. Denmark expressed concern regarding the high rate of teenage pregnancy and the need to protect the right to freedom of expression.
77. Fiji commended Nauru on its Climate Change Strategic Plan for Adaptation and Mitigation and its Environmental Management and Climate Change Act.
78. Finland welcomed the engagement of Nauru in the universal periodic review process.
79. France commended Nauru on its progress in the field of human rights, particularly its ratification and establishment of multiple human rights instruments. France remained concerned about the right to freedom of expression in Nauru.
80. Germany commended Nauru for abolishing the death penalty and for decriminalizing same-sex relations. Germany remained concerned about restrictions on freedom of information in Nauru.
81. Haiti noted the efforts Nauru had made to improve the quality of life there. Haiti noted with satisfaction the adoption of the Crimes Act 2016 and the contribution of Nauru to the fight against climate change.
82. Honduras commended Nauru on its ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
83. Iceland welcomed the decision of Nauru in 2016 to decriminalize same-sex sexual activity and to abolish the death penalty.
84. Nauru thanked the delegations for their contributions and for acknowledging the advancements Nauru had made in the field of human rights. As part of the international community, Nauru was committed to and did its utmost to comply with its human rights obligations.
85. With regard to the ratification of the International Covenant on Civil and Political Rights and other international instruments, Nauru recalled the establishment of its Working Group on Treaties and underlined the Government's awareness of the need to ratify treaties. With regard to interacting with the international human rights bodies, Nauru remained engaged with the international community and sought support for the implementation of its human rights obligations.
86. Nauru was not preventing any visits from special procedure mandate holders. Several requests from Special Rapporteurs for visits had been deferred as the relevant government officials had been out of the country, which might have delayed the Special Rapporteurs' trips. Nauru took note of the requests for such visits and would ensure that all special procedure mandate holders could visit the country. Virtual meetings at any time and in urgent cases were another option.
87. With regard to the establishment of a national human rights institution, Nauru underlined the existence of the Human Rights Commission Bill, which was currently going through another round of reviews. It requested international financial, administrative and other assistance in that area.
88. As for matters relating to climate change, Nauru was one of the leading countries in the Pacific region and had made substantial progress in that regard. While there was a lack of fresh water for consumption on the island, Nauru would do everything possible to ensure that the population had access to safe drinking water.
89. Some of the concerns expressed about the independence of the judiciary and interference from the Government might be linked to the 2015 riots. The Government had not interfered in any of those cases.
90. With regard to media freedom, the high visa fees for foreign media had been imposed and, if necessary, would be reviewed. While Nauru noted the concerns expressed by several States, the media were able to contact people on the island and to report on the situation in

Nauru in all media outlets. In the wake of the COVID-19 pandemic, virtual technology had become the norm.

91. With regard to asylum seekers and refugees, Nauru merely provided a processing centre, where people were processed fairly and in accordance with the Convention relating to the Status of Refugees. The number of people in the processing centre was decreasing and the resettlement scheme was functioning. Nauru requested States, especially neighbouring States, to allow refugees and asylum seekers to travel to other countries for holidays and then return to Nauru.

92. Addressing domestic violence was a priority for the Government. Details on gender equality and the substantial improvements made by Nauru in terms of women's representation in leadership roles in both the public and private sectors were provided in annex 7 to the national report. The establishment of the Department of Women's Affairs and Social Development should further contribute to that goal.

93. The Government was particularly concerned about social security and food security issues during the COVID-19 pandemic, given the country's dependence on food imports. The Government was taking appropriate measures to ensure the continuous supply of food into Nauru.

94. The Government had rehabilitated some land that had previously been used for mining in order to build the regional processing centre. In a separate project, it had installed solar panels. There was a programme for a smart village to be established on higher ground. Nauru would welcome international financial and technical support for rehabilitation and in order to provide better housing for its people.

95. With regard to persons with disabilities, the title of the Mentally Disordered Persons Act had been amended to the Mental Health Act in order to ensure political correctness. The Department for Persons with Disabilities had been established in 2020 and several forms of assistance were now available for persons with disabilities.

