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Nauru

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Introduction

1. The Republic of Nauru (“the Republic”) presents its National Report for its 3rd *Universal Periodic Review* (‘UPR’) with the *Human Rights Council*. In fulfilling its obligations and to matters in the 2nd UPR, the Republic has made significant progress and is on track to further fulfil its obligations under various human rights Conventions, Treaties and Protocols. In doing so, the legal reforms are designed to improve government policies, laws and systems for the promotion, fulfilment and protection of human rights of all persons in the Republic.

Legislative reforms

2. There has been substantial progress towards legal reform by the Republic since 2016, in relation to domesticating the human rights treaties that it is a party to. These are the *Convention on the Rights of the Child (CRC)*, the *Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)*, the *Convention on the Rights of Persons with Disabilities (CRPD)* and the *Convention on Torture and other Cruel Inhuman or Degrading Treatment or Punishment (CAT)*. Some of the important legislative reforms are listed in **Annex 3** of the Report.

3. The Republic continues to build its capacity and resources to motivate institutional strengthening and enabling environments that eliminate challenges and stimulate achievements for the betterment of the implementation and enforcement of fundamental rights and freedoms under *Part II* of the *Constitution of Nauru*.

I. Methodology

A. National Monitoring, Implementation, Reporting and Follow Up (NMIRF)

4. The Department of Justice and Border Control (JBC) in collaboration with the Departments of:

- Internal Affairs; (DIA)
- Women Affairs; (DWA)
- Foreign Affairs and Trade (DFAT)
- Judiciary
- Commerce Industry and Environment (DCIE)
- Climate Change and Resilience (DCCR)
- Justice and Border Control (JBC)

works collaboratively to address human rights issues and concerns. Further, they are the key Departments relating to the core human rights treaties acceded to by the Republic.

5. The Human Rights Section under JBC published the 3rd Cycle Universal Periodic Review Recommendation Implementation Plan, known as the UPR RIP (**Annex 4**).

B. UPR key agency and relevant stakeholder consultation

6. JBC is responsible for coordinating and preparing the report for the UPR. The UPR RIP is a *matrix* of government activities that is derived from the list of UPR recommendations that proposes to guide particular agencies and departments in terms of the relative activities.

7. The UPR RIP is translated into the Department's Specific Recommendation Implementation Plan template and disseminated for ease of status tracking by each department. It is envisaged that it would guide the preparation of Annual Operational Plans and New Project Proposals so that the implementation of UPR recommendations is financially supported through the respective department's budgetary processes.

8. The UPR Key Stakeholders Electronic Consultation was initially conducted through email as it occurred amid the Coronavirus (COVID 19) operations.

II. Implementation of recommendations from the previous cycles

A. Full implementations of recommendations

Compliance of treaty reporting obligations – Recommendations 85.22, 85.20

Domestication of CRC and CEDAW – Recommendations 85.23, 85.25, 85.37, 86.4

9. The Republic acceded to *CRC* on 27 July 1994. The Initial State Report on *CRC* was submitted to the United Nations *CRC* Committee (UNCRCC) in January, 2016 to which a constructive dialogue was conducted in Geneva Switzerland in August, 2016.

10. The Republic acceded to *CEDAW* on 23rd June 2011 without any reservations or declarations. The Initial State Report was submitted in April 2016 to the United Nations Committee on *CEDAW* (UNCEDAW) through the United Nations Secretary General. The *CEDAW* Constructive Dialogue for Nauru was conducted in Geneva Switzerland in September, 2017.

11. The recommendations received from the concluding observations from the *CRC* and *CEDAW* constructive dialogues were translated into the *CRC* Recommendation Implementation Plan (*CRC* RIP) and the *CEDAW* Recommendation Implementation Plan. They are consecutively coordinated by the Child Protection Unit (CPU) and the Department of Women's Affairs. The matrices are live documents similar to the UPR RIP, which is updated through monitoring and evaluation procedures to ease implementation efforts and tracking further make treaty reporting obligations efficient.

12. Recommendations were made by the UNCRCC and UNCEDAW whereby efforts have been made to domesticate *CRC* and *CEDAW* under various clusters¹.

13. The detailed report of *CRC* and *CEDAW* is due in 2021 and all material particulars of such implementation will be then addressed.

Establishing a child protection system – Recommendations 85.31, 86.62

14. CPU was established in July 2014 initially under the Family and Community Support Services with the DIA. In September 2015, it became a stand-alone unit. Its functions were legally mandated in June 2016 with the passing of the *Child Protection and Welfare Act 2016 (CPWA)*.

15. With the technical assistance of the *United Nations Children's Fund* (UNICEF), the *Child Protection Policy, Practice and Reporting Procedures Manual* was published to guide child protection officers through the reporting and operational pathway of a child abuse or child neglect complaint contained in *Annex 6*.

16. CPU works in collaboration with the Domestic Violence Unit of the Nauru Police Force (DVU) to coordinate the child welfare assessment and criminal investigation pathway in cases of child abuse or neglect.

Establishing legal frameworks to protect women from gender, domestic and sexual violence – Recommendations 86.6, 86.7, 85.41, 85.42, 85.44

17. The Domestic Violence and Family Protection Act 2017 (DVFPA) was enacted on 1st June 2017².

18. A Memorandum of Agreement exists between the DVU and the DWA to affirm partnership with the Nauru Police Force through the services provided by their various agencies for improved coordination and engagement where mandates are interlinked by process.

19. The Crimes Act 2016 broadened the protection of women from sexual offences by expanding the definition of ‘rape’ to include an offence of ‘spousal rape’³. Penalty for sexual offences have also increased multiple folds, minimum statutory sentences⁴ and restricted right of bail pending trial.

Promoting women in decision making and leadership roles – Recommendation 85.36

20. Transformative Leadership Programs have been coordinated through the DIA to increase women’s political participation and representation in decision making. Since 2016, 3 women have been Members of Parliament, an improvement from 1 female member consistently to 2 in the 19th, 20th and 21st Parliaments. One of the female parliamentarians is a Cabinet Minister and the other is a very strong opposition member.

21. The Electoral Task Force was established to discuss the Observer’s Report that was published on the General Parliamentary Election in 2016 by the Observer Team that viewed the Electoral process for that Election⁵.

22. The Electoral Act 2016 was amended in 2019 allowing for the resignation of a person, who is holding an office of profit in the public service to resign within 5 days from the date of the issue of the writ for a by-election or where the Parliament is dissolved prematurely before the expiry of the 3 year term. This removed the negative impact on family income compared to the prior legal requirement to resign 3 months before election.

23. In Section 4 of this Act, the candidacy fee was significantly reduced encouraging more candidates and democratic choices. This opened opportunities for more female candidates to participate in the election.

24. There has been transformation of appointment of females in leadership roles of the public service and engagement in other organisations as shown in **Annex 7**.

