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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-seventh session**  
18–29 January 2021

## **Compilation on Nauru**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The United Nations country team stated that no new treaties had been ratified by Nauru since 2015, and it recommended that Nauru ratify the remaining core international human rights treaties and their Optional Protocols and other international conventions.<sup>3</sup>

3. The Committee on the Elimination of Discrimination against Women encouraged and the Committee on the Rights of the Child urged Nauru to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>4</sup> In addition, the Committee on the Elimination of Discrimination against Women encouraged Nauru to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, 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, to which it was not yet a party.<sup>5</sup>

4. The United Nations country team recommended that Nauru step up engagement with the United Nations treaty bodies by clearing the outstanding initial reports to the Committee against Torture and the Committee on the Rights of Persons with Disabilities, and also recommended that it submit the common core document to the United Nations treaty bodies.<sup>6</sup>

5. The Committee on the Rights of the Child urged Nauru to immediately consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>7</sup> UNESCO encouraged Nauru to ratify the



Convention against Discrimination in Education, the Convention for the Protection of the World Cultural and Natural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.<sup>8</sup>

6. The United Nations country team indicated that in 2015, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had conducted a country visit to Nauru, and a confidential report on the visit had been transmitted to the State. It was noted that the report remained confidential, as Nauru had not provided its consent to publish it. The United Nations country team recommended that Nauru provide a written response to the report of the Subcommittee on Prevention of Torture and consider making the report public. A follow-up visit to Nauru by the Subcommittee, which had been scheduled for April 2020, was postponed because of the coronavirus disease (COVID-19) pandemic.<sup>9</sup>

7. The Special Rapporteur on the human rights of migrants undertook a mission to the regional processing centres in Nauru and to a neighbouring country in November 2016.<sup>10</sup>

### **III. National human rights framework<sup>11</sup>**

8. The United Nations country team reported that a scoping study on the establishment of a national human rights institution that was compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) had been undertaken in 2017. The country team recommended that Nauru consider establishing such a national human rights institution, taking into account the recommendations contained in the study.<sup>12</sup>

9. The United Nations country team reported that Nauru had established a working group on treaties in 2018, which functioned as a national mechanism for reporting and follow-up. However, the mechanism was not yet fully functional. The country team recommended that Nauru take steps to ensure that the working group on treaties functioned as an effective national mechanism for reporting and follow-up, and to also ensure the adequate provision of financial and human resources.<sup>13</sup>

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>14</sup>**

10. The Committee on the Rights of the Child urged Nauru to amend article 3 of the Constitution to include a reference to discrimination on the basis of nationality or other status and to ensure the full implementation of relevant existing laws prohibiting discrimination.<sup>15</sup> The United Nations country team recommended that Nauru ensure that the domestic legislation explicitly prohibited both direct and indirect discrimination on all grounds, including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status.<sup>16</sup>

11. The United Nations country team reported that the parliament enacted the Crimes Act in 2016 and consequently, same-sex sexual activity was no longer a criminal offence.<sup>17</sup>

##### **2. Development, the environment, and business and human rights<sup>18</sup>**

12. The United Nations country team reported that Nauru had adopted the framework for climate change adaptation and disaster risk reduction in 2015. It recommended that Nauru ensure those initiatives were as inclusive as possible and that the needs of vulnerable and marginalized groups were fully taken into consideration.<sup>19</sup>

13. The country team added that Nauru faced challenges in ensuring sustainable social and economic development owing to scarcity of arable land and fresh water resources, geographical isolation, dependence on imports to meet basic food requirements,

environmental degradation and the emergence of chronic health problems. It also reported that climate change compounded the risk for communicable and non-communicable diseases, posing increased threats to health.<sup>20</sup> The country team indicated that phosphate dust pollution, caused by extensive phosphate mining, together with changing wind patterns and rising temperatures, posed significant health risks to all individuals, but particularly to children and women.<sup>21</sup>

14. The country team also reported that, given the limited availability of land and the small size of the country, the pressure on the people of Nauru to migrate was expected to rise in coming years. Nauru had no internal options for movement of its population, thus the response to a significant one-off disaster was likely to require movement to another country. The country team recommended that Nauru consider working across ministries to ensure that climate-related policies addressed the specific needs of individuals belonging to vulnerable groups.<sup>22</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>23</sup>**

15. Regarding the death penalty, the country team reported that the parliament needed to adopt a bill to amend article 4 of the Constitution, and that Nauru had reported that it would undertake further consultations with the Government and relevant national stakeholders. The country team stated that there was no information available about whether such consultations had been undertaken, and it recommended that Nauru step up efforts to abolish the death penalty.<sup>24</sup>