96. The Education Act expressly banned corporal punishment in schools. No legislation allowed for any form of corporal punishment against children.

97. The minimum marriage age had been changed from 16 to 18 years for females.

98. Nauru did not plan to recognize same-sex marriages or partnerships. However, the law had changed in relation to consenting adults having same-sex relations.

II. Conclusions and/or recommendations

99. **The following recommendations will be examined by Nauru, which will provide responses in due time, but no later than the forty-seventh session of the Human Rights Council:**

99.1 **Consider accession to the core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (India);**

99.2 **Continue to take the necessary actions to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Maldives);**

99.3 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Montenegro);**

99.4 **Consider ratifying the core human rights instruments, including the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights (Nepal);**

99.5 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (New Zealand);**

- 99.6 Consider the ratification of core international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines);
- 99.7 Continue to seek capacity-building assistance, guidance and technical support from the United Nations and regional partners to fulfil its human rights obligations (Philippines);
- 99.8 Ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights (Russian Federation);
- 99.9 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Senegal);
- 99.10 Ratify the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovenia);
- 99.11 Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Spain);
- 99.12 Ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Switzerland);
- 99.13 Step up engagement with the United Nations treaty bodies (Timor-Leste);
- 99.14 Ratify and implement the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights (Islamic Republic of Iran);
- 99.15 Ratify the remaining core international human rights treaties and their Optional Protocols and other international conventions (Ukraine);
- 99.16 Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);
- 99.17 Ratify the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (United States of America);
- 99.18 Make progress in ratifying the key international instruments to which the country is not party (Uruguay);
- 99.19 Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Vanuatu);
- 99.20 Consider the possibility of signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 99.21 Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);
- 99.22 Ratify the International Covenant on Economic, Social and Cultural Rights (Armenia);
- 99.23 Ratify the International Covenant on Civil and Political Rights (Armenia);
- 99.24 Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Australia);

- 99.25 **Ratify the International Covenant on Civil and Political Rights (Chile);**
- 99.26 **Ratify the International Covenant on Economic, Social and Cultural Rights (Finland);**
- 99.27 **Ratify the Optional Protocols to the Convention on the Rights of the Child (Finland);**
- 99.28 **Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty, as well as the International Covenant on Economic, Social and Cultural Rights (France);**
- 99.29 **Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Germany);**
- 99.30 **Sign and ratify the International Covenant on Economic, Social and Cultural Rights (Honduras);**
- 99.31 **Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras);**
- 99.32 **Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Honduras);**
- 99.33 **Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);**
- 99.34 **Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and align domestic law to the treaties (Iceland);**
- 99.35 **Consider acceding to the main international instruments on human rights, starting with ratifying the International Covenant on Civil and Political Rights (Italy);**
- 99.36 **Ratify 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 (Lesotho);**
- 99.37 **Ratify the main human rights instruments, including in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Luxembourg);**
- 99.38 **Facilitate the visits of United Nations bodies aimed at monitoring the situation of asylum seekers and refugees transferred to the country (Luxembourg);**
- 99.39 **Consider establishing 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) (India);**
- 99.40 **Establish a national human rights institution, in accordance with the Paris Principles (Malaysia);**
- 99.41 **Consolidate the progress achieved by creating a national institution for the promotion of human rights, in accordance with the Paris Principles (Morocco);**
- 99.42 **Strengthen efforts to establish a national human rights institution in accordance with the Paris Principles (Indonesia);**
- 99.43 **Continue to take targeted steps to improve national legislation in terms of observing human rights and freedoms (Russian Federation);**
- 99.44 **Establish an independent national human rights institution and provide it with a mandate in accordance with the Paris Principles (Senegal);**