Strengthening the National Plan of Action for Women – Recommendation 86.3

25. The first *Nauru National Women’s Summit* was held on the 27th to 28th May, 2019 which consisted of all women and girls of the community interested to attend, women in prominent leadership and decision making positions from government and non-government organisations, women entrepreneurs and women in sports. The *Tomano Declaration* is the outcomes document that resulted from the Summit. This included the discussion to revise the *National Action Plan for Women (NPAW)*⁶.

Improving the conditions of Regional Processing Centre for transferees – Recommendations 87.12, 87.30

26. The legal frameworks relating to the *Regional Processing Centre (RPC)* is listed in **Annex 8**. Refugees and asylum seekers are referred to as transferees.

27. The RPC is an ‘Open Centre’. In the initial stages of its establishment in 2013, for the purposes of screening for health and national security, a ‘Closed Centre’ was necessary. Since 2016, the Open Centre has been operationalised and transferees are enjoying the same freedom, rights or benefits which are exercised or enjoyed by citizens and residents of Nauru including a substantial number of expatriate community.

28. The Open Centre is further supplemented by what is called ‘Community Based Settlements’. This has 2 meanings. Firstly, transferees are able to move away from the RPCs and live in the community. Secondly, these settlements are brought closer to the

Nauruan community to enable integration and a sense of community belonging for the transferees. Over the years, the 2 communities have co-existed and interacted with each other on a daily basis. The transferees and Nauruans are also living in relationships and have families and children.

29. Transferees were employed in critical Departments of the Government, which included 4 in the Department of Justice, 2 in Immigration, 1 in Parliament and 2 in the Department of Chief Secretary. Many more worked in the private sector including in the RPC operations itself.

30. One of the core objectives of the RPC, apart from processing asylum seekers applications, was and continues to provide for alternative settlement pathways. This has been undertaken very successfully. 428 refugees have departed for resettlement in the US, 7 in Cambodia, 5 in Canada, 1 in Switzerland and 1 in Norway.

31. The welfare of the transferee community has always been a priority and in the scheme of services provided to them, this has been provided by commercial service providers HOST International, Canstruct Services International and Eigigu Solutions Corporation. These entities provide humanitarian services to the transferees.

32. The Government amended the Passports Act 2011 to allow refugees to travel out of the Republic. A special travel document was prepared for transferees, who were provided protection under the law. The travel document is given free of charge to the transferees⁷.

33. Some of the refugees have made substantial income from operating businesses in the Republic. In fact, some have a desire to remain in Nauru to carry on with their businesses. 78 refugees have registered private businesses since 2016 and many work in partnership with local people.

34. The children of the transferees were allowed to attend schools in Nauru. Education in Nauru is free and they have the same privilege. This included those students who attended Nauru Secondary School, which has a program for the State of Queensland, Australia. It allows the Year 12 students to get direct entry to a university in Australia.

35. The Republic provides free medical treatment to its own citizens and also to transferees at the RON Hospital and clinics. In addition, the International Health and Medical Services, is a commercial entity engaged by Australia to provide free health services to the transferees. Where treatment is not available, transferees had access to free medical care under the Overseas Medical Referral (OMR) process to Taiwan, Papua New Guinea and Australia. A total of 982 occasions transferees were referred through the OMR procedure.

36. In 2017 to 2018, an agreement was reached between the NPF, JBC, Australia Border Force (ABF) and relative security companies to temporarily station NPF units at specific RPC areas in order to allow the opening of independent investigations on allegations of crimes committed. On site investigations were carried out regarding criminal occurrences that arose. As the number of cases subsided, the unit has been permanently relocated to the NPF, being the central law enforcement agency.

37. Complaints by the transferee population either, against another transferee or other persons, are reported and investigated by the police. In one case, a former Member of Parliament⁸ was charged for an allegation of assaulting a refugee and convicted on appeal by the Supreme Court. Equally, some transferees have been investigated and charged for offences under the laws of the Republic.

38. Assisted Voluntary Returns (AVR) of asylum seekers and refugees is an option that is available for all transferees. It is being actively pursued by the Republic with the International Organisation for Migration (IOM)⁹.

39. The RPC is comprised of 2 accommodation facilities for asylum seekers and 4 community lodges for refugees. Since 2013, the transferee population has greatly decreased from 1,834 to 146 after most applied and succeeded for the United States Migration Program and others were transferred to Australia by the Commonwealth of Australia for legal, medical or family reunion basis. It is anticipated that this population will be reduced to zero by the middle of 2021.

40. With effect from 2016, the responsibility for RPC was separated from the Department of Justice and Border Control by establishing the Department of Multicultural Affairs (DMA) to implement the Government's commitment under the Refugee Convention and other laws. It is solely responsible for the RPC and the transferee community.

41. Security companies hired to work at the RPC facilities undergo specific training which includes refugee and asylum seeker sensitization to provide adequate security protection.

42. High hygiene standards have always been maintained since the commencement of the RPC and even more so during the COVID 19 pandemic, safeguarding clients and staff from any health risks and contagions.

43. Also, hard walled structures in place of tents are now used as housing accommodations for the transferees.

Maintaining the rights of detainees at the Correctional Center – Recommendation 85.48

44. The Correctional Centre is the facility for persons who are committed to prison by a court. The legislative framework for the Correctional Centre is the Correctional Service Act 2009 and Correctional Service Regulations 2020 (**Annex 9**). The Chief Correctional Officer is the head.

45. The population in the Correctional Centre revolves around 30 to 40 at any given time. Section 32 of the Criminal Justice Act 1999 establishes the Parole Board. The Board has been active and the recent appointments were made in April 2020. It is operational and Parole Board hearing has commenced for a long term serving prisoner.

46. On 23 October 2019, the Correctional Centre was relocated from Yaren District to its new building in Meneng District. The access to, from or within the Correctional Centre is equipped to cater for the movement of persons with physical disability thus meeting the requirements under the CRPD. The Centre also has an open space for the prisoners for meeting visitors and recreational activities, which includes live television programs. A list of provisions for prisoners is contained in **Annex 10**.

47. There are limitations on types of rehabilitation programs which can be implemented hence, the following is undertaken:

- (a) fishing, which also supplements healthy food at the Centre;
- (b) with the assistance of the Republic of China (Taiwan) Government, the Correctional Centre introduced:
 - (i) vegetable farming;
 - (ii) poultry farming for eggs; and
 - (iii) piggery farming,

which, supplements and ensures healthier food for the prisoners.

48. The prisoners keep the cemeteries around the country clean and tidy, cleaning schools, roadsides and other Government buildings. This helps prisoners to go out of the enclosed Centre. The Correctional Centre is also visited routinely by:

- (a) the Resident Magistrate, who is free to receive complaints from prisoners; and
- (b) health and medical services.

49. The Republic intends to bring in education and other skilled based training programs in particular to address the issues of young offenders. The difficulty is due to not having enough skilled or trained people to undertake this education or training program. However, the Government is committed to reducing its prison population and other measures will be implemented for quicker rehabilitation of prisoners including technical assistance from UN bodies.

