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| **Universal Periodic Review:**  **Advanced Questions Receipt Date:**  **Universal Periodic Review Date:**  **UPR Recommendations Receipt Date:**  **3rd Cycle National Report Due Date:** | | *3rd Cycle*  *TBC*  *January – February, 2021*  *TBC*  *October, 2020* | | | | |
| **Recommendation**  **(Number and objective)** | **Recommending Country** | | **Activity** | | | | **Lead Ministry** | **NSDS related activity** | **Progressive Status** |
| **TREATY REPORTING OBLIGATIONS** | | | | | | | | | |
| Submit human rights treaty reports to conventions that Nauru is a party to including CRC, CEDAW and CRPD. | New Zealand  Kenya  Portugal | | Identify late reports  Re-establish the Human Rights Section of the Department of Justice and Border Control. | | | | Department of Justice and Border Control (DJBC)  Department of Home Affairs (DHA)  Department of Foreign Affairs and Trade (DFAT) – Working Group on Treaties (WGT) | Priority Area 4: Cross cutting sectors  Key Outcome 1: Strengthen and develop the institutional capacity of the Nauru Public Service  Key Outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | CRC was submitted on January, 2016.  The CRC constructive dialogue was conducted in Geneva in August, 2016.  The CRC RIP was completed in July 2017 and is being rolled out by the Child Protection Services (CPS) at current. It is being funded by the Alcohol Hypothecation Import Duty.  CEDAW was submitted in mid-2016.  The CEDAW constructive dialogue was conducted in Geneva in November, 2016.  The CEDAW RIP was completed in July, 2018 and is receiving funding through the Alcohol Hypothecation Import Duty.  The CRPD Initial State Report for the Republic of Nauru is in its final draft awaiting endorsement with the Secretary for Justice and Border Control to submit to Cabinet after which it will be sent through to the UN CRPD Committee. |
| **SPECIAL RAPPORTEURS & WORKING GROUPS** | | | | | | | | | |
| Invite relevant working groups and special rapporteurs to visit Nauru. | New Zealand | | | Consult with Cabinet which SR’s and WG’s to invite  Write a proposal/ cabinet submission for the invitations | | DFAT- International Treaties Desk (ITD) | |  | The Sub-Committee on the Prevention on Torture (SPT) was scheduled to visit in March 2020 but due to border closures, the visit has been postponed. |
| Reschedule the postponed visit of the Working Group on Arbitrary Detention | Portugal  Canada | | | Discuss with SJBC and SMCA  Cabinet submission for the rescheduling | | DJBC – Human Rights Section (HRS)  Department of Multicultural Affairs (DMCA)  DFAT – ITD  DFAT - WGT | | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | The SPT Report was completed but it is not known whether it was published. |
| Set the date for the visit of the Special rapporteur on the human rights of migrants. | Portugal | | | Scoping mission to assess the need for the visit of the SR on human rights of migrants. | | DFAT – ITD  DJBC – Nauru Immigration | | Priority area 2: Social and community sectors  Key outcome 7: A robust, vibrant and effective civil society for a just and peaceful Nauru | No invitation has been sent as yet |
| **RATIFICATIONS** | | | | | | | | | |
| Consider the possibilities of ratifying International Convention on Eliminating Racial Discrimination (ICERD) | New Zealand  Panama  Morocco  Sierra Leone  Ghana  France  Georgia  Portugal  Trinidad & Tobago | | | Scoping mission for the ratification of ICERD  Cabinet submission on the ratification of ICERD | DJBC – HRS  DJBC – Legislative Drafting Office (LDO) | | | Priority area 4: Cross cutting sectors  Key outcome 2: strengthen justice, law and order.  Priority area 2: Social and community sectors  Key outcome 2: A healthy, socio-cultural, inclusive, cohesive and self-reliant community with sustainable livelihoods. | There are no current considerations in ratifying ICERD however there are provisions prescribed for racial discrimination and acts of racism in the *Crimes Act 2016, Section 267(2)* |
| Ratify the Optional Protocol on the Convention on the Elimination of all forms of Discrimination Against Women ( OP-CEDAW) | New Zealand | | | As above (Re: OP CEDAW) | DHA- DOWA  DJBC - HRS | | | Priority area 2: Social and community sectors  Key outcome 5: A just society that recognizes and respects the rights of women and promotes equal opportunities. | There are no considerations as yet relating to the ratification of OP-CEDAW however the Department of Women’s Affairs is committed to implementing the whole of the Principle Convention. |
| Ratify Optional Protocol Convention on the Rights of the Child on the Sale of Children (OP –CRC – SC). | New Zealand  France | | | As above (Re: OP CRC-SC) | DHA- Child Protection Services (CPS) | | | Priority area 2: Social and community sectors.  Key outcome 6: Investing in youth – a sustained future for Nauru. | OP CRC SC was signed in 2001 but the Government of Nauru never progressed to ratification.  The Republic concentrates on the implementation of the Principle Convention. |
| Ratify Optional Protocol to the Convention on the Rights of the Child in Armed Conflict (OP - CRC – AC) | Portugal  France | | | As above (Re: OP CRC- AC) | DHA-CPS | | | Priority area 2: Social and community sectors  Key outcome 6: Investing in youth – a sustained future for Nauru | OP – CRC – AC was signed in 2001 but the Government of Nauru never progressed to ratification.  As above |
| Ratify the Optional Protocol for the Convention on the Rights of the Child – Complaints Procedure (OP – CRC – CP) | Portugal | | | As above (Re: OP – CRC - CP) | DHA-CPS | | | Priority area 2: Social and community sectors  Key outcome 6: Investing in youth – a sustained future for Nauru | Discussions are yet to be held in relation to OP-CRC-CP. |