16. The country team reported that Nauru had yet to set up, designate or maintain one or several bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. The country team considered that to be particularly problematic, as there was no national human rights institution or any other body that had the authority to visit places of deprivation of liberty. The country team recommended that Nauru, without further delay, set up, designate or maintain one or several such bodies, in line with its obligation under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>25</sup>

### **2. Administration of justice, including impunity, and the rule of law<sup>26</sup>**

17. The United Nations country team reported that, in 2017, Nauru had revoked the High Court Appeals Act that previously had established the High Court of a third country as the country's highest appellate court on both civil and criminal matters. The revocation was carried out before any alternative avenues for appeal had been established. The country team also reported that, in 2018, the parliament of Nauru had passed constitutional amendments and legislation to establish the Nauru Court of Appeal.<sup>27</sup> It recommended that Nauru ensure that any legal reform, including in relation to the judiciary, was in compliance with the country's international human rights obligations and that it also ensure the independence of the judiciary was free from political interference by the executive branch of government in accordance with the Basic Principles on the Independence of the Judiciary.<sup>28</sup>

18. While noting with concern that many victims who reported gender-based violence to the police often refrained from filing court cases, the Committee on the Elimination of Discrimination against Women recommended that Nauru ensure that women and girls had access to legal aid services and effective remedies for violations of their rights.<sup>29</sup>

19. The Committee on the Rights of the Child was concerned at the absence of specialized magistrates and personnel appropriately trained on children's rights and at the insufficient application of recognized juvenile justice principles, in particular in correctional services. It recommended that Nauru ensure that judges dealing with children received appropriate training on juvenile justice standards.<sup>30</sup>

### **3. Fundamental freedoms<sup>31</sup>**

20. The United Nations country team indicated that the Constitution of Nauru provided for the freedom of conscience, expression, assembly and association. However, those rights

could be restricted by any law that was reasonably required in the interests of defence or public safety, order, morality or health. According to the country team, there were reports of such rights being unduly restricted in practice, particularly with respect to demonstrations related to the treatment of asylum seekers in Nauru.<sup>32</sup>

21. The country team added that the Government owned all media and exercised editorial control over content. In addition, journalists seeking to visit Nauru remained subject to a non-refundable fee of 8,000 Australian dollars, which severely restricted media freedom and hampered scrutiny of policies and practices.<sup>33</sup> The Committee on the Rights of the Child expressed a similar concern.<sup>34</sup>

22. The Committee on the Rights of the Child was seriously concerned that international civil society organizations and journalists had been restricted in their ability to conduct research into children's rights, particularly in relation to the processing of child asylum seekers and refugees at the Regional Processing Centre.<sup>35</sup> The Committee urged Nauru to take immediate and concrete steps to give legitimate recognition to children's rights defenders and their work, and to build an environment of trust and cooperation with international and local non-governmental organizations and journalists.<sup>36</sup>

23. The United Nations country team indicated that the Crimes Act adopted in 2016 had created new criminal offences for "unlawful vilification" and "criminal defamation", which were punishable by a maximum of three years' imprisonment.<sup>37</sup> It added that, in 2018, the Administration of Justice Act had come into effect, which introduced provisions related to contempt of court, criminalizing criticism of any party to a case, which could include the Government, as it is party to any criminal prosecution.<sup>38</sup> The law also criminalized criticizing any witnesses, judicial officers or legal representatives in a pending court matter; publishing a judgment of the court; "scandalizing" a judge or judicial officer; and "scandalizing" or undermining the authority of the courts of the justice system. The country team recommended that Nauru ensure that any restrictions to the rights to freedom of expression and to freedom of association and assembly met the strict criteria under international human rights law related to necessity and proportionality.<sup>39</sup> It also recommended that Nauru decriminalize all forms of expression, as they had a chilling effect on the right to freedom of expression, and that the country address issues such as defamation through civil law. It further recommended that Nauru ensure that all forms of legitimate speech, including criticisms related to court cases and actions of the judiciary, were permitted without any undue restriction.<sup>40</sup>

#### **4. Prohibition of all forms of slavery**

24. The Committee on the Elimination of Discrimination against Women was concerned about the limited efforts to address trafficking in persons and exploitation of prostitution in Nauru. It recommended that Nauru develop a mechanism to address trafficking in persons and exploitation of prostitution. The Committee on the Rights of the Child recommended that Nauru adopt comprehensive anti-trafficking laws that defined specific crimes relating to the sale of, trafficking in and abduction of children, and that carried adequately severe penalties for such crimes.<sup>41</sup>

### **C. Economic, social and cultural rights**

#### **1. Right to work and to just and favourable conditions of work<sup>42</sup>**

25. The United Nations country team reported that there were no formal trade unions and only limited labour protection laws. The rights to strike and to collectively bargain were not protected by law. It recommended that Nauru guarantee the right to form and join trade unions; the right to strike; and the right to enjoy just and favourable conditions of work in line with international standards, both in law and in practice.<sup>43</sup>