Ensuring judicial independence – Recommendations 85.47, 86.9, 86.10, 86.11, 86.14

50. Nauru's constitutional foundation is based on the doctrine of separation of powers. Judiciary is independent of the Legislature and the Executive. The authority of the Judiciary is established under *Article 57* of the *Constitution*,¹⁰ an amendment done in 2018 to clearly reflect separation of powers. This amendment to the *Constitution* in 2018 expressly recognised judicial independence by vesting judicial power in the Court of Appeal, Supreme Court, District Court and any other courts or tribunals.

51. The current structure of the court is no different to that of any member of the Commonwealth countries. The 3 tiers of the court are:

- (a) Nauru Court of Appeal;
- (b) Supreme Court;
- (c) District Court, Family Court;
- (d) Refugee Status Determination Tribunal.

52. A summary of the developments are as follows:

- (a) Establishing courts under different Acts;
- (b) Nauru Court of Appeal replacing the High Court of Australia;
- (c) Security of tenure of Judicial Officers;
- (d) Prescribing the terms and conditions by Regulations;
- (e) Establishing a Judicial Complaints Tribunal;
- (f) Digital case management and tracking, Case Tracking System – Handy Reference Sheet including e-filing;
- (g) Virtual court sittings;
- (h) Website in progress;
- (i) Bilateral or other arrangements with Papua New Guinea, New Zealand and Samoa and the involvement of PJSI;
- (j) Law reporting to be implemented;
- (k) Other matters contained in the attachment to this Report as **annexure 11(a) and 11(b)**.

Hearing final appeals against cancellation of travel document – Recommendation 86.14

53. The Passports Act 2011 was amended. There is an appeal process prescribed for in Section 6 of the Passports (Amendment) Act 2016. The decisions made are administrative in nature by the Minister for Border Control or the appeal body. Any person aggrieved by the appeal body is free to file a judicial review application to seek redress in the Supreme Court, similar to other administrative and quasi-judicial decision of an inferior tribunal or body. The Supreme Court has supervisory jurisdiction¹¹.

54. There is a separate jurisdiction of the court which empowers it to require an accused person to surrender his or her passport or other travel documents to the court. Often passports are surrendered under such orders.

55. The passports of all persons who were involved in the 'riot case' have been released and some of them have obtained new passports. For clarification purposes, all those people who were charged for the offences, their passports were seized by an order of the court.

56. Nauru intends to move further into its travel documentation to upgrade it to digital or electronic forms.

Expanding the Public Defender Program – Recommendation 85.46

57. The Legal Aid program has been informally provided since 2010. A statutory system of legal aid was established in 2016 by the amendment to the Criminal Procedure Act 1972. An office of the Public Legal Defender (OPLD) was formally established headed by a Director (PLD). The Director's position is compatible to the Office of the Director of Public Prosecutions (DPP), although in practice, one defends and the other prosecutes. The strength of the two Offices is made compatible to ensure that the Constitutional requirement of a fair trial is not only enabled, but, actually achieved.

58. The recommendation of the Committee has been implemented. The OPLD now has 5 legal practitioner positions. In addition, the Criminal Procedure (Amendment) Act 2018 allows the PLD to brief any legal matters to the private legal practitioners. There is a budget for the same of \$50,000. The operating cost of the OPLD is approximately \$350,000. The OPLD is also assigned the responsibility to appear in matters relating to Domestic Violence. It now handles criminal, family, some civil and other advisory work for the public who are not able to afford the services of a legal practitioner. In addition, the OPLD is an independent office, which has been held by the Nauru Court of Appeal in the case of *Republic v Matthew Batsiua and Others*, Criminal Appeal No: 8 of 2018.

59. There is no restriction on the representation of people based on nationality. In the COVID19 cases, the OPLD represented all persons who were arrested or charged for breaching the COVID19 related laws.

Supporting the Working Group on Treaties – Recommendation 85.27

60. The Working Group on Treaties (WGT) was established in late 2010. This idea eventuated from Nauru's 1st UPR Report which provided a substantial amount of recommendations on human rights issues.

61. In 2017, the WGT was reconstituted. It is chaired by the Secretary for Foreign Affairs and Trade (SFAT). The two core members of the WGT are DFAT, and the JBC. The work of the WGT is budgeted under DFAT and is implemented by respective Departments and agencies in respect of the different international treaties each Department is responsible for.

62. The mandate of the WGT is to:

- (a) ensure that all of the Republic's treaty actions are accurately recorded in a timely manner;
- (b) monitor and manage the Republic's compliance with its treaty obligations including reporting;
- (c) monitor and comply with the Republic's international reporting obligations, and to seek external technical assistance with reporting where required; and
- (d) prepare, advice and recommend Government treaty actions.

63. DFAT is responsible continuously monitoring implementation plans and management of consultations. JBC is responsible for providing analysis and legal advice on treaties and domesticating convention/treaty obligations into national law.

64. Fulfilling reporting requirements and implementing Convention related obligations are two of the issues faced by the WGT and the Republic generally. A number of Convention obligations are onerous for a small island State. As such, assistance in the form of technical and infrastructural support is a necessity. This will ensure those of whom who fall within the scope have access to such facilities and the Republic would in turn be compliant with its obligations.

65. Access to resources for reporting obligations and applications for projects is also necessary. This ensures that the Republic seeks and obtains assistance to supplement the Republic's efforts in the fulfilment of its treaty obligations.

B. Partial implementation of recommendations

Compliance of treaty reporting obligations – Recommendation 85.22

66. The Republic acceded to the Convention on the Rights of Persons with Disabilities (CRPD) on 27 June 2012. A report on the Convention is currently being prepared for the purposes of treaty reporting.

67. The Republic acceded to the Convention on Torture and other Cruel Inhuman or Degrading Treatment or Punishment (CAT) on 26 September 2012 and its optional protocol (OP-CAT) on 24 January 2013. A report on the Convention is currently being prepared for the purposes of reporting.

68. The Republic is developing its human resources and technical capacity in its national mechanism of monitoring, implementing, reporting and follow-up to treaties and conventions. There is need to have technical assistance provided for this purpose for at least 24 months so that all different areas of the respective treaties are considered in the report where there are recommendations or actions required for the Republic.

Strengthening climate change and disaster risk efforts – Recommendations 85.54, 85.55, 85.56, 85.53

69. The Republic is a leader in the region in advancing the requirement of the Paris Agreement on Climate Change Framework on Climate Change. It plays a fundamental role in the Pacific Island Forum countries. In 2018, when Nauru hosted the Pacific Island Forum Leaders Meeting, the Boe Declaration, a joint resolution was reached by the leaders of the Forum countries. One of the declarations was on climate change. Nauru's position on climate change has remained a very forceful one.

70. The President of the Republic in his address (**Annex 12**) to the United Nations on 26th September 2019 stressed the impact of climate change in the region and more so to the Small Island States. The Department of Commerce, Industry and Environment (CIE) has broadened its mandate and has progressed with efforts to implement the framework for climate change.