- 99.45 Establish a national human rights body which would, inter alia, monitor the implementation of United Nations human rights conventions (Serbia);
- 99.46 Establish a national human rights institution in accordance with the Paris Principles (Ukraine);
- 99.47 Ensure the full incorporation in its legal system of obligations emanating from human rights treaties to which the country is already party, requesting assistance from OHCHR (Uruguay);
- 99.48 Establish a national human rights institution compliant with the Paris Principles (Australia);
- 99.49 Advance efforts toward adoption of the draft Human Rights Commission Bill which seeks to provide for the establishment of a National Human Rights Commission (Bahamas);
- 99.50 Establish an independent national human rights institution, in compliance with the Paris Principles (Chile);
- 99.51 Establish an independent national human rights institution (France);
- 99.52 Establish a national human rights institution in accordance with the Paris Principles (Germany);
- 99.53 Establish an independent national human rights institution, in accordance with the Paris Principles (Luxembourg);
- 99.54 Adopt a law prohibiting discrimination on the grounds of sexual orientation and gender identity (Spain);
- 99.55 Take the necessary legislative and administrative measures in order to protect the rights of women and children and persons with disabilities (Islamic Republic of Iran);
- 99.56 Continue to strengthen its social programmes and policies, with special emphasis on the fields of education, health and food, prioritizing the most needy sectors of the population (Bolivarian Republic of Venezuela);
- 99.57 Adopt the necessary measures to review its domestic legislation to ensure that discrimination in all its forms is prohibited and sanctioned, particularly on the basis of gender, sexual orientation and disability (Argentina);
- 99.58 Take steps to formalize equitable access to all social benefits through regulation and policy (Australia);
- 99.59 Prohibit discrimination in employment, including discrimination based on gender, disabilities and sexual orientation or gender identity (Canada);
- 99.60 Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (Iceland);
- 99.61 Pass and implement laws that would recognize same-sex partnerships and define the rights and obligations of cohabiting couples in same-sex unions (Iceland);
- 99.62 Continue to take robust measures to tackle climate change (Malaysia);
- 99.63 Ensure that all concerned authorities are provided with the human, technical and financial resources necessary to implement the Climate Change Strategic Plan for Adaptation and Mitigation that will enhance the resilience and adaptability of the country (Maldives);
- 99.64 Continue taking effective measures to mitigate the effects of climate change, addressing the needs of vulnerable groups (Nepal);

- 99.65 **Intensify its ongoing efforts to seek enhanced international finance and technology to mitigate loss and damage and to combat climate change meaningfully (Pakistan);**
- 99.66 **Continue its work to reduce poverty and develop the socioeconomic sphere (Russian Federation);**
- 99.67 **Seek technical capacity development assistance from the United Nations and its international development partners (Timor-Leste);**
- 99.68 **Continue to make robust preparations to mitigate the likely negative impacts of climate change on the lives of Nauruan citizens and their access to clean water (Islamic Republic of Iran);**
- 99.69 **Accelerate efforts by the Nauru Rehabilitation Corporation to institute safer, habitable places for the relocation of Nauruans living in high-risk zones, due to phosphate mining (Bahamas);**
- 99.70 **Seek assistance from regional and multilateral partners to support its efforts at climate change adaptation and disaster risk reduction (Barbados);**
- 99.71 **Continue, in a comprehensive manner, to implement climate change adaptation measures, natural disaster response measures and health crisis management, such as for COVID-19, by prioritizing the protection of the most vulnerable sectors of the population (Cuba);**
- 99.72 **Take specific and sustainable measures to combat the negative effects of climate change, in particular against the rise in sea level (Haiti);**
- 99.73 **Implement effective measures against domestic violence, including strengthening domestic violence laws and improving the handling of domestic violence cases by investing in training for local and national authorities to assist victims of domestic violence (Netherlands);**
- 99.74 **Take additional measures to improve the conditions of detention in the Nauru Regional Detention Centre, with the short-term objective of fully closing the centre and transferring the 211 refugees and asylum seekers still detained there to a country where their rights will be respected and protected (Switzerland);**
- 99.75 **Abolish the death penalty (Timor-Leste);**
- 99.76 **Abolish the death penalty (Ukraine);**
- 99.77 **Continue to take positive steps to eliminate corporal punishment in all settings, especially against children (Fiji);**
- 99.78 **Immediately and unconditionally release the parliamentarians and their supporters convicted of non-violent offences related to the 2015 protests (France);**
- 99.79 **Strengthen the independence of the judiciary and its governing bodies by adopting norms that guarantee an adequate process for the appointment, promotion and removal of its members (Mexico);**
- 99.80 **Continue to strengthen measures to ensure the independence of the judiciary (Indonesia);**
- 99.81 **Strengthen the independence of the judiciary and of the governing bodies of the judiciary, including by ensuring the right of due process in line with international human rights standards (Islamic Republic of Iran);**
- 99.82 **Take further steps to ensure that judges are free from any interference, pressure or undue influence in criminal proceedings (Canada);**
- 99.83 **Strengthen the independence of the judiciary (France);**