26. The Committee on the Elimination of Discrimination against Women was concerned about the absence of legislation prohibiting and addressing sex-based discrimination in the workplace. It recommended that Nauru adopt legislation prohibiting sexual harassment in the workplace in both the public and the private sectors, and establish a formal complaint mechanism enabling victims to seek redress. It also recommended that Nauru ensure the right to paid maternity and paternity leave, breastfeeding breaks and adequate sick leave in

both the public and the private sectors, and explicitly prohibit dismissal on the grounds of pregnancy as well as discrimination on the basis of marital status.<sup>44</sup>

## 2. Right to health<sup>45</sup>

27. The United Nations country team indicated that the health-care system in Nauru was heavily reliant on expatriate professionals on short-term contracts, which was leading to significant fluctuations in the quality and coverage of the services provided. The country team recommended that Nauru ensure that expatriate staff providing health services in the country also provided capacity-building to local medical staff, in order to enable transfer of knowledge and skills for long-term sustainability.<sup>46</sup>

28. The country team reported that the Mentally-Disordered Persons Act (Amendment) No. 2, adopted in 2017, did not provide for special measures for the protection of children placed in mental health facilities, such as ensuring the separation of children from adults with mental health issues. The country team recommended that Nauru put measures in place to ensure the protection of children admitted to mental health facilities and to also ensure that children were not placed in the same ward as adults with mental health issues.<sup>47</sup> The Committee on the Elimination of Discrimination against Women remained concerned about the mental health status of women and recommended that Nauru provide access to mental health services for women.<sup>48</sup>

29. Although having declined over the past decades, the United Nations country team reported that Nauru still had one of the highest child mortality rates in the region.<sup>49</sup> The Committee on the Rights of the Child was concerned with the limited availability of immediate postnatal care for newborns and mothers. It recommended that Nauru ensure the availability of and equitable access to quality primary and specialized health and dental care for all children.<sup>50</sup>

30. The United Nations country team stressed that 44 per cent of schoolchildren aged 13 to 15 were overweight.<sup>51</sup> The Committee on the Rights of the Child was also concerned at the high levels of childhood obesity and the consequent impact on child health. It recommended that Nauru develop policies to ensure that healthy food choices were available and affordable, and strengthen awareness campaigns to promote the benefits of healthy eating for children.<sup>52</sup>

31. The United Nations country team indicated that Nauru had the highest adolescent birth rates in the Pacific region, with 92.3 births per 1,000 girls aged 15 to 19, indicating a critical need to invest in youth-friendly sexual and reproductive health and rights. The country team recommended that Nauru support the provision of youth-friendly sexual and reproductive health and rights, including comprehensive sexuality education.<sup>53</sup> The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child also expressed concern about the high rate of early pregnancies.<sup>54</sup> The Committee on the Elimination of Discrimination against Women was concerned about the resulting high number of early marriages. It recommended that Nauru adopt a comprehensive national programme aimed at preventing early pregnancy.<sup>55</sup> The Committee on the Rights of the Child recommended that Nauru provide comprehensive, age-appropriate education on sexual and reproductive health, and develop sexual and reproductive health services, including confidential counselling and modern contraception for adolescent girls and boys.<sup>56</sup> UNESCO made a similar recommendation.<sup>57</sup>

## 3. Right to education<sup>58</sup>

32. UNESCO stated that the Constitution of Nauru did not enshrine the right to education, although article 3 protected the fundamental rights and freedoms provided in the Constitution regardless of race, place of origin, political opinions, colour, creed or sex.<sup>59</sup> The United Nations country team and UNESCO stated that education in government schools was compulsory and free for those aged 5 to 18.<sup>60</sup> The country team indicated with concern that the net enrolment ratio was low. The persistence of a long-standing truancy problem and accessibility of education for children with disabilities remained areas of concern.<sup>61</sup> The Committee on the Rights of the Child remained seriously concerned that, despite the truancy policy, the level of school non-attendance was high and early school leaving remained a problem. The Committee recommended that Nauru develop

programmes to reduce dropout rates.<sup>62</sup> UNESCO also recommended that Nauru continue efforts to reduce dropout and truancy rates.<sup>63</sup>

33. The Committee on the Elimination of Discrimination against Women noted with concern the decline in enrolment rates, low secondary school completion rates, the low achievement levels of girls, the limited opportunities for women and girls to attend university as well as the high dropout rate of girls from school owing to, among other things, early pregnancy. The Committee recommended that Nauru make efforts to increase the completion, retention and enrolment rates of women and girls at all levels of education and ensure that girls re-entering school after having dropped out owing to pregnancy or other caregiving responsibilities were able to complete school, by analysing and addressing the obstacles that they faced.<sup>64</sup>