71. The Climate Change Strategic Plan for Adaptation and Mitigation has been an ongoing project under various programs being implemented by CIE divisions. Priority areas focus on the development of climate change policies engaging appropriate national key stakeholders and international cooperation through the Pacific Community and the United Nations Development Program (UNDP) with the main objective of enhancing resilience and adaptability of the Republic. With the recent border closures relating to the COVID 19 pandemic, the coordination with regional and international counterparts has been limited to online communications.

72. The Environmental Management and Climate Change Act, 2020 was passed by Parliament. Parts 8 and 9 of the Act specifically deal with climate change. Undoubtedly, this now requires the Government to take proactive steps to implement all that is necessary for bringing into effect the Paris Agreement.

73. A new Department is also established to deal specifically with climate change, the Department of Climate Change and National Resilience as published in Gazette 704/2020 (**Annex 13**).

74. The Ridge to Reef Program is a UNDP funded project that assists to edify communities in developing sustainable means of water, food and ensuring safe and hygienic households. These efforts include:

- (a) installing water tanks for households;
 - (b) land-scaping for kitchen gardens for self-provision of vegetables and fruits;
- and
- (c) waste management by encouraging households to sort rubbish into flammables, general waste and compost waste.

75. As part of the Ridge to Reef Program, the Eben Omo Campaign (Pleasant Island Campaign) is the community awareness element that aims to educate community members on the impacts of climate change causing environmental damage, food scarcity, the implications that are evident on agriculture in soil degradation, weather fluctuations such as extreme heat, tidal anomalies in the frequency of king tides and its effect on the coastal residential areas and furthermore the protection of both land and marine environment.

76. The Department of National Emergency Services (NES) coordinates activities for Disaster Risk Reduction (DRR) minimising and reducing disaster risk or vulnerabilities to avoid adverse impacts or hazards within the broad context of sustainable development. This is a crucial part of its legal mandate under the National Risk Disaster Management Act 2016 (NRDMA).

77. The Department is comprised of the Nauru Fire Service (NFS) and the Meteorology and Tidal Unit. It works together with the NPF, the Department of Health and Medical Services (DHMS), CIE, JBC, NRC and the Office of the President, to put in place DRR procedures for related events such as king tide, drought, fire, tsunami or natural or human induced occurrences. One of the disasters which Nauru is currently preparing for is COVID-19.

78. The Republic is currently under a State of Disaster in relation to the COVID-19 as declared 16th March 2020 by the President pursuant to his powers under Part 6 of the NRDMA. The functionality and operations of the Act has been put to the test during this COVID-19 situation. The Act and the Declaration of State of Disaster by the President has resulted in various laws being made to meet the requirements of the WHO on the prevention of the contagious COVID-19. The policy of the Government to ‘capture and contain’ the virus at the borders has been very effective. At the time of the writing of the Report, despite the borders being opened with some limitations, Nauru has been able to prevent the reaching of the virus to its borders.

79. Currently the Republic requires mandatory screening of all travelling passengers pursuant to the National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID 19)) Regulations 2020.

80. The Government has funded the accommodation of all the people in the designated residences. In addition, it has provided the basic necessities including food, clean water and mandatory health check on a daily basis.

81. The obligation of the Government is to ensure that basic necessities for the people of the Republic are made available. For that purpose, it has utilised Nauru Airlines freighters to transport food and medical supplies through Australia or Fiji.

82. In addition, appropriate laws have also been made to allow for shipment of food and all other supplies to keep the life of the people as normal as possible. The captain and crew of vessels undergo mandatory medical testing. Once cleared, then the cargo on the vessels is off-loaded. The Republic also ensures the people have access to a fair transportation system through chartered vessels of the Nauru Shipping Line.

83. During the lockdown in Fiji, NES and DFAT worked together to secure repatriation of its citizens, particularly several school children. The education of children continued either in the schools in Nauru and also through online programs from Fiji funded by the Government.

84. These examples are included to demonstrate the commitment and capability of the Government to handle disasters. However, technical and financial assistance is needed to further develop means to deal with other forms of disasters. Not forgetting that the economic crisis after the COVID-19 is a real cause for concern.

Strengthening social inclusion programs – Recommendation 85.52

85. The Community and Key Stakeholder Review of the Nauru Sustainable Development Strategy 2009 – 2025 (NSDS) was conducted in 2018. It was finalized in 2019 as the Nauru Sustainable Development Strategy 2018-2030 (NSDS) with the following national vision,

'A future where individual, community, business and government partnerships contribute to a sustainable quality of life for all Nauruans'

86. The Review identified the following *'National Development Goals (NDG's)'* which are also based on the global *'Sustainable Development Goals (SDG's)'*:

- (a) *Stable, trustworthy, fiscally responsible government;*
- (b) *Improved health and well-being;*
- (c) *Access to quality education, formal and informal;*
- (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; and*
- (g) *Development of domestic food production for food security.*

87. The NSDS is the basis of all Department Strategic Plans, Annual Operational Plans (AOP's) and New Project Proposals (NPP) ensuring that public services are indeed providing for the people of Nauru especially those who need such services through public funding. It is guided by the monitoring and implementation framework¹².

Advancing social security – Recommendation 86.18

88. In 2018, the Government of Nauru initiated a pension system under the Nauru Superannuation Act 2018. The 'Nauru Super Scheme' is managed by a body in New Zealand to secure the preservation of pension funds for the people. The Government as an employer contributes 5% of the salary of its employees to the Fund. The other 5% comes from the employees' remuneration. The Fund requires payment of 10% of the value of the salary into the Pension Fund.

89. The financial stability of the Republic is further maintained through the Sovereign Fund. It is a fund established in Australia. Australia, New Zealand, Taiwan and the Republic each contribute to the Fund.

90. In 2010, the Republic of China (Taiwan) commenced with funding the School Feeding Program, a scheme which supplied free lunches to all the schools during the time of what is known as the 'financial crisis'. This initiative began after the Department of Education conducted the 'Student-Truancy Survey'.

91. The meals provided were made from the 3 basic food groups and also included drinks for each students. In 2014, the Department of Education took over financial responsibilities of the Program and it has been ongoing since then. Student attendance had improved slightly.

92. The Nauru Education Assistance Trust Act 2016 initiated the beginning of the NEAT Scheme. It legally mandated the Department of Education to open a bank account for each child enrolled at the schools for the receipt of an allowance of AUD5 a day from the time the child is at infant level until the end of high school. The Scheme was to supplement the School Feeding Program seeing a significant improvement of school attendance.

93. In April 2020 when news of the COVID 19 became more evident, parents were reluctant to send children to school and the school attendance rate drastically declined, although Nauru was COVID-free. The Republic endorsed the 'Back to School' scheme which is effective.

94. The school student attendance rate has increased significantly from 21.64% in 2011 to 41.40% in 2019.

95. A disability pension is received by persons with disability in Nauru. The initial amount given in 2014/2015 was AUD150 per fortnight increasing to AUD200 per fortnight in 2016/2017 and it remains at that until now¹³.