- 99.84 **Protect and uphold the right to free and independent media in Nauru, including by removing prohibitively high foreign journalist visa fees to enable foreign journalists to visit the country (Netherlands);**
- 99.85 **Allow increased international media access by lowering visa fees for international journalists, to facilitate an important means to promote transparency and public access to information (New Zealand);**
- 99.86 **Remove or change its national immigration regulations to allow access to the country, including for foreign journalists, human rights defenders and non-governmental organizations (Switzerland);**
- 99.87 **Develop transparent nationwide legislation and administrative measures to promote the enjoyment of the right to freedom of expression and the right to access to information (Islamic Republic of Iran);**
- 99.88 **Protect and uphold the right to free and independent media in Nauru, including by reviewing prohibitively high foreign journalist visa fees to enable foreign journalists to visit the country (United Kingdom of Great Britain and Northern Ireland);**
- 99.89 **Reduce restrictions on the media in order to promote freedom of expression, and allow foreign journalists to operate without barriers (United States of America);**
- 99.90 **Increase government transparency by implementing a law on access to public information (United States of America);**
- 99.91 **Take concrete steps to protect and promote the rights to freedom of expression and free and independent media in Nauru (Ireland);**
- 99.92 **Repeal or amend the criminal defamation provisions of the Criminal Act of 2016, to ensure that it fully complies with international human rights law (Denmark);**
- 99.93 **Continue to ensure full and meaningful participation of wide, diverse groups, including but not limited to women, children, persons with disabilities, elderly persons and indigenous and local communities in the implementation of its climate change and disaster risk reduction frameworks (Fiji);**
- 99.94 **Authorize local non-government media to resume their operations and stop Internet and social media censorship (France);**
- 99.95 **Protect and uphold the freedom and independence of the media in Nauru, including by removing prohibitively high visa fees for foreign journalists, in order to enable foreign journalists to visit the country (Germany);**
- 99.96 **Amend the Criminal Code to lift restrictions on the freedom of movement, freedom of assembly and freedom of expression (Germany);**
- 99.97 **Protect and uphold the freedom of expression and peaceful assembly, including through respecting and upholding free and independent media, in line with international human rights standards (Iceland);**
- 99.98 **Protect and preserve media freedom and independence in Nauru, in particular by removing prohibitive visa fees for foreign journalists (Luxembourg);**
- 99.99 **Protect and preserve freedom of expression by revising the Criminal Offences Act, adopted in 2016, that introduced prison sentences on the grounds of “criminal defamation” (Luxembourg);**
- 99.100 **Strengthen its maritime policy aimed at respecting human rights in the maritime sector, including by abolishing slavery, human trafficking and other human rights abuses in the seafood and fisheries sectors through bilateral and international cooperation (Indonesia);**