| Ratify the International Covenant on Civil and Political Rights (ICCPR) | Sierra-Leone  Ghana  France  Georgia  Montenegro  United Kingdom of Great Britain and Northern Ireland  Armenia  Slovenia  Switzerland  United States of America  Namibia  Kenya  Algeria  Canada | | | Draft policy proposal on the ratification of the ICCPR. | DJBC – HRS  Human Rights Presidential Advisor  DFAT - WGT | | | Priority area 4: All key outcome 1- 5 | Nauru signed ICCPR in 2001 but has yet to progress to ratification.  There are no adverse concerns for the ratification of ICCPR.  Paperwork was being drafted for ratification of both ICCPR and ICESCR by the former WGT however, due to transferal of members to other posts the relative work was deferred. |
| Ratify the Optional Protocol for ICCPR 1 & 2. | Slovenia  Switzerland | | | As above (Re: OP ICCPR 1) | DJBC – HRS  Human Rights Presidential Advisor  DFAT - WGT | | | Priority area 4: All key outcome 1- 5 | It is envisaged that Optional protocols will be considered after the ratification of the Principle Conventions. |
| Ratify International Covenant on the Economic, Social and Cultural Rights. | Sierra Leone  France  Georgia  Portugal  Trinidad & Tobago  Kenya  Algeria  Canada  Armenia | | | As above (re: ICESCR)  Draft a proposal for the ratification of ICESCR | DJBC – HRS  Human Rights Presidential Advisor  DFAT - WGT | | | Priority area 1: Economic Sector – All key outcomes 1-7  Priority area 2: Social and Community Sector – All key outcomes 1-7 | Paperwork was being drafted for ratification of both ICCPR and ICESCR by the former WGT however, due to transferal of members to other posts the relative work was deferred. |
| Ratify OP-ICESCR | France  Georgia  Portugal  Armenia | | | Draft proposal for the ratification of OP ICESCR. | DJBC – HRS  Human Rights Presidential Advisor  DFAT - WGT | | | Priority area 1: Economic Sector – All key outcomes 1-7  Priority area 2: Social and Community Sector – All key outcomes 1-7 | It is envisaged that Optional protocols will be considered after the ratification of the Principle Conventions. |
| Ratify the Convention on the Protection R Migrant Workers and their families (CPRMW). | Sierra Leone | | | As above (re: CPRMW) | DJBC – HRS  Human Rights Presidential Advisor  DFAT - WGT | | | Priority area 2: Social and community sectors  Key outcome 2: A healthy and productive population  Key outcome 7: An effective, competitive and stable financial system that will enhance economic growth and development. | This is yet to be discussed however Immigration laws are sufficient and the rights of Migrant workers are effectively protected under existing legislations. |
| Ratify the Convention on the Protection of Persons in Enforced Disappearance (CPPED). | Sierra Leone  Argentina  France | | | As above (re: CPPED) | DJBC – HRS  Human Rights Presidential Advisor  DFAT - WGT | | | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Justice, Law and Order | Although Nauru did support this recommendation, work on its ratification is yet to be initiated.  Nevertheless, enforced disappearance is adequately provided for in *Section 251* of the *Crimes Act 2016*. |
| Ratify the Convention on the Prevention and Punishment of the Crime of Genocide | Armenia | | | Scoping mission on the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. | DJBC – HRS  DFAT – ITD  DFAT - WGT | | | Priority Area 4: Cross cutting sectors  Key outcome 1: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | The Government has yet to ratify the Convention on the Prevention and Punishment of the Crime Genocide.  It is significant to note that the Genocide is prescribed for in the *Crimes Act 2016*. |
| Comply with the provisions of the international conventions it has freely ratified, in particular those relating to women, children and the prohibition of torture. | France | | | Complete the Initial State Report on CAT  Complete follow up state reports for CEDAW and CRC for on time submission in 2021.  Complete Initial state report on CRPD.  Conduct legislative compliance review on human rights treaties that Nauru is a party to. | DJBC - HRS  DFAT – WGT  DHA – DOWA  DHA – CPS | | | Priority Area 4: Cross cutting sectors  Key outcome 1: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | There have been extensive efforts of domestication of treaties improving the human rights jurisprudence of the justice and social system in Nauru.  New laws are in place such as:   1. DVFPA 2. CPWA 3. Crimes Act, 2016 repealing the Criminal Code 1899 4. Mental impairment Act   The Disability compliance review was conducted in June 2016 which highlighted many aspects of CRPD that needed to be addressed.  CRC and CEDAW Initial State Reports have been submitted and the constructive dialogues occurred in 2016 and 2017 consecutively. |
| **ACCESS TO JUSTICE** | | | | | | | | | |
| Allow the courts or another politically independent body to hear final appeals against the cancellation or denial of passports, visas other Nauruan travel document. | New Zealand | | | Establish an NHRI.  Establish the Nauru Court of Appeals. | | | DJBC – HRS  Human Rights Presidential Advisor  DJBC - LDO  Nauru Judiciary | Implement or implementation in process | The scoping mission for an NHRI was instigated by the Department of Home Affairs in 2017.  Technical support was engaged from the Regional Rights Resource Team (RRRT) and the Asia Pacific Forum (APF) as the regional coordinating body of NHRI’s.  An enabling legislation was in the process of being drafted over a period of one and a half years.  After the General Election in 2019, there was no interest shown by the Department of Home Affairs to continue with the establishment of the NHRI.  The Department of Justice and Border Control were then instructed by the Office of the President to continue with the process of establishing an NHRI in January, 2020.  DJBC legislative drafting office completed the National Human Rights Commission Bill in February 2020 and disseminated for consultation with key agencies. It has been submitted to cabinet for endorsement.  The Nauru Court of Appeals was established through the Nauru Court of Appeals Act, 2018.  It is the highest appellate jurisdiction in Nauru abolishing the High Court of Australia as Nauru’s highest court of appeal. |