96. The Republic provides a pension of \$250 per fortnight to persons at the age of 60 years and over under the Elderly Pension Scheme subject to the person being employed or unemployed. Should a recipient be employed, the elderly pension is ceased until they are no longer working.

97. The former Members of Parliament are eligible for pension under the Parliamentary Pensions Act 2008.

Facilitating country visits by Special Rapporteurs and relevant working groups – Recommendations 85.22, 87.2, 85.34, 85.35

98. The governing legislation on this is Special Missions Privileges and Immunities Act 1976. It has codified the Convention on Special Missions in to domestic laws. A standing invitation remains in place welcoming working groups and special rapporteurs to conduct country visits to the Republic that was declared in the constructive dialogue with the Human Rights Council in the 2nd Cycle of its UPR in 2015.

99. All official invitations and country visit requests are received through the International Treaties Desk of DFAT. They are then forwarded to the relative departments whereby consultations are held for the necessity and appropriateness of the request. Due to the size of our country, normally such meetings are conveniently held with a larger spectrum of both the public and private sector personnel, which becomes a very objective source of information for reporting purposes. Often, 3rd party reporting in media outlets on activities in Nauru is short of the reality. Often, it is portrayed in a very negative way. For this reason alone, Nauru welcomes special rapporteurs.

100. The Sub Committee on the Prevention of Torture (SPT) visited Nauru in May 2015. It was scheduled for its second visit to the Republic in March 2020. However, international border closures due to the COVID-19 pandemic and arrangements of the visit had to be postponed whereby all visit requests will be subject to the travel requirements of the 'capture and contain' at the borders policy for COVID-19.

Seeking technical assistance – Recommendations 85.21, 85.58, 85.59

101. The Republic appreciates the technical support and funding assistance from the following international and regional organisations:

(a) The Maritime Division of the Pacific Community (SPC) regarding the delimitation of maritime boundaries;

(b) A representative of the OHCHR visited the Republic in April 2019 to support the development of a human rights based statistics and data system;

(c) UNICEF to assist the Child Protection Unit in upskilling child protection officers and to upgrade the procedures and functions of the child welfare component of the Unit throughout 2017 up until 2019;

(d) UNWomen for conducting the Transformative Leadership Workshop to promote the women's interest in running for parliamentary elections;

(e) Regional Rights Resource Team of the Pacific Community (SPC/RRRT) for the drafting of the Domestic Violence legislation in 2016 which was legislated in May 2017; community consultations on the CRC and CEDAW;

(f) The Asia Pacific Forum on National Human Rights Institutions (APF-NHRI) in partnership with SPC/RRRT to conduct the scoping mission for the establishment of an NHRI;

(g) The Statistics Division of the Pacific Community (SPC) working with the Bureau of Statistics on the development of the Nauru National Statistics Development Strategy (NNSDS); and

(h) The United Nations Development Programme (UNDP) for its funding assistance in the Ridge to Reef Project.

Ratifying ICCPR and ICESCR – Recommendations 85.1, 85.2, 85.4, 85.6, 85.8, 85.9, 85.10, 85.11, 85.12, 85.16

102. The rights of charitable bodies to provide charitable services have been recognised by the Government. In Section 18 of the Business Tax Act 2016, all charitable purpose activities are exempted from direct tax.

103. Due to lack of laws for registration of unincorporated bodies for most part of the reporting period, NGOs and related bodies are now able to establish themselves through the new Trusts Act 2018. The Act itself provides for various mechanisms for registration. The Parliament has now enacted a Registration of Associations Act 2020. This will allow NGOs with prescribed objectives¹⁴, now to register formally and operate. It also allows foreign based NGOs to seek registration of compliance under the Act to operate locally.

104. The International Covenant on Civil and Political Rights (ICCPR) was signed by the Republic in 2001. Progressive efforts towards its ratification along with the International Covenant on Social, Economic and Cultural Rights (ICESCR) and their optional protocol were underway in 2015 by the WGT after the 2nd Cycle of Nauru's UPR. Currently, work is being undertaken to progress this further.

105. The International Monetary Fund and World Bank Institutions Act 2016 was made to allow Nauru to regain its membership to the IMF and the World Bank Group Organisation. By this Act, the Government voluntarily bound itself to the:

- Convention establishing the Multilateral Investment Guarantee Agency (MIGA); and
- Convention on Settlement of Disputes between States and Nationals of other States (ISCID).

106. In 2018, the Republic was assessed for its compliance with requirements of OECD in which finally, the Republic was rated as 'Largely Compliant'. The Republic has also met its threshold in various legislative reforms for the European Council on Taxation. The Republic has now been removed from the 'blacklist'.

107. Nevertheless, the Republic affirms its earnest commitment to respect the civil, political, social, economic and cultural rights of all those within its borders by continuing efforts to amend respective laws, policies and procedures¹⁵.

Releasing members of parliaments from custody and allowing freedom of expression through media – Recommendation 86.15

108. This recommendation relates to the protest march in May 2015. This incident was later related to an incident in Parliament in which Parliamentarians had some differences. In the normal Parliamentary process under the Standing Orders, some Members were lawfully suspended; *Scotty v Keke* [2014] NRSC 7 (11 December 2014).

109. The protest turned into a riot and then into violent activities. 19 people were charged for the incident that is known as the Nauru 19 case¹⁶.

110. 3 Members of Parliament were also charged and prosecuted. During the time of the trial, 1 passed away and the other had absconded to Australia. In 2020, the remaining Member of Parliament was convicted and served his 9 months sentence in the Nauru Correctional Centre.

111. Despite the controversies surrounding the case, those charged finally had their case heard and have served their terms of imprisonment. They also were entitled to and given one third remission on all sentences for good behaviour in the Centre. None of those convicted appealed the decision to the Nauru Court of Appeal.

Promoting freedom of expression and association and supporting political representation – Recommendation 86.17

Freedom of Expression and Association

112. Part II, Article 12 and Article 13 of the Constitution entitle every person in Nauru to the freedom of expression and the freedom of assembly and association. These fundamental rights and freedoms amongst others are enforced by Article 14.

113. A Facebook ban that was put in place in 2015 after an explicit post on a gang rape uploaded through a secret Facebook group forced users on Nauru to use Virtual Private Networks (VPN's) in order to access their Facebook accounts.

114. In 2018, after the coming into effect of various new statutory provisions including the enforcement of the Cybercrime Act 2015, the Government decided to allow the access of Facebook again. For avoidance of doubt, despite the official restrictions on the use of Facebook, during the period of 2015 and 2018, the people had access to Facebook at all times. Not only that, they have continued to express their views which includes criticisms on the Government, Ministers including Members of Parliament, public servants and other office holders.

Supporting Political Representation

115. The Electoral Commission ('the Commission') was established under Part II, Section 1 of the Electoral Act, 2016. This guarantees an independent electoral process that is led by the Electoral Commissioner and her officers.

116. By the Electoral Commission Communication Strategy, the Commission is required to provide voter education on voter rights and candidacy procedures. This is an effective and ongoing program during the time of general or by-elections.