34. The Committee on the Elimination of Discrimination against Women was concerned about the lack of age-appropriate education on sexual and reproductive health and rights in schools, and the absence of training for teachers in non-discrimination and gender equality. It recommended that Nauru integrate such an age-appropriate comprehensive education with a focus on preventing teenage pregnancy and sexually transmitted infections, and train teachers to address such topics in a gender-sensitive manner.<sup>65</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>66</sup>**

35. The United Nations country team reported that Nauru had adopted the Domestic Violence and Family Protection Act in 2017 to protect victims of domestic violence, including through safety and protection orders, and explicitly setting out the duty of police officers to investigate and prosecute domestic violence complaints and to assist victims. Nevertheless, domestic violence remained a serious problem in Nauru.<sup>67</sup> The Committee on the Elimination of Discrimination against Women recommended that Nauru develop and implement comprehensive legislation and policies, including national action plans, to prevent and respond adequately to gender-based violence against women, including domestic violence.<sup>68</sup> The United Nations country team recommended that Nauru make available sufficient financial, human and technical resources to effectively implement laws, policies and programmes in place to prevent and address violence against women.<sup>69</sup>

36. According to the United Nations country team, police officials reportedly received frequent complaints of domestic violence, and families continued to reconcile such problems informally and, if necessary, communally.<sup>70</sup> The Committee on the Elimination of Discrimination against Women was concerned about the fact that women rarely reported cases of gender-based violence to the police for various reasons, including discriminatory stereotypes, the stigma attached to victims and a lack of trust in the police. The Committee recommended that Nauru train law enforcement officers, including the police and the judiciary, as well as health service providers and social workers, to ensure that they were able to respond adequately to the needs of victims of gender-based violence, including domestic and sexual violence.<sup>71</sup> The Committee on the Rights of the Child urged Nauru to encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members.<sup>72</sup>

37. The United Nations country team indicated that, in 2018, the Safe House services administered by the Women's Affairs Department for survivors of domestic violence was expanded to accommodate children who were victims of abuse.<sup>73</sup> The Committee on the Elimination of Discrimination against Women recommended that Nauru strengthen and expand the services of the Safe House and other shelters to provide women and girls who were victims of gender-based violence with access to counselling and legal services, vocational training and access to income-generating opportunities.<sup>74</sup> It also recommended that Nauru allocate sufficient human and financial resources to the Women's Affairs Department and further strengthen the authority of that Department and its capacity to ensure coordination among relevant institutions.<sup>75</sup> The country team further recommended that Nauru provide adequate multisectoral, survivor-centred responses as well as protection and redress for all women and girls who were survivors of gender-based violence, and ensure that perpetrators were brought to account.<sup>76</sup>

38. The Committee on the Rights of the Child was seriously concerned that some 30 per cent of girls had been victims of sexual abuse before the age of 15. The Committee urged Nauru to investigate all cases of sexual abuse against children as a matter of priority and ensure that perpetrators were swiftly and expeditiously brought to justice.<sup>77</sup>

## 2. Children<sup>78</sup>

39. The United Nations country team reported that in 2016, Nauru adopted the Child Protection and Welfare Act. The Act defined children as everyone under the age of 18 and took a family-centric approach to child welfare and protection. It also prohibited the marriage of girls and boys younger than 18 in both legal and customary marriages.<sup>79</sup> The Committee on the Rights of the Child noted the efforts made by Nauru to develop a child protection system, in particular through the new Child Protection Service Division, the Child Protection and Welfare Act 2016 and the creation of an integrated case management model.<sup>80</sup> However, the Committee noted with concern reports indicating that the staff of the Child Protection Service Division lacked training or formal experience in child protection and welfare. It recommended that Nauru allocate sufficient human, technical and financial resources to the new Division.<sup>81</sup>

40. The United Nations country team stated that children in Nauru experienced violence in several contexts, including within the home, in schools and in the community. Traditional and customary justice processes were frequently employed, which could be problematic in relation to sexual offences against children and domestic violence.<sup>82</sup> The Committee on the Rights of the Child was deeply concerned about the limited capacity of the Nauruan Police to investigate allegations of sexual violence against children. It urged Nauru to immediately establish measures to guarantee the protection of children from all forms of violence and abuse, including sexual assault, and to ensure that child victims of ill-treatment were provided with care and rehabilitation programmes and that revictimization of any kind was avoided.<sup>83</sup>

41. With regard to corporal punishment, the Committee on the Rights of the Child was concerned that, despite recent law reforms, it was not fully prohibited in the home and in alternative care and day-care settings. Corporal punishment also continued to be widely accepted in society as a means of disciplining children. The Committee urged Nauru to explicitly prohibit in legislation corporal punishment in all settings and to repeal all legislative provisions, in particular article 78 of the Crimes Act 2016, which could be construed as a justification for the use of corporal punishment in child-rearing.<sup>84</sup>

