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Report of the Working Group on the Universal Periodic Review*

Nauru

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



I. Introduction

1. The Republic of Nauru (“the Republic”) underwent its 3rd Cycle Universal Periodic Review (UPR) on 2 February 2021. It received 156 recommendations made by Member States at the 37th Session of the Universal Periodic Review. The 3rd Cycle UPR Recommendations consultation was conducted with relevant key agencies and stakeholders to identify which recommendations are to be ‘Noted’ or ‘Accepted’. Final considerations were made by the Department of Justice and Border Control as the focal department for UPR.

II. Basis of consideration for the responses to the UPR recommendations

2. The responses that have been proposed by the Republic are based on the *Key Agency Consultation on the 3rd UPR Cycle Recommendations*; national priorities that have been formulated into the *National Sustainable Development Strategy 2018-2030*; the international and core conventions relevant to human rights that have been acceded to or signed by the Republic; the existing legislative and administrative frameworks; issues pertaining to the public interest and concerns that may impact national security.

A. Key agency consultation on the 3rd cycle UPR recommendations

3. The Key Agency Consultation on the 3rd Cycle UPR Recommendations was conducted with relevant departments and agencies to gather a consensus of responses for the proposed recommendations that were received by the Republic. Responses provided by the departments and agencies have been considered in the formulation of the submitted responses.

B. National Sustainable Development Strategy

4. The *National Sustainable Development Strategy (NSDS)* was launched in 2005 and it was reviewed and updated in 2009. It is based on the United Nations 2030 Agenda for Sustainable Development Goals (SDGs). In 2016, a second revision of the NSDS was conducted through the NSDS Review Stakeholders Consultation coordinated by the Department of Finance through its Planning and Aid Division (PAD). It was funded and supported by the Asian Development Bank (ADB), Government of Australia and the United Nations Development Programme (UNDP). It has since been updated to the *NSDS 2018-2030* which sets out 7 long-term goals for the Republic as follows:

- (a) Stable, trustworthy, fiscally responsible government;
- (b) Improved health and well-being;
- (c) Access to quality education, formal and non-formal;
- (d) Provision of enhanced social, infrastructure and utilities services;
- (e) Development of an economy based on multiple sources of revenue;
- (f) Rehabilitation and mobilization of mined out lands for livelihood sustainability and economic activities;
- (g) Development of domestic food production for food security.

5. The *NSDS* is a significant factor to be considered as to which recommendations will be accepted or noted because it outlines the goals and indicators which the Republic has prioritised for sustainable development and advancement.

C. Existing legislative and administrative frameworks

6. Over the years, there has been progressive reform for human rights treaty domestication in the legislative framework of the Republic. Through the implementation of such laws, there have been significant efforts towards institutional strengthening and improvement of services in relation to human rights. In order to accept more UPR recommendations, the Republic considered the strength and capacity of its institutions and services.

D. Public interest

7. The national motto of the Republic is ‘God’s Will First’. The people of Nauru remain steadfast in their Christian values as such, UPR recommendations that will negatively impact the public interest and the values of the people have been ‘Noted’.

E. National security

8. The security of the Republic is paramount in the acceptance of any recommendations proposed to it. This includes physical protection of the people, the protection of official information that may pose a risk to national security and financial security. In addition this also relates to safeguarding and maintaining international and regional diplomatic relationships that are essential to the status and position of the Republic.

III. Responses to the UPR recommendations

9. The proposed recommendations have been categorised and clustered under thematic issues as follows:

- (a) Ratification and Accession to International Conventions and Treaties;
- (b) National Human Rights Framework;
- (c) Equality and Non-Discrimination;
- (d) Development, the Environment and Business and Human Rights;
- (e) Right to Life, Liberty and Security of Persons;
- (f) Administration of Justice;
- (g) Fundamental Freedoms and Right to Participate;
- (h) Prohibition of all forms of Slavery;
- (i) Family and Adequate Standard of Living;
- (j) Right to Health;
- (k) Specific Groups or Persons: Women;
- (l) Specific Groups or Persons: Children;
- (m) Specific Groups or Persons: Persons with Disabilities;
- (n) Specific Persons or Groups: Migrants, refugees, asylum seekers and IDP’s.

10. Refer to Annexure 1 for the full version of the proposed recommendations that are accepted and noted by the Republic. The following identifies and explains the recommendations that are noted.