117. The Republic has had 2 general elections and 2 by-elections following the last review. In the 2016 general elections, the Electoral Commission invited both the Pacific Island Forum and the Commonwealth Secretariat to observe and report on the conduct of the election. 15 recommendations were presented to the Commission none of which were of any particular irregularity in the electoral process or the election itself.

118. In the last general election in 2019, there was not a single election petition filed in court to challenge the election results. That is an indication of a free and a fair election being held. Not only that, there were 9 new Members of Parliament replacing several ministers and caucus members. The reigning President also lost the election. The established the independence of the Electoral Commission and non-interference of the Executive Branch in the election.

Promoting gender equality – Recommendation 86.5

119. Gender equality is a standard practice in the Republic. The Law Revision and Consolidation Project is currently underway under the lead of the JBC. Part of the changes that are being made is the incorporation of gender neutral language.

120. In the Public Service, of the 1,371 employees, 782 are female and 589 are male. There are no differences in remuneration between male and female employees. Section 7(c) of the Public Service Act 2016 provides that the public service is free of discrimination¹⁷.

121. The traditional customs of Nauru have always recognised the importance of its matrilineal heritage whereby the eldest daughter is the custodian of family lands and tribal identity is determined by which tribe the mother belongs to.

122. In the modern day, women have not been distinguished from men in social practices where one is more superior than the other. There are settings where only women or men are allowed to participate because of certain cultural beliefs, for example the taming grounds for Frigate Birds are only permissible to men whilst the making of certain herbal medicines must only be handled by women. These are harmless cultural beliefs that do not have negative implications on gender equality but rather have historical significance for the Nauruan identity.

C. Pending recommendations

Ratifying ICERD, CPRMW and CPPED – Recommendations 85.7, 85.8, 85.10, 85.16, 85.18, 85.11, 85.12, 85.13, 85.14

123. Amidst competing priorities of the Republic and with the development of the new terms of reference of the WGT as well as the settlement of the new Government administration there are no adverse concerns for the ratification of new treaties. However, thorough consideration must be applied to the need and availability of administrative structure for the implementation of such conventions.

124. It is significant to note that the Republic has criminalised racial discrimination as evident in *Section 267(2)(h)* of the *Crimes Act, 2016* which provides for the offence of ‘*Crimes against humanity*’ as being among others¹⁸ and further in *Section 267(2)(i)*¹⁹.

125. Additionally, *Section 267(2)(j)* identifies the crime of apartheid as being a crime of humanity²⁰.

Establishing an NHRI – Recommendations 85.28, 85.29

126. In 2017, following the *Consultation in Good Governance and Human Rights with Members of Parliament of Nauru*, facilitated by the SPC/RRRT and UNDP, the Republic officially requested technical assistance for the commencement of the establishment of a National Human Rights Institution (NHRI).

127. The Republic commenced work on establishing the human rights institute which was required under the *Principles relating to the Status of National Institutions (The Paris Principles)* in 2018. A National Human Rights Commission is intended to be established under a draft Human Rights Commission Bill. The function of the Commission also includes national preventative mechanism under the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. This will work hand in hand with the *Leadership Code Act 2016* advancing good governance and human rights for the Republic.

128. A scoping study was managed by SPC/RRRT and the Asia Pacific Forum (APF) conducting a nation-wide NHRI consultation with key agencies, community members and leaders of faith-based organisations.

Establishing an NPM – Recommendation 85.32

129. The National Human Rights Commission Bill incorporates the National Prevention Mechanism (NPM) in the function of the Commission whereby it must monitor all places of detention such as the Nauru Correctional Centre and the detainment cells at the NPF central station by conducting inspection and visits. It has the powers to advise the Departments on any concerns that arise.

Abolishing the death penalty – Recommendations 85.5, 87.9

130. This recommendation has been considered in light of the difficulties in amending the Constitution relating to Part II. However, this has not prevented the Government from prescribing laws which expressly contains no ‘death penalty’.

131. The offence for treason or sedition, the penalty is life imprisonment. Also for murder or homicide, the penalty is life imprisonment.

132. *Article 4(1)* is a part of the 5th Schedule which can only be amended or repealed through a constitutional referendum pursuant to *Article 84*.

Ratifying CPPCG – Recommendation 85.15

133. The Republic is looking at ratifying the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). Even so, genocide is a crime as prescribed in *Section 266(1)* of the *Crimes Act 2016*²¹. *Section 266 (2)* defines genocide²².

Ratifying OP-CEDAW and OP-CRC-SC – Recommendations 85.19, 85.17

134. The Republic being a state party re-affirms its obligation to CEDAW and CRC. It has made these Conventions as part of its domestic laws. It concentrates on implementing the principle conventions and is yet to progress on the accession to their optional protocols. Although it has declared its support of the recommendations to do so, it must ensure first and foremost that the administrative structure is accessible for there to be agency at the implementation of the optional protocols.

Reducing the physical and environmental health-care risks associated with phosphate mining – Recommendation 86.53*Phosphate mining*

135. RONPhos Corporation is the public enterprise that facilitates phosphate mining in the Republic. It was established by the *Section 6* of the *RONPhos Corporation Act 2005*. One of the Corporation's objectives is to maintain and operate the phosphate industry on Nauru in a safe, efficient and profitable manner as stated in *Section 9(2)* of the *Act*.

Land rehabilitation

136. Nauru Rehabilitation Corporation (NRC) was established by Section 3(1) of the Nauru Rehabilitation Corporation Act, 2011. Its' function is to coordinate, promote, partake in, identify, initiate and carry out projects for the rehabilitation and development of worked out phosphate lands and unworked phosphate lands as directed by the Minister.

137. NRC is developing a framework that is solely centered on land rehabilitative efforts by incorporating in its plan to undertake vulnerability assessments and to institute a place for relocation of Nauruans living in high risk zones to safer and habitable locations.

138. It is working with the Pacific Community (SPC) in the Higher Ground Project (HGP) to conduct a feasibility study in the relocation of critical infrastructure. A modelling exercise and a study on the effects of the sea level rise occurring in Nauru will be presented in order to justify the need for which essential buildings are to be moved and also to justify the rehabilitation of certain sites.

Waste management

139. NRC is taking the lead in progressing with safety procedures in complex waste management issues such as ensuring sufficient safety training and Personal Protective Equipment (PPE) for asbestos handling and controlling dumpsite fires which occur because of self-production of methane that reacts with the extreme heat causing spontaneous outbreak of fire.

140. CIE has developed waste management policies for waste segregation and has included provisions relating to waste management in the *Environmental Management and Climate Change Bill*.

Reasonable access for persons with disabilities – Recommendation 85.51

141. With the creation of the new Department for Persons with Disabilities in June 2020, there will be centralised efforts in the implementation of the *Convention on the Rights of Persons with Disabilities* along with the *National Policy for Persons with Disabilities*. It is a young department yet which is going through the initial stages of setting up infrastructure, policies and legal framework.

