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Nauru

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
CRC	27 July 1994	None	–
<i>Human rights treaties to which Nauru is not a party: OP-ICESCR³, ICERD (signature only, 2001), ICESCR, ICCPR (signature only, 2001), ICCPR-OP 1 (signature only, 2001), ICCPR-OP 2, CEDAW, OP-CEDAW, CAT (signature only, 2001), OP-CAT, OP-CRC-AC (signature only, 2000), OP-CRC-SC (signature only, 2000), ICRMW, CRPD, CRPD-OP, and CED.</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		No	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol ⁴		No (Signatory)	
Refugees and stateless persons ⁵		No	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶		Yes, except Additional Protocol III	
ILO fundamental conventions ⁷		No	
UNESCO Convention against Discrimination in Education		No	

1. Nauru is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. UNHCR recommended Nauru's accession to these instruments.⁸ UNHCR also recommended Nauru's accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁹

B. Constitutional and legislative framework

2. Despite the fact that Nauru has not yet ratified the Convention against Torture, its legislation is in compliance with the requirement of the Convention to criminalize torture. In Nauru, torture is criminalized pursuant to section 320A of the Queensland Criminal Code 1899; section 7 of the Constitution of Nauru prohibits 'torture' or 'treatment or punishment that is inhuman or degrading'.¹⁰

C. Institutional and human rights infrastructure

3. As of 2 August 2010, Nauru did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹¹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body¹²</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CRC				Initial report overdue since 1996.

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Working Group on Arbitrary Detention (Requested in 2002, renewed in 2006 and 2008).
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review no communications were sent.
<i>Responses to questionnaires on thematic issues</i>	Nauru responded to none of the 23 questionnaires sent by special procedures mandate holders ¹³ .

B. Implementation of international human rights obligations

1. Right to social security and to an adequate standard of living

4. A 2010 United Nations Statistical Division source indicated that the mortality rate per 1000 live-births for children under-five was estimated to be 45 in 2008.¹⁴

5. WHO stated that apart from fish, most food is imported from abroad, as is water and that there are frequent disruptions of supplies of food, fuel, equipment and materials.¹⁵

6. WHO stated that, like many developing countries, Nauru has committed to a range of Millennium Development Goals (MDGs) that have been included as high-level outcomes in the Ministry of Health's Operational Plan 2007.¹⁶

2. Right to education

7. A 2010 United Nations Statistical Division source indicated that the total net enrolment ratio in primary education was estimated to be 72.3 per cent in 2007.¹⁷ In Nauru, the proportion of boys enrolled in secondary education is considerably lower than that of girls.¹⁸

3. Migrants, refugees and asylum-seekers

8. UNHCR recommended that Nauru undertake awareness/education programmes on asylum-seekers and refugees, especially for Government officials, and build institutional capacity for the development of a national refugee status determination procedure.¹⁹

III. Achievements, best practices, challenges and constraints

9. WHO stated that the rehabilitation of mined land and the replacement of income from phosphate are serious long-term challenges. The country is particularly vulnerable due to its isolation, with overdependence on the national air carrier, and the lack of a safe harbour for berthing of ships hinders marine transportation links beyond container freight and phosphate carriers.²⁰

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

10. UNHCR encouraged Nauru to develop a rights-based disaster management and mitigation plan, within the regional and United Nations mechanisms, which should emphasize the process and adaptation of mitigation strategies and address potential internal and/or international displacement. Nauru is included in the planning for an emergency coordination and disaster management workshop for Micronesia in early 2011. Similar workshops have been conducted for Melanesia (2009) and Polynesia (2010).²¹

11. UNHCR welcomed Nauru's participation in various Pacific regional mechanisms, including the Pacific Immigration Directors' Conference (PIDC) and the Intergovernmental Asia Pacific Consultations on Refugees, Displaced Persons and Migrants (APC). It was of the view that Nauru's active involvement at the regional and international levels will assist the development of national and collective responses to regional issues, including ensuring international standards of refugee protection within broader efforts to safeguard borders and manage migration.²²

12. In 2010, UNHCR established a work programme with the relevant Nauru officials to complete a scoping and situation analysis, provide policy and legal advice, assist drafting legislation, regulations and Standard Operating Procedures (SOP), and conduct joint awareness-raising workshops and specialized training of officials.²³

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights,
ICCPR-OP 1	Optional Protocol to ICCPR,
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of

Child Labour.

- ⁸ UNHCR submission to the UPR on Nauru, p. 2.
- ⁹ Ibid., pp. 2–3.
- ¹⁰ OHCHR, Regional Office for the Pacific. A Region-Wide Assessment of Laws on the Prevention of Torture and Other Ill Treatment of Detainees, p. 9, available at http://pacific.ohchr.org/docs/Torture_ill_treatment_Study.pdf.
- ¹¹ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ¹² The following abbreviations have been used for this document:
CRC Committee on the Rights of the Child.
- ¹³ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ¹⁴ United Nations Statistical Division coordinated data and analyses, available at mdgs.un.org/unsd/mdg.
- ¹⁵ WHO, Country Health Information Profiles, 2009, available at <http://www.wpro.who.int/NR/rdonlyres/2A8BC1C3-B2F6-4500-AF56-00C5515F6758/0/23finalNAUpro09.pdf>, p. 249.
- ¹⁶ WHO, Country Health Information Profiles, 2009, available at http://www.wpro.who.int/countries/2009/nau/national_health_priorities.htm, p. 251.
- ¹⁷ United Nations Statistical Division coordinated data and analyses, available at mdgs.un.org/unsd/mdg.
- ¹⁸ UNICEF, Education for All Mid-Decade Assessment, Gender Equality in Education, East Asia and Pacific, Progress Note, Bangkok, 2009, available at http://www.ungei.org/resources/files/Gender_progressNote_web.pdf, p. 27.
- ¹⁹ UNHCR submission to the UPR on Nauru, pp. 3–4.
- ²⁰ WHO, Country Health Information Profiles, 2009, available at <http://www.wpro.who.int/NR/rdonlyres/2A8BC1C3-B2F6-4500-AF56-00C5515F6758/0/23finalNAUpro09.pdf>, p. 249.
- ²¹ UNHCR submission to the UPR on Nauru, p. 3.
- ²² Ibid., p. 3.
- ²³ Ibid., p. 3.