| Adopt adequate safeguards in the Constitution and in relevant legislation to ensure the independence of judges and magistrates as well as the independent practice of the law profession.  Consider extending an invitation to the Special Rapporteur to strengthen such efforts. | Mexico  United Kingdom  Belgium  Netherlands | | | Work with Parliament of Nauru and Nauru Judiciary to conduct a constitutional review looking at the independence of judges and magistrates.  Submit cabinet submission for the Constitutional Review.  Revise the Legal Practitioners Act, 1976. | | | Nauru Judiciary  DJBC – LDO  Nauru Parliament | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | The judicial system of the Republic has prominently improved implementing the Banglore Principles and the Beijing statements into new laws regulating the independence of the judiciary and judicial officers.  The Legal Practitioners Act, 1976 (LPA) was repealed by the Legal Practitioners Act, 2019 which has updated provisions to promote the independence of judicial officers.  The LPA now prescribes for the mandatory membership of all legal practitioners in Nauru to the Nauru Law Society.  Impartiality and independence of the legal profession is one of the main purposes of renewing the law.  No invitation extended as of yet. |
| Introduce measures to ensure judicial independence, including through the establishment of an independent regulatory commission or body to oversee the appointment and removal of members of judiciary. | United Kingdom | | | As above | | | DJBC – SJBC  Nauru Judiciary | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | DJBC legislative drafting office completed the National Human Rights Commission Bill in February 2020 and disseminated for consultation with key agencies. It has been submitted to cabinet for endorsement. |
| Strengthen independence of judiciary |  | | | Provide report on the independence of Nauru Judiciary. | | | Nauru Judiciary  DJBC - SJBC | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | In progress  The Administration of Justice Act, 2018 was established for the protection of the Courts integrity, impartiality and independence. |
| Expand the public defender programme to ensure that all those who not have sufficient means to pay for legal services, citizens and non-citizens alike, can receive them. | United States of America | | | Establish the legal aid program within the public defender’s office | | | DJBC – Public Defense Office (PDO) | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | The Office of the Public Defender has been legally mandated by the *Criminal Procedures (Amendment) Act, 2016.* |
| **CLIMATE CHANGE** | | | | | | | | | |
| Continue efforts to implement the Framework for Climate Change and Disaster Risk Reduction (FCCDRR) including through appropriate international cooperation that enhance the resilience and adaptability of Nauru. | Indonesia  Sierra Leone  Philippines  Solomon Islands  Djibouti | | | Incorporate FCCDRR into the Department Strategic Goals of CIE.  Climate change assessment of all project policy development relating to CIE mandates in order to mainstream climate change consideration into all department operations.  Conduct contextualized climate change awareness programs to communities in Nauru.  Development of environmental laws. | | | Department of Commerce. Industry and Environment (CIE).  DJBC  CCO | Priority area 4: Cross cutting sectors  Key outcome 5: Build up resilience to combat the effects of climate change and natural disasters.  Key outcome 4: Sustainable use and management of the environment and natural resources for present and future generations. | The Department of CIE is implementing the *Framework on Climate Change and Disaster Risk Reduction*.  They hold responsibilities pertaining to efforts on Climate Change.  The Climate Change Assessment has been conducted with the technical assistance of UNDP and SPC.  The *Ridge to Reef Program* is funded by UNDP and run is a division under CIE.  Part of the Program is the *Eben Omo Campaign.* These projects help to edify communities on the impacts of climate change.  An Environmental and Climate Change Bill has been completed and will be submitted for Parliamentary enactment in the coming sittings. |
| Establish a comprehensive regulatory framework to reduce the physical and environmental health-care risks associated with phosphate mining. | Trinidad & Tobago | | | Status report from RON Phos on any health mitigation activities related to phosphate mining.  Work with DJBC on a scoping mission for a Phosphate mining health care bill | | | RONPhos  DJBC | Priority area 3: Infrastructure sector  Key outcome 3: Effective management of waste and pollution that minimizes negative impacts on public health and environment  Priority area 2: Social and community sector  Key outcome 2: A healthy and productive population | Personal Protective Equipment (PPE’s) is a priority for RONPhos as the mining industry for the Republic.  Substantive progress is ongoing for implementing risk management for people living in the phosphate processing zones. |
| Incorporate on its framework a plan to undertake vulnerability assessments and to institute a plan for relocation of Nauruans living in vulnerable or high risk zone to safer and habitable locations. | Fiji | | | Request technical support from regional or international missions to conduct vulnerability assessment of high risk locations. | | | SPC | Priority area 3: Infrastructure sector  Key outcome 3: Effective management of waste and pollution that minimizes negative impacts on public health and environment | The Higher Ground Project is a plan that is underway for relocating essential infrastructure for the Republic.  Assessments have been conducted. |
| **NATIONAL HUMAN RIGHTS INSTITUTION** | | | | | | | | | |