142. The Republic recognises that the main issue with work around disabilities is the limited technical capacity and expertise for its support. Nevertheless, there are upcoming plans that include discussions with the Department of Infrastructure to incorporate disability access designs into the architecture of public buildings.

143. Details of particulars on the advancement of the Republic's efforts on the rights of persons with disabilities are specifically presented in the Initial State Report on the *Convention on the Rights of Persons with Disabilities (CRPD)*.

III. Status of implementation for voluntary pledges

144. At its 2nd Cycle Universal Periodic Review, the Republic of Nauru did not make any voluntary pledges.

IV. New and emerging issues, including advances and challenges in that regard

145. With the Coronavirus (COVID 19) Pandemic, the Republic faces many challenges that are impacted by border restriction policies which have seen:

- (a) the repatriation of many needed expatriate staff to their countries of origin forcing once again public services to be short staffed such as the schools and hospitals;
- (b) the general restriction of the freedom of movement restricting visitation of families overseas; and
- (c) the repatriation of many Nauruans undergoing tertiary study from Taiwan, Australia, Fiji and New Zealand.

146. Climate change is undoubtedly one of the most prominent threats for the whole of the Pacific Region affecting every Pacific Island Country (PIC) including Nauru. The impact varies and brings about emerging issues that will exacerbate with the times such as:

- (a) more frequent incidents of king tides affecting the coastal residential areas;
- (b) increase of weather temperature affecting both marine and land life and in turn impacting food security; and
- (c) more frequent drought seasons that negatively influence soil health and increase the risk of fresh water scarcity impairing agricultural capacity and access to clean and safe drinking water.

V. Challenges which would require the support of the international community

147. The implementation of CRPD is a major issue that requires technical support from international community as there is very limited policy and practical experts on disability in Nauru. Assistance is required in the infrastructural development as well as human resources.

Notes

- ¹ (a) Both the CRC and CEDAW have been domesticated in our laws in the form of the *Child Protection and Welfare Act 2016* and the *Domestic Violence and Family Protection Act 2016*.
 (b) The age of criminal responsibility has gone up to 10 years from 7 years under Section 43, *Crimes Act 2016*. A child under the age of 10 years does not have the capacity to commit crimes. In case of a child between the ages of 10 to 14 years, the burden is on the prosecution to establish that the child had the knowledge that his or her conduct was wrong in law. It is a question of fact for the prosecution to establish the *doli incapax*. This position has been confirmed by the Nauru Supreme Court in the case of *Republic v RD, CR18/2018* (Annex 5).
 (c) To formulate comprehensive policies on child rights with the inclusion of children in consultations *via* CRC awareness programs organised and conducted by the Child Protection Unit.
 (d) To develop a coordinating mechanism known as the *Home Affairs Inter-Agency* for all activities relating to the implementation of the CRC amongst others that is chaired by the Director of CPU.
 (e) The CRC RIP was completed in July 2017 with a life time of 3 years to allocate adequate budgetary resources and put in place appropriate processes such as the funding of the CRC RIP by the Alcohol Hypothecation Import Duty.
 (f) To improve data collection and management system by working with the *Pacific Community (SPC)* in creating the *Nauru Strategy for the Development of Statistics (NSDS)*.

- (g) To coordinate dissemination, awareness-raising and training of child protection and the principles of the CRC through the CPU community and key stakeholder awareness programs.
- (h) the *Births, Deaths and Marriages Registration Act 2017* repealed the colonial *Births, Deaths and Marriages Act 1957* by increasing the statutory marriageable age for females from 16 to 18 years, which is the majority age of a person in the Republic as well as the CRC.
- (i) Women in Business' group formed informally to advance the interests of women in business.
- ² Since July 2017 until 2019, 15 Safety Orders were served by DVU. 7 Protection Orders have been issued to respondents and 7 couples were ordered by the court to undergo mandatory counselling. These statistics have significantly increased indicating the growing awareness of the victim support services that is provided under the Act. It shows the advancement of access to justice for survivors of domestic violence and that the legal framework in place is effective.
- ³ In the year 2019 alone, reports received by the Nauru Police Force (NPF) were 67 domestic assaults, 4 indecent assault and 1 of rape. The awareness program conducted by the various agencies is encouraging in that victims of crime are more willing to assert their rights by complaining to authorities.
- ⁴ *Crimes Amendment Act 2020* and *Bail Amendment Act 2020*.
- ⁵ Recommendation 12 put forth by the Observer Team of the 2016 General Elections included the following:
Taking into consideration the inherent cultural and attitudinal barrier to women's participation in politics that are exacerbated by stringent legislative requirements that saw only 3 women candidates in the 2016 General Elections, that:
- (a) *The Government undertakes more programmes to raise awareness amongst the general public of the importance of the representation of Women in Parliament; and*
- (b) *The candidacy fee is reduced or removed for women.*
- ⁶ The *Tomano Declaration* consisted of the following outcomes:
- (a) participate in, and have access to all technical assistance available with regional and international organisations and bodies for issues related to women and girls;
- (b) social inclusion, youth and cultural development for a socially inclusive framework;
- (c) maximum capacity building for DVU and the Victim Support Services (VSS);
- (d) wider dissemination on materials relating to VSS;
- (e) call for action to establish a juvenile detention center for juvenile offenders separate from the Correctional Services;
- (f) continuous support for efforts on *Ending Violence Against Women and Children (EVAWC)*, gender equality and gender mainstreaming;
- (g) promotion of financial literacy and financial inclusion; and
- (h) to commence a pilot program on Gender Responsive Budgeting.
- ⁷ With effect from 2013, a total of 228 travel documents for refugees were issued by the Passports Section. Additionally, 35 Certificates of Identities for transferees 'asylum seekers' were issued for medical or other purposes. The travel documents allow the transferee population to depart and enter the Republic at any time. However, the non-travelling of the transferee population was not, due to any travel restrictions of the Republic, but other countries were not giving any forms of visa including visitors' visa. The only country which gave visa for the entry of refugees was Fiji.
- ⁸ *Republic v Jaden Adun Supreme Court Criminal Case No.16/17.*
- ⁹ To date, the total number of AVR's stand at 47 asylum seekers; 46 from Nauru and 1 from Australia while on temporary transfer and 17 refugees; 13 from Nauru and 4 from Australia while on temporary transfer. There have been 64 in total who have returned to their countries of origin via AVR.
- ¹⁰ *The judicial power and authority of the Republic is vested in the Court of Appeal, Supreme Court, District Court and in such other courts or tribunals as are created by law.*
- ¹¹ *Part 9, of the Supreme Court Act 2018.*
- ¹² A few examples of the implementation of the NSDS by various departments of the Republic:
- (a) As part of implementing *Priority Area 2 – Social and Community Sector, Key Outcome 11 – Traditional Leadership and Culture* the Language Division of the Department of Home Affairs is working with the Department of Education to achieve the policy objective of increasing the number of schools that have introduced the teaching of the Nauruan language. This has begun with the move to revive the Nauruan dictionary and saw the establishment of the Nauruan Language Committee.
- (b) At the primary and secondary schools as well as the Able Disabled Center for Learning there are live kitchen gardens for children to plant and harvest vegetables and fruit trees. These are then used as ingredients for cooking classes or are sold at school market days. This is part of adapting food security and entrepreneurship into the school curriculum so that the realization of the importance of livelihood is part of growing up and is engrained for the future generations. This is one of the inputs of the Department of Education in facilitating *Priority Area – Economics, Key*

Outcome 2 – Increased level of domestic agricultural production aimed at addressing food security and healthy livelihoods.