## 3. Persons with disabilities<sup>85</sup>

42. The United Nations country team reported the adoption of the National Disability Policy in 2015, although no further information was available on its duration and status of implementation.<sup>86</sup>

43. The United Nations country team reported that a legislative review of 160 laws for compliance with the Convention on the Rights of Persons with Disabilities had been undertaken in 2016. Various articles in the Constitution had been found to be inconsistent with the Convention, and over 100 amendments had been proposed.<sup>87</sup>

44. The country team reported that people with disabilities were not integrated into mainstream education, and instead attended the Able Disable Centre. It recommended that Nauru provide adequate resources for the Able Disable School and strengthen the capacity of the education system to provide quality inclusive education in mainstream schools.<sup>88</sup> The Committee on the Rights of the Child was concerned that the inclusion of children with intellectual and psychosocial disabilities remained unsatisfactory owing to a shortage of trained specialists. The Committee urged Nauru to guarantee all children with disabilities the right to inclusive education in mainstream schools independent of parental consent and ensure the availability of qualified assistance in mainstream schools.<sup>89</sup> UNESCO made a similar recommendation.<sup>90</sup>

45. The Committee on the Elimination of Discrimination against Women expressed concern that most persons with disabilities lived at home, placing a disproportionate care burden on women, and that girls with disabilities were not included in the regular education system. It recommended that Nauru develop public care facilities for persons with

disabilities and provide reasonable accommodation for girls with disabilities to study in the regular education system.<sup>91</sup>

#### 4. Migrants, refugees and asylum seekers<sup>92</sup>

46. The United Nations country team reported that the Nauru Regional Processing Centre, an offshore immigration detention facility for a third country but located in Nauru, was reopened in 2012. It indicated that, given the restrictions to accessing information on asylum seekers and refugees in Nauru, it was difficult to obtain accurate and updated information on the number of individuals who remained, as well as their current situation.<sup>93</sup> The country team added that the country's lack of response to requests made by UNHCR throughout 2019 with regard to undertaking a visit prevented UNHCR from carrying out mandated activities related to the transferred asylum seekers and refugees.<sup>94</sup> The country team recommended that Nauru facilitate United Nations visits to monitor the situation of transferred asylum seekers and refugees in Nauru.<sup>95</sup>

47. The Special Rapporteur on the human rights of migrants underlined that all detention centres and detainees – whether onshore or offshore – fell under the responsibility of a third country. He added that all persons who were under the effective control of that third country – because, *inter alia*, that country had transferred them to regional processing centres, which were funded by that same country, and with the involvement of private contractors of that country's choice – enjoyed the same protection from torture and ill-treatment under the Convention against Torture.<sup>96</sup> The Committee on the Rights of the Child expressed profound concern at reports that asylum-seeking and refugee children had been accepted by Nauru from that third country without taking the best interests of the child into account,<sup>97</sup> and the Committee was gravely concerned about the fact that overall, the memorandum of understanding between Nauru and the third country on processing asylum cases failed to take into account the best interests of the child.<sup>98</sup>

48. The United Nations country team stated that the circumstances of asylum seekers and refugees, if assessed cumulatively, might be found to amount to detention. In addition, the lack of any possibility to legally challenge the situation, their limited access to health care and the lack of possibility to contact loved ones amounted to ill-treatment, given the grave psychological suffering inflicted. Further uncertainty regarding resettlement resulting from delays caused by the COVID-19 pandemic and the lack of clear communication from authorities had increased anxiety and stress among the refugees, many of whom suffered from chronic anxiety and depression, feelings of profound helplessness and hopelessness, suicidal ideation and self-harming behaviours compounded by prolonged and indefinite detention.<sup>99</sup> The Special Rapporteur on the human rights of migrants added that the forced offshore confinement in which asylum seekers and refugees were maintained constituted cruel, inhuman and degrading treatment or punishment according to the standards of international human rights law.<sup>100</sup>

49. The United Nations country team reported increasing tension between the local community and refugees owing to competition for limited housing and employment. Cases of verbal assault, harassment, intimidation, bullying, theft, physical assault and sexual assault against refugees and asylum seekers were reported by the country team. Asylum seekers and refugees remained reluctant to make formal complaints to the police owing to their experience or belief that complaints were not effectively investigated in an impartial manner. The lack of independent oversight of police conduct, as well as inadequate protection of victims from the perpetrator, resulted in underreporting of abuses and impunity.<sup>101</sup> The Special Rapporteur on the human rights of migrants made a similar statement.<sup>102</sup> The country team recommended that Nauru ensure that all the complaints were effectively investigated and that perpetrators were prosecuted and punished with sentences commensurate with the gravity of the acts committed, and that Nauru guarantee the protection of complainants against any form of reprisal.<sup>103</sup>