| Establish a National Human Rights Institution (NHRI) that is Paris Principle compliant | Indonesia  France  Portugal | | | Scoping mission for NHRI | | | DHA | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control. | A scoping mission was conducted in 2017 as requested by the Ministry of Home Affairs. The request engaged RRRT and Asia Pacific Forum (APF).  In 2018, further consultations were conducted on a draft NHRI enabling legislation.  A communication strategy for the community consultation of the NHRI enabling legislation was completed.  NHRI efforts have been transferred to the Department of Justice and Border Control.  A National Human Rights Commission Bill was drafted by DJBC-LDO to establish the National Human Rights Commission. |
| **TREATMENT OF PRISONERS AND DETAINEES** | | | | | | | | | |
| Implement all the necessary measures to set up a National Mechanism of Prevention (NPM) in line with the provisions of OPCAT. | Panama  Switzerland  Ghana | | | Scoping mission for establishing an NPM | | | DJBC - HRS | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control.  Priority area 2: Social and community sectors  Key outcome 7: A robust, vibrant and effective civil society for a just and peaceful Nauru | The National Mechanism of Prevention has been incorporated into the National Human Rights Commission Bill as a function of the Commission under *Section 22 (t) – ‘visit, when required, have access to and make reports on places of detention’.* |
| Abolish the death penalty. | Slovenia  Switzerland  Namibia  Montenegro  Spain  France  Portugal  Sierra Leone | | | Work with Parliament to form a Constitution Review Committee to facilitate the referendum process for this provision to be removed from the Constitution.  Human Rights Section to write a brief on the human rights implications of leaving this law in the Constitution of Nauru. | | | DJBC - LDO  Parliament of Nauru – Constitutional Review Committee | Priority area 2: Social and Community sectors  Key outcome 7: A robust and vibrant and effective civil society for a just and peaceful Nauru. | This will require a referendum.  It is to be noted that there are no legislations that allow for this article to be activated.  In 2012 a referendum, was held to revise the Constitution of Nauru.  According to Article 84 of the Constitution of Nauru, its contents can only be altered through the following steps:   1. A proposed law after being introduced to Parliament, has sat there for 90 days, before it can be passed 2. It is approved by not less than two third of the total number of members of Parliament. 3. The proposed law to alter or have the effect of altering the 5th Schedule or any provisions thereof can only be certified by the Speaker after it has passed Parliament, also has been approved by not less than 2/3 of all the votes validly cast on a referendum. 4. The certification of the Speaker shall only be given if it is accompanied by the certification of the Clerk of Parliament to ensure constitutional compliance.   There were 40 provisions that were to be amended, omitted, or added. However, the referendum failed.  This will require a referendum. |
| Consider improving the conditions of detention centers in the country, particularly the RPC in line with the Standard Minimum Rules for the Treatment of Prisoners. | Ghana  Slovenia | | | Present report on the infrastructure of the Regional Processing Centre.  Include in the report, details of asylum seeker and refugee population remaining in Nauru. Also clarify where most asylum seekers and refugees have been transferred to and the programs under which they applied to move to the USA as well as the OMR processes to Australia.  Clarify the open camp policy. | | | DMCA  DJBC- Correctional Services | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | Since 2016, RPC policies have enforced open camp policies for both asylum seekers and refugees deeming there to be detention centers apart from NPF detainment cells and the Correctional cells.  A new correctional center was completed in 2018 and it is now fully functional and used by the Correctional Services. |
| Take measures to ensure the dignity of detainees and their rights to life, liberty and physical and mental integrity. | Slovenia | | | Status report on the completion of the new Nauru Correctional Centre and the rules and procedures.  Develop redress mechanism or substantive complaint procedures for Correction clients residing in the Correction Centre.  Create a monitoring body for the regulation of prison conditions and prisoner treatment 🡪 National Prevention Mechanism. | | | DJBC – Nauru Correctional Services (NCS) | Priority Area 4: Cross cutting Sector  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control. | The new Correction Centre was completed in 2019 therefore the prison facility was relocated from Yaren to Meneng.  The facility comprises of larger cells and bigger visiting areas. Other amenities have now been incorporated into the infrastructure allowing for a more consistent schedule for mandatory exercise and sufficient meal area.  There are rehabilitation programs that are conducted by the Correctional Services which ensures more out-of-cell time for prisoners.  Prisoners participate in agriculture programs for piggery farming, poultry farming for eggs and chicken as well as kitchen gardening. |
| Provide adequate safeguards for the detainees in detention including providing reasonable standards of security and hygiene. |  | | | Establish security and hygiene guidelines according to standing procedures of the Correctional Services. | | | DJBC – Nauru Correctional Services | Priority Area 4: Cross cutting Sector  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control. | Standard hygiene protocols are implemented at the detainment cells of the police stations and the correction facility. |
| **CAPACITY BUILDING FOR GENERAL TREATY IMPLEMENTATION** | | | | | | | | | |