- 99.101 **Develop and implement a national action plan on human trafficking and modern slavery and allocate a fully-funded budget to the national action plan (United Kingdom of Great Britain and Northern Ireland);**
- 99.102 **Provide separate targeted support to the institution of the family (Russian Federation);**
- 99.103 **Support, through economic and social policies, the institution of the family and the preservation of family values (Haiti);**
- 99.104 **Develop and implement a project to ensure sustainable access to drinking water for the entire population (Marshall Islands);**
- 99.105 **Align its legislation with the right to an adequate standard of living by promoting access to drinking water and sanitation for the whole population, in particular during recovery from natural disasters, when rights such as the rights to health care, food and life are most endangered (Vanuatu);**
- 99.106 **Enhance efforts to combat malnutrition by improving food security at the local level and access to safe drinking water (Canada);**
- 99.107 **Take effective measures to reduce poverty and to fulfil people's basic needs (China);**
- 99.108 **Guarantee access to sexual and reproductive health services and information for adolescents and the adequate delivery of comprehensive sexuality education, in order to reduce the number of teenage pregnancies in the country (Portugal);**
- 99.109 **Take all necessary measures to strengthen the promotion and protection of the human rights and dignity of older persons, particularly in the current situation of extreme vulnerability they face in the context of the COVID-19 pandemic (Argentina);**
- 99.110 **Take measures, in cooperation with partners and qualified suppliers, to deliver health services to meet the mental health needs of Nauruans, refugees and asylum seekers (Canada);**
- 99.111 **Continue to strengthen efforts to improve access to health-care services for all, including access to sexual and reproductive health-care services and information (Fiji);**
- 99.112 **Immediately reinstate mental health services for refugees and asylum seekers as well as locals, provided by Médecins sans Frontières and other qualified health providers (Germany);**
- 99.113 **Take the concrete and measurable steps necessary to promote more nutritious, diverse and healthy diets, as well as active lifestyles, including by improving food education (Haiti);**
- 99.114 **Continue with policy measures in furtherance of the right to education and of gender equality (India);**
- 99.115 **Guarantee access for everyone to education and sexual and reproductive health services (Mexico);**
- 99.116 **Provide comprehensive sexuality education as part of the school curriculum (Denmark);**
- 99.117 **Strengthen efforts to ensure that comprehensive sexuality education is integrated into the school curricula (Fiji);**
- 99.118 **Continue efforts to promote and safeguard women's rights and their well-being in the country, including by ensuring access to mental health services for women (Malaysia);**

- 99.119 **Develop and implement legislation and policies to achieve gender equality and to prevent gender-based violence, including domestic violence against women (Marshall Islands);**
- 99.120 **Provide women with the benefits required under the Convention on the Elimination of All Forms of Discrimination against Women (Marshall Islands);**
- 99.121 **Take further steps to combat gender-based violence against women, in particular domestic violence, and to ensure victims' adequate access to justice (Portugal);**
- 99.122 **Incorporate the adverse socioeconomic impact of COVID-19 on women and girls in any revision of the National Action Plan for Women and ensure that consultations for this revision are as inclusive as possible (Singapore);**
- 99.123 **Take the necessary steps to achieve gender equality and to prevent gender-based violence (Ukraine);**
- 99.124 **Take all necessary steps to empower women to effectively participate at work in both the public and private sectors including through the adoption of legislation prohibiting sexual harassment in the workplace, the prohibition of discrimination on the grounds of pregnancy or marital status, and through ensuring the right to paid maternity and paternity leave and adequate sick leave (Ireland);**
- 99.125 **Continue to promote efforts to address violence against women (Barbados);**
- 99.126 **Step up measures to promote gender equality and the participation of women in politics and government positions (Brazil);**
- 99.127 **Remove all kinds of discrimination and violence against women (China);**
- 99.128 **Continue adopting measures to promote women's empowerment and gender equality, including women's access to decision-making positions (Cuba);**
- 99.129 **Continue to address gender-based violence by developing a national action plan to prevent violence against women (Israel);**
- 99.130 **Adopt specific legislation that prohibits all types of sexual harassment in the workplace (Israel);**
- 99.131 **Take steps to increase the number of women and girls at all levels of education by analysing and addressing the obstacles they face (Israel);**
- 99.132 **Strengthen the efforts to fight violence against women and girls and promote women's empowerment in all sectors (Italy);**
- 99.133 **Further protect and promote women's rights, including through the development and implementation of comprehensive legislation and policies to prevent and respond adequately to gender-based violence against women, including domestic violence (Japan);**
- 99.134 **Beef up measures to fight domestic and sexual violence against women and girls (Lesotho);**
- 99.135 **Prohibit corporal punishment in all contexts and repeal legal provisions that still authorize its use (Mexico);**
- 99.136 **Strengthen access to education for children, especially young girls, who suffer from school dropout and absenteeism (Morocco);**
- 99.137 **Allocate the budgetary and other resources required to promote and protect children, particularly those in detention or living in poverty (Barbados);**