A. Ratification and accession to international conventions and treaties

Recommendation 99.1, 99.2, 99.4, 99.12, 99.14, 99.19, 99.24, 99.29, 99.37, 99.3, 99.9, 99.20, 99.32, 99.5, 99.34, 99.6, 99.7, 99.8, 99.17, 99.10, 99.11, 99.13, 99.15, 99.18, 99.16, 99.21, 99.22, 99.26, 99.30, 99.23, 99.25, 99.27, 99.28, 99.31, 99.33, 99.35, 99.36, 99.38

11. 38 recommendations were proposed to the Republic in relation to the ratification and accession to international conventions and treaties. 36 are ACCEPTED while the following are **NOTED**:

Recommendation 99.15, 99.18 (Ukraine, Uruguay).

12. This recommendation is too general and vague as it broadly refers to a non-specified range of conventions by including in its intervention ‘...and other international conventions’. The Republic will not ratify conventions that do not suit the needs and issues of the country. However, it must be taken into account that domestication and implementation of several treaties and conventions may require international assistance due to limited human and financial capacity.

B. National human rights framework

Recommendation 99.39, 99.40, 99.44, 99.46, 99.48, 99.50, 99.51, 99.52, 99.53, 99.41, 99.42, 99.43, 99.45, 99.47, 99.49

13. 15 recommendations were received by the Republic regarding the establishment of a *Paris Principle* compliant national human rights institution (NHRI) and the creation of a national monitoring, implementation, reporting and follow-up (NMIRF) mechanism.

14. The function of a NMIRF mechanism is performed by the Working Group on Treaties (WGT). It liaises with focal departments for specific conventions to ensure that reporting deadlines are met, implementation plans are formulated and departments are collaborating to roll out such plans.

15. It is envisaged that the national human rights institution for the Republic will be established once the *National Human Rights Commission Bill 2020* has been finalised.

16. All 15 recommendations under this cluster are **ACCEPTED** by the Republic.

C. Equality and non-discrimination

Recommendation 99.54, 99.55, 99.56, 99.57, 99.58, 99.59, 99.60, 99.61

17. The Republic received 8 proposed recommendations on equality and non-discrimination to which it reinforces its support. It gives assurance that its legislative framework reflects verily on the principles of human rights. However, it must be noted that the Republic does not recognize same sex marriage or partnership nor does it accept any other identification of sexual orientation and gender identity. The recommendations were considered accordingly.

18. In light of paragraph 17, the Republic **ACCEPTS** 3 recommendations and **NOTES** the 5 below:

- (a) Recommendation 99.54 (Spain);
- (b) Recommendation 99.57 (Argentina);
- (c) Recommendation 99.59 (Canada);
- (d) Recommendation 99.60 (Iceland);
- (e) Recommendation 99.61 (Iceland).

D. Development, the environment and business and human rights

Recommendations 99.62, 99.63, 99.64, 99.65, 99.66, 99.67, 99.68, 99.69, 99.70, 99.71, 99.72

19. 11 recommendations were proposed to the Republic in regards to development, the environment and business and human rights. This cluster is relevant to emerging issues impacting the environment and the economy that are brought on by climate change and the Coronavirus (COVID-19).

20. The implementation of relevant projects and programs under the coordination of the Department of Climate Change and National Resilience and the Department of Commerce, Industry and Environment will be complemented by the proposed recommendations under this category which are all **ACCEPTED** by the Republic.

E. Right to life, liberty and security of persons

Recommendations 99.73, 99.74, 99.75, 99.76, 99.77, 99.78

21. 6 proposed recommendations were received by the Republic in relation to the abolition of the death penalty, right to freedom of persons and personal security.

22. 5 recommendations are **ACCEPTED** while 1 is **NOTED** as follows:

Recommendation 99.74 (Switzerland).

23. This recommendation is erroneous and misinformed to the reality of the lives of asylum seekers and refugees in the Republic. It is worded to condemn the Republic. There are no detention centres in the Republic as transferee accommodation have been open centres since 2016.

F. Administration of justice

Recommendation 99.79, 99.80, 99.83, 99.81, 99.82

24. 5 recommendations were proposed to the Republic pertaining to the independence of the judiciary. Most of have already been implemented. All the recommendations under this category are **ACCEPTED** by the Republic.

G. Fundamental freedoms and right to participate

Recommendation 99.84, 99.88, 99.95, 99.85, 99.98, 99.86, 99.87, 99.91, 99.89, 99.90, 99.92, 99.99, 99.93, 99.94, 99.96, 99.97

25. The Republic received 16 recommendations regarding freedom of expression and freedom of information.

26. The Republic recognises the fundamental importance of freedom of expression and freedom of information. The issue relating to media personnel travelling to the Republic is adequately covered in the National Report, which is reiterated. Having said that, the Government's information is now readily available on various forms of social media and also from the Government Information Office (GIO).