| Continue to seek capacity-building assistance, guidance, and technical support from the United Nations and regional partners to fulfil its human rights obligations | Philippines  Timor-Leste | | | Engage UN Women in EVAW and transformative leadership activities.  Call on UNICEF for CRC Support.  Reports on UN activities between 2016 and 2020.  Reports on RRRT related activities. | | | DHA-DOWA  DHA – CPS  DJBC - HRS | Priority area 4: Cross cutting sectors  Key outcome 1: Strengthen and develop institutional capacity of the Nauru Public Service.  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control. | Since 2018, UNICEF has been assisting the Child Protection Services with its development in structure and function since its establishment in 2016.  UN Women conducted several transformative leadership workshops between 2016 and 2018 seeing the succession of two lady parliamentarians.  RRRT employs a Country Focal Officer who is housed by the Department of Justice and Border Control within the Human Rights Section. |
| **DISCRIMINATION AGAINST WOMEN** | | | | | | | | | |
| Enact a domestic violence legislation to ensure that women survivors of violence have legal protection from domestic violence. (Ireland) | Ireland  Canada  Djibouti  Brazil | | | Request technical assistance from relevant regional organizations.  Conduct key stakeholder and community consultation to ensure a thoroughly consulted DV law.  Formulate a DV referral pathway. | | | DHA- DOWA | Priority area 2: Social and community sectors  Key outcome 4: A healthy, socio-cultural, inclusive, cohesive and self-reliant community with sustainable livelihoods. | In 2015, the Ministry of Home Affairs requested the Regional Rights Resource Team (RRRT) to conduct the DV law reform process, following the Community Consultation on CEDAW and CRC.  RRRT engaged the technical assistance of Judge Mere Pulea, a renowned and experienced judge in the field of DV.  A community and key stakeholder consultation was conducted three times within the year.  A stand-alone DV legislation was initially agreed to. Due to last minute changes, the DVFPA only provides for protection orders.  It was legislated in May, 2017. |
| Implement effective measures against domestic violence, including spousal rape, bring perpetrators to justice, and develop public education campaigns in this area. | Canada  Djibouti  Brazil | | | Criminalize domestic violence.  Update criminal code 1899 for easier access for survivors of domestic violence survivors.  Training of health care workers for domestic violence sensitization. | | | DHA - DOWA | Priority area 2: Social and community sectors  Key outcome 5: A just society that recognizes and respects the rights of women and promotes equal opportunities | The Criminal Code, 1899 was replaced with the Crimes Act, 2016 that included provisions against spousal rape in:  *Division 7.2 – UNLAWFUL SEXUAL ACTS, Section 104 – Application to marriage and de facto partners that states,*  *‘To remove any doubt, this Division applies even if the person alleged to have committed the offence is married or a de factor partner of the person in relation to whom the offence is committed.’* |
| Continue efforts to strengthen the role of the National Plan of Action for Women. | Morocco  Australia | | | Implementation status report on the NPAW to determine way forward.  Review the National Action Plan for Women and update policy provisions. | | | DHA- DOWA | Priority area 2 Social and Community sectors  Key outcome 5: A just society that recognizes and respects the rights women and promotes equal opportunities. | DOWA has expressed the need to revise the NPAW as it is now out dated. |
| Develop a national strategy to implement obligations under CEDAW. | Morocco  Australia | | | Develop and roll out RIP.  Plan for the Nauru National Women’s Summit to collate the views of Nauruan women in the principles of CEDAW. | | | DHA - DOWA | Priority area 2 Social and Community sectors  Key outcome 5: A just society that recognizes and respects the rights women and promotes equal opportunities. | In May, 2019, the first Nauru National Women’s Summit was held at the Tomano Room in Meneng Hotel from which derived the Tomano Declaration.  The recommendations that were documented in the declaration presented significant opportunities for the issues that needed to be raised at the policy level. |
| Increase the legal age of marriage to 18 by legislative amendments | Sierra Leone | | | Propose to Cabinet for the amendment of the Births Deaths Marriages Registration Act.  Work with DJBC legislative office to discuss possibility of the amendment. | | | BDMO  DJBC - LDO | Priority area 2 – Social and community sectors  Key outcome 6: Investing in youth- a sustainable future for Nauru | The Births, Deaths, Marriage Ordinance was repealed and in its place the Births, Deaths, Marriage Act, 2018 was legislated.  One of the major amendments was that of both female and male to 18, whereas it used to be that girls were marriageable at the age of 16.  Section 50 of the *Births, Deaths, Marriages Registration Act, 2017,* provides for the marriageable age of a person which is at least 18 years. It states further that no persons shall solemnize a marriage of a person who has not attained the age of at least 18 years. |
| Continue taking active measures to eliminate all forms of discrimination against women.  Take the necessary measures, including reinforcement of the legal framework, to combat violence against women and early marriage. | Namibia  Algeria  Cuba | | | Conduct a survey on discrimination against women.  Continue with EVAW campaigns.  Formulate a DV referral pathway.  Amend the BDMA to increase the age of marriage to 18 years. | | | DHA – DOWA | Priority area 2 Social and Community sectors  Key outcome 5: A just society that recognizes and respects the rights women and promotes equal opportunities | The Department of Women’s Affairs through the Department of Home Affairs is formulating memorandum of agreements (MOA’s) between other key agencies such as Nauru Police Force (NPF) and the Department of Health and Medical Services (DHMS) to strengthen efforts towards ending violence against women by putting in place more accessible enforcement pathways for perpetrators and treatment protocols for survivors. |