50. The United Nations country team reported that there were complex mental and other health problems among refugees and asylum seekers despite the provision of health services by International Health and Medical Service, which had been contracted by the third country. The country team also noted that access to appropriate health care – particularly mental health care – remained a challenge. The country team indicated that Médecins Sans Frontières had provided alternate, critically needed mental health care services until October 2018, but the Government of Nauru ordered the organization to leave



within 24 hours without citing any reason. In February 2019, Médecins Sans Frontières launched a tele-health service for the delivery of mental health care; however, two weeks later, the Government banned telemedicine in Nauru, once again forcing the organization to suspend its services. The country team also reported the physical withdrawal of counsellors of Overseas Services to Survivors of Torture and Trauma from Nauru and the reduced physical presence of mental health staff from the International Health and Medical Service as a result of the COVID-19 pandemic as of March 2020. This had a significant adverse impact, particularly because the counsellors from Overseas Services to Survivors of Torture and Trauma had provided a valuable source of in-person support, as well as a physical safe space for many asylum seekers and refugees. The country team recommended that Nauru ensure timely access to appropriate, affordable and quality health-care services, including mental health care services, by all asylum seekers, refugees and migrants, including by allowing such health-care services to be provided by regional or international organizations and non-governmental organizations.<sup>104</sup> The Special Rapporteur on the human rights of migrants also reported that mental health issues were rife, with post-traumatic stress disorder, anxiety and depression, including in children.<sup>105</sup>

51. The Committee on the Rights of the Child expressed concern at reports that asylum-seeking and refugee children faced significant physical and developmental risks as a result of living in cramped, humid and life-threatening conditions in the Regional Processing Centre. It was further concerned that spending prolonged periods in such conditions was detrimental to their mental and physical well-being and had led to children as young as 11 years old attempting suicide and engaging in other forms of self-harm. The Committee urged Nauru to ensure that staff working at the Centre were adequately trained to identify particularly vulnerable children and those at potential risk of self-harm, and that it develop a system to ensure that when cases were identified, adequate referral and follow-up with the appropriate services was provided.<sup>106</sup> The Committee also urged Nauru to increase capacities and the number of personnel specialized in children with mental health issues to ensure that asylum-seeking and refugee children were afforded full and adequate support and treatment to address the trauma and other mental health issues they were experiencing.<sup>107</sup> The Committee on the Elimination of Discrimination against Women also recommended that Nauru provide refugee and asylum-seeking women and girls with adequate access to health services, including mental health and counselling services, as well as with education and employment opportunities.<sup>108</sup>

52. The Committee on the Rights of the Child was deeply concerned that limited access to basic services, including clean and safe drinking water and sanitation, particularly within the Regional Processing Centre with reported daily restrictions on individual water intake, left children and their families vulnerable to dehydration and other serious health problems. It recommended that Nauru take immediate steps to guarantee access to clean water and sanitation for all children, and ensure that any restrictions placed on water intake in the Centre were immediately lifted.<sup>109</sup>

53. The Special Rapporteur on the human rights of migrants reported accounts of the rape and sexual abuse of female asylum seekers and refugees by security guards, service providers, refugees and asylum seekers, or by Nauruan citizens, and noted that there was not a proper and independent investigation mechanism in place, making the life of women in the regional processing centres unbearable.<sup>110</sup> The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child made similar remarks.<sup>111</sup> The Special Rapporteur indicated that the internal complaint mechanism within the regional processing centres concerning abusive behaviour by service providers and guards did not provide sufficient guarantees of a due and independent investigation.<sup>112</sup> The Committee on the Elimination of Discrimination against Women also noted with concern reports that refugee and asylum-seeking girls were subject to harassment, bullying and violence, causing them to drop out of school.<sup>113</sup> It recommended that Nauru provide adequate protection and redress for refugee and asylum-seeking women and girls who were victims of gender-based violence, ensuring that they had access to free legal aid and bringing perpetrators to justice without impunity.<sup>114</sup>

54. The Committee on the Rights of the Child was deeply concerned about the inhuman and degrading treatment, including physical, psychological and sexual abuse, against asylum-seeking and refugee children living in the Regional Processing Centre. It urged Nauru to take immediate action to independently investigate all allegations of ill-treatment, abuse and sexual assault against asylum-seeking and refugee children, to ensure that they

had access to a safe and child-friendly complaint process and to strengthen the investigative capacity of the police and judicial authorities so that cases of violence against children were properly investigated and perpetrators sanctioned.<sup>115</sup>