27. Pursuant to paragraph 26, the Republic **ACCEPTS** 7 of the proposed recommendations and **NOTES** the 9 that are listed as follows:

- (a) Recommendation 99.84, 99.88, 99.95 (Netherlands, United Kingdom of Great Britain and Northern Ireland, Germany);
- (b) Recommendation 99.85, 99.98 (New Zealand, Luxembourg);
- (c) Recommendation 99.89 (United States of America);
- (d) Recommendation 99.92, 99.99 (Denmark, Luxembourg);

- (e) Recommendation 99.96 (Germany).

H. Prohibition of all forms of slavery

Recommendations 99.100, 99.101

28. 2 recommendations were proposed to the Republic focussing on modern slavery and human trafficking. Both recommendations are **ACCEPTED**.

I. Family and adequate standard of living

Recommendation 99.102, 99.103, 99.104, 99.105, 99.106, 99.107

29. The Republic received 6 recommendations under this cluster which are all **ACCEPTED**.

J. Right to health

Recommendation 99.108, 99.109, 99.110, 99.111, 99.112, 99.113, 99.114, 99.115, 99.116, 99.117

30. 10 recommendations were proposed to the Republic in regards to sexual and reproductive health services along, rights of older persons during the COVID-19 pandemic, mental health, nutrition, general health services and health education.

31. The Republic is not pro-choice in regards to abortion. The Republic will take the necessary steps to improve its reproductive health-care services however it cannot support any efforts towards the realization of the free choice of abortion pursuant to what is already allowed by legislation.

32. In regards to sexuality education, the Republic has no issues. However, issues related to sexuality are matters which are covered by national laws or are matters of individual choice in certain circumstances.

33. Medecins Sans Frontier (MSF) initially worked in-country with those in need of mental health care including asylum seekers, refugees and local clients. The concern for the Republic is personnel becoming activists as opposed to carrying out their professional duties. It is encouraged that any future engagement of MSF will be for the purposes of providing assistance to the local people absolutely on a professional basis.

34. In light of paragraph 27 to 30, the Republic **ACCEPTS** 4 recommendations and 6 have been **NOTED** as follows:

- (a) Recommendation 99.108 (Portugal);
- (b) Recommendation 99.111 (Fiji);
- (c) Recommendation 99.112 (Germany);
- (d) Recommendation 99.115 (Mexico);
- (e) Recommendation 99.116, 99.117 (Denmark, Fiji).

K. Specific groups of persons: Women

Recommendations 99.118, 99.119, 99.120, 99.121, 99.123, 99.125, 99.133, 99.134, 99.122, 99.124, 99.126, 99.128, 99.127, 99.129, 99.130, 99.131, 99.132

35. All 17 proposed recommendations under this cluster are **ACCEPTED** by the Republic. They are specifically related to women's rights. These recommendations are generally included in the *CEDAW Recommendation Implementation Plan 2018* which was revised and updated in 2020.

L. Specific groups of person: Children**Recommendations 99.135, 99.136, 99.137, 99.138, 99.139, 99.140**

36. 6 proposed recommendations were received by the Republic specifically relating to children's rights. All are **ACCEPTED**.

M. Specific groups or persons: Disability**Recommendations 99.141, 99.144, 99.142, 99.143**

37. 4 recommendations were proposed to the Republic relating to persons with disability which are all **ACCEPTED**.

N. Specific persons or groups: Migrants, refugees, asylum seekers and IDP's**Recommendations 99.145, 99.146, 99.149, 99.147, 99.148, 99.150, 99.151, 99.152, 99.153, 99.154, 99.155, 99.156**

38. The Republic received 12 recommendations regarding the processing of refugees and asylum seekers at the Refugee Processing Centre, which were incidents covered by the 2016 National Report. The current National Report provides in detail the work that has already been undertaken by the RPC and the care taken by the Republic of all the transferees. The Republic plays an important role in irregular migration in the region.

39. 11 proposed recommendations are **ACCEPTED** and 1 recommendation is **NOTED** as follows:

Recommendation 99.152 (China).

IV. Conclusion

40. Of the 156 recommendations received from the United Nations Human Rights Council, 132 recommendations are accepted and 24 recommendations are noted.

41. The UPR Recommendation Implementation Plan (UPR RIP) will be formulated based on the proposed recommendations that have been accepted. The specified departments will be responsible for certain implementation activities where the recommendation will be matched to the mandate of the department. The UPR RIP will be disseminated to the relevant departments by the Working Group on Treaties as the NMIRF mechanism, whose mandate is to monitor and follow up on implementation and reporting.