| Adopt a comprehensive legislation on equality, sexual and gender-violence   1. Strengthen domestic legislation to include provisions that provide explicit protection from sexual and gender violence 2. Align laws with CEDAW | Spain  Chile  Uruguay  Belgium | | | Conduct a CEDAW compliance legislative review | | | DHA-DOWA  DJBC – Legislative office  DJBC – HRS | Priority area 2: Social and Community sectors  Key outcome 5: A just society that recognizes and respects the rights women and promotes equal opportunities | The repeal of the Criminal Code 1899 replacing it with the Crimes Act 2016 saw broader provisions for the promotion of gender equality and the protection of both genders from sexual violence.  This was followed by the enactment of the Domestic Violence and Family Protection Act 2017. This Act regulated for the procedures of obtaining protection orders and safety order for survivors of domestic violence. |
| Expand education and awareness programmes to eradicate sexual and gender violence. | Chile  Mexico | | | Review and revise school policies on sexual and gender violence.  Scope for curriculum inclusion of stopping sexual and gender violence.  Conduct public community awareness programmes on SGBV.  Work with RRRT on including Nauru in the Building Social Citizens Programme. | | | DHA-DOWA  DJBC - HRS | Priority area 2: Social and Community sectors.  Key outcome 5: A just society that recognizes and respects the rights women and promotes equal opportunities. | Gender balance is practiced in all schools ensuring the elimination of gender stigmas and discrimination.  Subjects that were commonly perceived as particular to a gender have now been availed to any student who is interested whether they are male or female. |
| Seek to increase women’s political participation and representation in decision- making and women’s economic empowerment. | Maldives | | | Review the recommendations given by the Electoral Task Force relative to women’s political participation.  Incorporate this into the Tomano Declaration from the Nauru National Women’s Summit. | | | DHA-DOWA | Priority area 2: Social and Community sectors  Key outcome 5: A just society that recognizes and respects the rights women and promotes equal opportunities. | An Electoral Committee Taskforce Recommendations Report was submitted to Cabinet in 2018.  It was a proposal to Cabinet on the General Election processes based on the revision of the Observer’s Report of the Nauru General Election, 2016.  There were substantive recommendations related to women’s political participation and representation in decision making. |
| **NATIONAL MONITORING, IMPLEMENTATION, REPORTING AND FOLLOW UP** | | | | | | | | | |
| Provide adequate financial and human resources to support the Treaty Working Group. | Timor Leste | | | Develop the Working Group on Treaty (WGT) so that it is fully functional.  Revise WGT TOR to include NMIRF.  Establish a Human Rights Committee (HRC) under WGT. | | | DFAT – WGT  DJBC – HRS | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control. | The Working Group on Treaties (WGT) was officially established in 2018 through cabinet endorsement.  Discussions have been underway to adapt NMIRF into the TOR and functions of WGT. |
| **ANTI-CORRUPTION** | | | | | | | | | |
| Release the parliamentarians from the opposition who have been imprisoned. | France | | | Follow the riot case | | | DJBC - HRS  Nauru Judiciary | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | Members of Parliament who were imprisoned were convicted within due process of the law as what would have happened to any other persons committing the same offence. |
| Commit to upholding the rule of law. | Netherlands | | | Conduct a legislative compliance review on UNCAC.  Operationalize the Leadership Code, 2016.  Advertise for the position of Ombudsman again. | | | DJBC  Parliament of Nauru  Legislative drafting office - DJBC | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | The separation of powers has always a strong guiding principle for the Republic.  Despite the reprimanding views of the media and the international community relating to past activities that have been perceived as unclear boundaries between the separate powers, the Republic has come a long way in putting place a legal framework that further strengthen each authority. |
| **MEDIA FREEDOM & FREEDOM OF EXPRESSION/ OPINION** | | | | | | | | | |
| Take the necessary legal measures to ensure freedom of expression, in the media and on the internet. | France  Australia  Costa Rica | | | Research any standing media policies – limitations and allowances. | | | ICT  Nauru Media | Priority area 4: Cross cutting sectors  Key outcome 5: Provide universal and reliable access to internationally competitive communication services and an independent commercially viable media | Facebook ban has been lifted.  The new Telecommunications and Broadcasting Act 2019 was passed in Parliament. |
| Ensure that criminal law provisions including section 244A of the Criminal Code, which imposes harsh penalties for a wide range of legitimate expression, are fully consistent with the enjoyment of the rights to freedom of opinion and expression and the right to freedom of peaceful assembly and association as well as freedom of movement. | Canada  Germany | | | Review the Criminal Code, 1899 especially section 244A and assess its compliance with the rights to freedom of opinion and expression as well as with the right of peaceful assembly and association. | | | DJBC – LDO  NPF | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | *Criminal Code of 1899* has been repealed and replaced with the *Crimes Act, 2016.*  In the new legislations that were enacted post-2015, freedom of expression is more or less protected and promoted. |
| **REGIONAL PROCESSING CENTRE** | | | | | | | | | |