55. The United Nations country team recommended that Nauru step up measures to implement durable solutions for asylum seekers and refugees, while ensuring that the non-refoulement principle was guaranteed in law and strictly adhered to in practice.<sup>116</sup> The Committee on the Rights of the Child urged Nauru to prioritize the immediate transfer of asylum-seeking children and their families out of the Regional Processing Centre; to adopt permanent and sustainable resettlement options for refugees, particularly children and their families; and to ensure that they were given lawful stay and reasonable access to employment and other opportunities.<sup>117</sup> The Special Rapporteur on the human rights of migrants underlined that ultimately, the third country had the responsibility to settle or resettle refugees presently in the regional processing centres in Nauru, and that quickly closing down those centres and repatriating all asylum seekers and refugees to the third country mainland seemed to be the only possible short-term solution.<sup>118</sup> The Special Rapporteur observed that regarding human rights issues, the system could not be salvaged.<sup>119</sup> The Special Rapporteur recommended that Nauru quickly close down the regional processing centres in the country.<sup>120</sup>

### Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Nauru will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/NRindex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/NRindex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/31/7, paras. 85.1–85.23, 85.25, 85.27, 85.32–85.35, 85.50, 86.1, 86.4 and 87.2.
- <sup>3</sup> United Nations country team submission, paras. 1–2.
- <sup>4</sup> CEDAW/C/NRU/CO/1-2, paras. 46 and 51; and CRC/C/NRU/CO/1, para. 61.
- <sup>5</sup> CEDAW/C/NRU/CO/1-2, para. 51.
- <sup>6</sup> United Nations country team submission, para. 9.
- <sup>7</sup> CRC/C/NRU/CO/1, para. 53.
- <sup>8</sup> UNESCO submission, paras. 7 and 11.
- <sup>9</sup> United Nations country team submission, para. 4.
- <sup>10</sup> A/HRC/35/25/Add.3, para. 3.
- <sup>11</sup> For relevant recommendations, see A/HRC/31/7, paras. 85.28–85.30.
- <sup>12</sup> United Nations country team submission, para. 46.
- <sup>13</sup> *Ibid.*, paras. 8–9.
- <sup>14</sup> For relevant recommendations, see A/HRC/31/7, paras. 85.24, 86.5 and 87.3–87.8.
- <sup>15</sup> CRC/C/NRU/CO/1, para. 23.
- <sup>16</sup> United Nations country team submission, para. 17.
- <sup>17</sup> *Ibid.*, para. 16.
- <sup>18</sup> For relevant recommendations, see A/HRC/31/7, paras. 85.53–85.58 and 86.19.
- <sup>19</sup> United Nations country team submission, paras. 22 and 24.
- <sup>20</sup> *Ibid.*, paras. 22–23.
- <sup>21</sup> *Ibid.*, para. 23.
- <sup>22</sup> *Ibid.*, para. 24.
- <sup>23</sup> For relevant recommendations, see A/HRC/31/7, paras. 85.32–85.35, 85.48 and 87.9–87.12.
- <sup>24</sup> United Nations country team submission, para. 28.
- <sup>25</sup> *Ibid.*, para. 17.
- <sup>26</sup> For relevant recommendations, see A/HRC/31/7, paras. 85.46–85.48, 86.9–86.14 and 87.18.
- <sup>27</sup> United Nations country team submission, paras. 10–11.
- <sup>28</sup> *Ibid.*, para. 17.
- <sup>29</sup> CEDAW/C/NRU/CO/1-2, paras. 12–13.
- <sup>30</sup> CRC/C/NRU/CO/1, paras. 56–57.
- <sup>31</sup> For relevant recommendations, see A/HRC/31/7, paras. 86.15–86.17, 87.1 and 87.13–87.17.
- <sup>32</sup> United Nations country team submission, para. 25.
- <sup>33</sup> *Ibid.*
- <sup>34</sup> CRC/C/NRU/CO/1, paras. 20–21.
- <sup>35</sup> *Ibid.*, para. 20.
- <sup>36</sup> *Ibid.*, para. 21.
- <sup>37</sup> United Nations country team submission, para. 26.