- (c) One of the policy objectives under *Priority Area 2 – Social and Community Sector* is the percentage of population at risk of developing NCD's to decline. The health statistics of the Republic is one of the highest in the Pacific Region in regards to non-communicable diseases (NCD's) such as diabetes and hypertension. Public Health Unit of the Department of Health and Medical Services (DHMS) is responsible for running effective campaigns on health promotion and healthy foods such as the *'Food for thought' Campaign* which educates communities on healthy eating for better living. It consists of the following activities:
- (i) *'Kick the Habit'* which is an advocacy program against smoking. It includes the provision of free nicotine patches and weekly group meetings for smokers wanting to stop smoking. Essay and poster competitions are held at all school levels on the subject of smoke-free families and households.
 - (ii) The coordination of the Weight loss program which involves exercise schedules with the incorporation of healthy meal plans to demotivate dieters from crash dieting.
 - (iii) Working with the Department of Sports in *'Auskick'* which is an Australian football program for children under the age of 11 of both genders teaching them football skills and the importance of staying fit and healthy.
- (d) *Key Outcome 10* of the same Priority Area indicates *enhanced quality of life through sports*. The U11 and U14 Program is an extra-curricular Australian football activity for boys under the age of 11 and 14 that is run by the Department of Sports and the Department of Education. A pre-requisite to joining the Program is regular attendance at school that is monitored by the coordinators. This addresses the issue of less boys than girls attending school.
- (e) The health services that is provided by the Republic is free. Home to home medical treatment is available at request as part of the *'Home-visiting Program'* by the DHMS. This is conducted for the elderly and the able-disabled who are physically unable to travel to the hospital on their own. This complements the policy objective of increasing life expectancy.
- (f) To decrease under 5 mortalities (DHS – 44/1000) and infant mortality rate (DHS – 38/1000), the Post-Natal Clinic of the Public Health Unit conducts house visits to families who have babies that have registered at the Clinic but have not been turning up for follow-up immunizations. This is with the understanding that some families do not have transport or have lost track of immunization dates for their child.
- ¹³ AUD272, 900 was earmarked for the disability allowance in 2014/2015 but the actual expense was AUD690, 730. At the early stages of the pension, there was significant underestimation of the numbers of eligible persons with disability that forced a 242% increase of the budgetary allocation to an average of AUD859, 680. The average expenditure throughout 2015/2016 to 2018/2019 has remained around AUD822, 058. At current, budgetary allocation is at AUD884, 000.
- ¹⁴ Associations eligible for registration
- (1) An association is eligible to be registered under this Act if it has at least 7 members, formed and carried on for a lawful purpose and is established for:
- (a) educational, charitable, religious or benevolent purposes;
 - (b) promoting or encouraging literature, science or the arts;
 - (c) promoting or encouraging environmental protection or climate change adaptation activities;
 - (d) the conservation of resources or preserving any part of the environment, historic or cultural heritage of the Republic;
 - (e) the purpose of sports, recreation, amusement or local or international federation or affiliation of such sports, recreation, amusement bodies;
 - (f) establishing, carrying on, or improving a community social or cultural centre to promote the interests of the local community;
 - (g) providing medical treatment or attention or promoting the interests of persons who suffer from particular physical, mental or intellectual impairment or condition;
 - (h) collective organisation to promote common interests of persons who are engaged in or interested in particular business, trade or industry;
 - (i) promotion of the welfare of flora and fauna;
 - (j) promoting and advancing patriotism and national consciousness putting the Republic's interests first;
 - (k) promoting and advancing the employment, skills, welfare and interests of women or youths;
 - (l) promoting programs or activities for sustainable human development and future generations observing the principles of equity, cooperation and solidarity; or
 - (m) any other purposes which may be approved by the Minister.
- (2) An *international civil society*, federation of any association or associated organisations registered in a foreign jurisdiction are eligible associations which may register and obtain a certificate of

compliance under Section 30.

http://ronlaw.gov.nr/nauru_lpms/files/acts/301652f929d3cb35d083312e93babd70.pdf

- ¹⁵ Significant law reform relating to ICCPR and ICESCR are as follows:
- (a) repealing the *Public Service Act 1998* with the *Public Service Act 2016* whereby through its subsequent amendments, public servants opting to stand for parliamentary elections would thenceforth resign 5 days from the gazettal of the writ of date of elections rather than 3 months prior.
 - (b) along with that, 2 weeks paternity leave is now afforded to fathers.
 - (c) adopting parents are entitled to the same amount of maternity and paternity leave.
 - (d) improving access to public services by building capacity of public servants through relevant training in-country and abroad via AusAid and NZAid sponsored scholarships as well as Government funded short term training modules.
 - (e) upgrading the general election processes so that it is more inclusive for people with disabilities and the elderly by availing a mobile polling booth that conducts house to house voting;
 - (f) enactment of the *Leadership Code Act, 2016* that is yet to be operationalised with the establishment of the Ombudsman's Office. Advertisements were publicized internationally and nationally but due to technical issues relating to the logistics of the post, recruitment was postponed to later date. Assistance is needed in implementing the Act including the appointment of an Ombudsman.
 - (g) the Hospital Upgrade Project saw the completion of the renovation to the Republic of Nauru (RON) Hospital in 2018, offering enhanced access to quality health services. Moreover, there are now a significant number of qualified local doctors, nurses and other certified clinicians such as a physiotherapist, a radiologist and 3 dentists.
- ¹⁶ <http://www.paclii.org/cgi-bin/sinodisp/nr/cases/NRSC/2019/47.html?stem=&synonyms=&query=Mathew%20Batsiua>
- ¹⁷ In *Section 8(c)* of the *Public Service Act 2016*, 'every Employee of the public service must treat everyone with respect and courtesy, and without coercion, harassment or discrimination of any kind.
- ¹⁸ '...persecution against any identifiable group or collectively on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this subsection or any crime within the jurisdiction of the Court...'
- ¹⁹ '...enforced disappearance of persons...' which is defined in *Section 267(3)(c)* as the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.'
- ²⁰ *Section 267(2)(j)* - inhumane acts of a character similar to those referred to in *Subsection (2)*, committed in the context of an institutionalization regime or systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.
- ²¹ 'A person commits an offence if the person engages in an act of genocide. Penalty: Life Imprisonment'
- ²² 'Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
- (a) Killing members of the group;
 - (b) Causing serious bodily or mental harm to members of the group;
 - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - (d) Imposing measures intended to prevent births within the group;
 - (e) Forcibly transferring children of the group to another group.