| Allow the opening of independent investigations on allegations of crimes committed in the Center for asylum seekers. | France | | | Formulate a monitoring body-NPM for the regulation of prison conditions and prisoners treatment.  Formulate a working group consisting of NPF, ABF DMCA and RPC security to facilitate the investigations. | | | Department of Multicultural Affairs (DMCA)  NPF – Support | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | Implementation in progress.  An NPF unit was stationed at the RPC in 2017-2018 as an agreement between NPF, DJBC, ABF and RPC Security. They conducted onsite investigations on alleged crime occurrences.  The unit was transferred to the central station as a matter of logistics and easier access to policing facilities and systems of investigations. |
| Police training in relation to rape reportedly occurring at the RPC for asylum seekers. | France | | | Training of police through AFP support. | | | NPF | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | NOTE: The process of allegation of rape for any persons whether they are asylum seekers, refugees or other is the same. Why should there be special training for victims of rape who are asylum seekers?  The International Health and Medical Services as well as the Republic of Nauru Hospital have in place the Rape Kit which allows for the immediate assessments of any victims alleged to have been raped.  Rape is seen as one of the more serious offence and it is investigated by the Criminal Investigation Unit of the Nauru Police Force (CIU) as opposed to other offences. |
| Review RPC policies with the aim of reforming or ending the process. | Kenya | | | Status report on RPC policies | | | DMCA | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | The RPC policies have been reformed along with the RPC legislations disallowing the arbitrary detainment of applicants.  There are now less than 300 refugees and asylum seekers on the island.  Since 2016, the open camp policy was implemented.  Security guards at the RPC’s are well trained and qualified.  RPC camps and lodges are one of the cleanest in the world.  The Republic and the Government of Australia are looking at reducing the transferee population to zero by July 2021. |
| Release asylum seekers while claims are being processed, prioritizing the release of children and families as soon as possible. |  | | | Implement an open camp policy | | | DMCA |  | Since 2016, the open camp policy was implemented under the *Regional Processing Centre (Amendment) Act 2016*.  Curfews or supervised outings are no longer imposed. |
| **CHILD PROTECTION & CHILD WELFARE** | | | | | | | | | |
| Establish an effective protective system for children | France  Georgia | | | Develop a stand-alone child protection service  Create a stable and consistent referral pathway for child survivors of abuse and neglect. | | | DHA  DHMS | Priority area 2: Social and community sectors  Key outcome 6: Investing in youth – a sustained future for Nauru. | The stand-alone Child Protection Services was put in place in June 2015 and then its functions and structure was legally mandated under the *Child Protection and Welfare Act, 2016.*  At current, it is headed by a Director with a Senior Child Protection Officer, Child Welfare Supervisor and 6 Child Protection Officers.  UNICEF is technically assisting the team in formulating contextual job descriptions according to the nature of child protection issues in Nauru and the capacity of the staff. |
| Ensure that minors have access to education in a safe environment in line with its obligations under the Convention on the Rights of the Child and other international human rights instruments | Ireland | | | Full implementation of the *Child Protection and Welfare Act, 2016* in regards to child education  Full enforcement of the *Education Act, 2011* in regards to safe school grounds  Ensure CRC Compliance of Education Act. | | | Department of Education (DOE). | Priority Area 2: Social and Community Sectors  Key Outcome 1: Improve the quality and broaden the scope of Education  Priority Area 3: Infrastructure Sector  Key Outcome 2: Provide a reliable, safe affordable, secure and sustainable water supply to meet socio-economic development needs  Key Outcome 3: Effective management of waste and pollution that minimizes negative impacts on public health and environment | The stand-alone Child Protection Services was fully established in 2015. Its mandate is to ensure that child clients are attending safe schools according to the *Child Protection and Welfare Act, 2016*.  The Department of Education has revised policies on school safety in the strife to fully enforce the *Education Act, 2011* that was formulated within considerations of the CRC. |
| Further progress in the incorporation of CRC to legislation and national policies. | Chile | | | Legislative compliance review for CRC | | | DJBC – LDO  DJBC – HRS  DHA – CPS | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control | Although CRC has not been domesticated wholly as it is, its gradual realization into domestic laws and systems is slowly occurring. |
| **PHOSPHATE MINING** | | | | | | | | | |
| Establish a comprehensive regulatory framework to reduce the physical and environmental health-care risks associated with phosphate mining | Trinidad & Tobago | | | Assessment report from DHMS on health risks of phosphate mining.  RONPhos and CIE to work with DHMS to formulate a strategic plan for any health mitigation activities related to health impact of phosphate mining.  Work with DJBC on a scoping mission for a Phosphate mining health care bill | | | CIE  RONPhos  DHMS | Priority area 3: Infrastructure sector  Key outcome 3: Effective management of waste and pollution that minimizes negative impacts on public health and environment  Priority area 2: Social and community sectors  Key outcome 2: A healthy and productive population | Personal Protective Equipment (PPE’s) is a priority for RONPhos as the mining industry for the Republic.  Substantive progress is ongoing for implementing risk management for people living in the phosphate processing zones. |