- 99.138 **Guarantee all children with disabilities, particularly girls, the right to inclusive education in mainstream schools and ensure the availability of qualified assistance to children with disabilities in those schools (Bulgaria);**
- 99.139 **Expedite the implementation of a programme and policy for the protection of children in line with the Convention on the Rights of the Child, improve data collection on violence against minors, and enact laws that explicitly prohibit corporal punishment of all children in all settings, including the home (Chile);**
- 99.140 **Establish measures to guarantee the protection of children from all forms of violence and abuse (Japan);**
- 99.141 **Ensure that all persons with disabilities enjoy all the rights enshrined in the Convention on the Rights of Persons with Disabilities (Montenegro);**
- 99.142 **Work with its bilateral and international partners, as appropriate, including the United Nations Programme on Disability under the Department of Economic and Social Affairs, on technical cooperation and capacity-building programmes to facilitate the full implementation of its obligations under the Convention on the Rights of Persons with Disabilities (Singapore);**
- 99.143 **Seek technical assistance and capacity-building support to further strengthen the promotion and protection of the rights of persons with disabilities (Bahamas);**
- 99.144 **Continue legislative and policy measures aimed at strengthening the protection of the rights of persons with disabilities (Bulgaria);**
- 99.145 **Guarantee to refugees and persons seeking international protection whose claims are being processed offshore the right to be transferred to or resettled in, if they wish, a country they consider safe, the right to appeal decisions on their status, and access to health services, including mental health services, for those remaining in the county (Mexico);**
- 99.146 **Continue efforts to ensure that asylum seekers, refugees and migrants are given all necessary protection and social support (New Zealand);**
- 99.147 **Sustain its efforts to ensure that the rights of refugees, particularly women and children, are upheld (Philippines);**
- 99.148 **Adopt effective measures to monitor, prevent and investigate cases of abuse of unaccompanied minor migrants (Spain);**
- 99.149 **Step up measures to implement durable solutions for asylum seekers and refugees (Ukraine);**
- 99.150 **Ensure compliance with the obligations pursuant to the 1951 Convention relating to the Status of Refugees, in particular with regard to the processing of refugee applications (Uruguay);**
- 99.151 **Strengthen human rights protection of refugees and asylum seekers, including through access to justice and health care (Brazil);**
- 99.152 **Stop operating all offshore immigrant detention facilities for third countries and stop violating the rights of migrants (China);**
- 99.153 **Continue the ongoing efforts to adopt strategies aimed at substantially increasing the quality of life of asylum seekers and refugees hosted in the country (Italy);**
- 99.154 **Continue to improve measures to safeguard the rights of refugees and asylum seekers and to raise public awareness of refugee and asylum-seeker issues (Lesotho);**
- 99.155 **End the detention of refugees and asylum seekers (Luxembourg);**

99.156 **Introduce provisions in the Constitution to allow it to put an end to the statelessness of abandoned minors and the loss or stripping of nationality (Chile).**

100. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Nauru was headed by the Minister for Justice and Border Control of the Republic of Nauru, Honourable Mr. Maverick Eoe and composed of the following members:

- Mr. Janmay Udit, Secretary for Justice and Border Control of the Republic of Nauru;
 - H.E. Mrs. Chitra Jeremiah, Ambassador and Permanent Representative of the Republic of Nauru to the United Nations Office in Geneva;
 - Ms. Kerryn Kwan, Principal Legislative Drafter, Ministry of Justice and Border Control;
 - Ms. Stella Duburiya, Pleader (Human Rights), Ministry of Justice and Border Control;
 - Mrs. Christiana Detenamo, Deputy Secretary of Foreign Affairs and Trade;
 - Mrs. Darina Bingham, Assistant Director of International Affairs, Ministry of Foreign Affairs and Trade;
 - Mrs. Debora Togoran, Pleader/ Legislative Drafter, Department of Justice and Border Control;
 - Mrs. Joanie Hartman, First Secretary of the Permanent Mission of the Republic of Nauru to the United Nations Office in Geneva.
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