- 38 Ibid., para. 27.
- 39 Ibid.
- 40 Ibid.
- 41 CEDAW/C/NRU/CO/1-2, paras. 22–23; and CRC/C/NRU/CO/1, para. 55.
- 42 For the relevant recommendation, see A/HRC/31/7, para. 86.18.
- 43 United Nations country team submission, para. 37.
- 44 CEDAW/C/NRU/CO/1-2, paras. 30–31.
- 45 For the relevant recommendation, see A/HRC/31/7, para. 85.52.
- 46 United Nations country team submission, paras. 34 and 36.
- 47 Ibid., paras. 15 and 45.
- 48 CEDAW/C/NRU/CO/1-2, paras. 32–33.
- 49 United Nations country team submission, para. 35.
- 50 CRC/C/NRU/CO/1, paras. 42–43.
- 51 United Nations country team submission, para. 35.
- 52 CRC/C/NRU/CO/1, paras. 42–43.
- 53 United Nations country team submission, para. 36.
- 54 CRC/C/NRU/CO/1, para. 46; and CEDAW/C/NRU/CO/1-2, para. 32.
- 55 CEDAW/C/NRU/CO/1-2, paras. 32–33.
- 56 CRC/C/NRU/CO/1, para. 47. See also United Nations country team submission, para. 36.
- 57 UNESCO submission, para. 7.
- 58 For relevant recommendations, see A/HRC/31/7, paras. 85.52 and 87.30.
- 59 UNESCO submission, para. 1.
- 60 United Nations country team submission, para. 38; and UNESCO submission, para. 2.
- 61 United Nations country team submission, para. 39.
- 62 CRC/C/NRU/CO/1, paras. 50–51.
- 63 UNESCO submission, para. 7.
- 64 CEDAW/C/NRU/CO/1-2, paras. 28–29.
- 65 Ibid. See also CRC/C/NRU/CO/1, paras. 46–47; and United Nations country team submission, para. 36.
- 66 For relevant recommendations, see A/HRC/31/7, paras. 85.36–85.45 and 86.3–86.8.
- 67 United Nations country team submission, paras. 13 and 19.
- 68 CEDAW/C/NRU/CO/1-2, para. 21.
- 69 United Nations country team submission, para. 20.
- 70 Ibid., para. 19.
- 71 CEDAW/C/NRU/CO/1-2, paras. 20–21.
- 72 CRC/C/NRU/CO/1, para. 33.
- 73 United Nations country team submission, para. 19.
- 74 CEDAW/C/NRU/CO/1-2, para. 21.
- 75 Ibid., para. 15.
- 76 United Nations country team submission, para. 20.
- 77 CRC/C/NRU/CO/1, paras. 32–33.
- 78 For relevant recommendations, see A/HRC/31/7, paras. 85.31, 85.49, 86.2 and 87.29–87.30.
- 79 United Nations country team submission, para. 12.
- 80 CRC/C/NRU/CO/1, para. 30.
- 81 CRC/C/NRU/CO/1, paras. 8–9.
- 82 United Nations country team submission, para. 40.
- 83 CRC/C/NRU/CO/1, paras. 30–31.
- 84 Ibid., paras. 34–35.
- 85 For relevant recommendations, see A/HRC/31/7, paras. 85.26 and 85.50–85.51.
- 86 United Nations country team submission, para. 15.
- 87 Ibid., para. 45.
- 88 Ibid., paras. 42 and 45.
- 89 CRC/C/NRU/CO/1, paras. 40–41.
- 90 UNESCO submission, para. 7.
- 91 CEDAW/C/NRU/CO/1-2, paras. 40–41.
- 92 For relevant recommendations, see A/HRC/31/7, paras. 87.12 and 87.19–87.29.
- 93 United Nations country team submission, paras. 11 and 29.
- 94 Ibid., para. 29.
- 95 Ibid., para. 33.
- 96 A/HRC/35/25/Add.3, paras. 72–73.
- 97 CRC/C/NRU/CO/1, para. 24.
- 98 Ibid., para. 52.
- 99 United Nations country team submission, para. 31.

- <sup>100</sup> A/HRC/35/25/Add.3, para. 80.
- <sup>101</sup> United Nations country team submission, para. 33. See also A/HRC/35/25/Add.3, para. 78; and CRC/C/NRU/CO/1, para. 30.
- <sup>102</sup> A/HRC/35/25/Add.3, para. 78.
- <sup>103</sup> United Nations country team submission, para. 33.
- <sup>104</sup> *Ibid.*, paras. 32–33.
- <sup>105</sup> A/HRC/35/25/Add.3, para. 77.
- <sup>106</sup> CRC/C/NRU/CO/1, paras. 26–27.
- <sup>107</sup> *Ibid.*, para. 31.
- <sup>108</sup> CEDAW/C/NRU/CO/1-2, para. 43.
- <sup>109</sup> CRC/C/NRU/CO/1, paras. 48–49.
- <sup>110</sup> A/HRC/35/25/Add.3, para. 78. See also CEDAW/C/NRU/CO/1-2, para. 42.
- <sup>111</sup> CEDAW/C/NRU/CO/1-2, para. 42; and CRC/C/NRU/CO/1, para. 58.
- <sup>112</sup> A/HRC/35/25/Add.3, para. 83.
- <sup>113</sup> CEDAW/C/NRU/CO/1-2, para. 28.
- <sup>114</sup> *Ibid.*, para. 43.
- <sup>115</sup> CRC/C/NRU/CO/1, paras. 30–31.
- <sup>116</sup> United Nations country team submission, para. 33.
- <sup>117</sup> CRC/C/NRU/CO/1, para. 53.
- <sup>118</sup> A/HRC/35/25/Add.3, paras. 81–82.
- <sup>119</sup> *Ibid.*, para. 73.
- <sup>120</sup> *Ibid.*, para. 118.
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