| Incorporate in its framework a plan to undertake vulnerability assessments and to institute a plan for relocation of Nauruans living in vulnerable or high-risk zone to safer and habitable locations | Fiji | | | Request technical support to conduct vulnerability assessment of high risk locations | | | CIE | Priority area 3: Infrastructure sector  Key outcome 3: Effective management of waste and pollution that minimizes negative impacts on public health and environment | The Higher Ground Project is a plan that is underway for relocating essential infrastructure for the Republic.  Assessments have been conducted. |
| **PERSONS WITH DISABILITIES** | | | | | | | | | |
| Incorporate the provisions of the Convention on the Rights of Persons with Disabilities in its domestic law, and eliminate the remaining provisions that consent discrimination against persons with disabilities. | Mexico  Maldives  Cuba | | | Conduct a legislative compliance review on CRPD  Legislate a comprehensive disability act. | | | DHA  DJBC - HRS | Priority area 4: Cross cutting sectors  Key outcome 2: Strengthen Parliament, Audit, Justice, Law, Order and Border Control  Priority area 2: Social and community sectors  Key outcome 2: A healthy and productive population | A legislative compliance review on CRPD was conducted in June 2014.  No progress on Disability law. |
| Guarantee the right to social security of the population, especially of vulnerable groups such as children and people with disability. | Mexico | | | Develop and implement social security benefits | | |  | Priority area 2: Social and community sectors  Key outcome 2: A healthy and productive population | NEAT Scheme was introduced in 2017, in the attempt to secure the attendance of school by all school aged children. The incentive is to pay AUD5.00 into pupil’s accounts created by the department of education. This simultaneously aimed to provide social security benefits for the children at the passing of high school only.  Disability pension aims to provide some social security to persons with disabilities with AUD250.00 per fortnight. However, Nauru plans to move away from the charity model to a more enabling system of assistance for persons with disabilities. |
| Strengthen rights of persons with disabilities by facilitating access to public buildings and facilities | Djibouti | | | Develop disability access building codes for public structures as well as public foot paths. | | | DHA  DJBC – HRS  Department of Infrastructure (DOI) | Priority area 2: Social and community sectors  Key outcome 2: A healthy and productive population | No progress |
| **SOCIAL WELFARE** | | | | | | | | | |
| Strengthen social welfare programmes with focus on education, health and nutrition, prioritizing neediest sectors of the population | Venezuela | | | Scope for price control schemes  Address the teacher shortage problem  Healthy Nutrition promos through the public health education programs working with CIE Agriculture division. | | | Statistics Bureau – Finance  Department of Education (DOE)  Department of Health (DHMS) | Priority area 2: Social and community sectors  Key outcome 2: A healthy and productive population | The Department of Education has embarked on the taking back former teachers program. Opportunities are presented to qualified teachers who left the profession for own reasons to return.  Price control is a subject that has long been on Government tables, past and present. It is expensive freight fees that are the obstacle to cheap imported food items as Nauruans are dependent on imports.  The Department of CIE are conducting house visits upon request of land owners who are keen farmers and horticulturists with their kitchen garden assistance program. Technical officers assist owners with the delivery of A grade soil, bedding and planting. |
| **NOTED RECOMMENDATIONS** | | | | | | | | | |
| Establish concrete measures to guarantee that the rights of asylum seekers and refugees are upheld, particularly women and children in immigration detention of processing centers.  Invest in finding timely, adequate and durable solutions for refugees. | Philippines  Fiji  Germany   * Noted | | |  | | |  |  |  |
| Release all children from immigration detention as a matter of priority. | Slovenia | | |  | | |  |  | Although noted by the State, no child nor adult are being detained in the RPC at current. |
| Authorize independent entities, such as journalists and local, national and international organizations to travel freely in all areas of the detention center for migrants with the aim to monitor the conditions of detention (France)  Grant access of independent observers to detention centers for migrants and clarify their status (Spain) | France  Spain | | |  | | |  |  |  |
| Advance towards the derogation of the provisions that criminalize consenting same-sex relations between adults | Chile  France  United States of America  Spain  Argentina  Australia | | |  | | |  |  | Although noted, provisions that criminalize same sex-relations have been repealed along with the Criminal Code of 1899. |
| Reducing expensive visa fees to allow international media organizations increased access | New Zealand  Timor Leste | | |  | | |  |  | Pursuant to the Immigration Act, 2014 and the Immigration Regulations 2014 the visa fee for media remains at AUD8000 |
| Make public the whole report of the Subcommittee on the Prevention of Torture, following its visit to Nauru in May 2015 | Switzerland | | |  | | |  |  |  |
| Ensure that asylum seekers, refugees, migrants, particularly unaccompanied minors and children are given all necessary protection and social support according to applicable international human rights standards. | New Zealand | | |  | | |  |  |  |
| Lift access to internet restrictions | Germany  Costa Rica | | |  | | |  |  | Facebook ban was lifted in 2018. |
| Facilitate journalist access to the Nauru | Germany  Costa Rica | | |  | | |  |  | Journalists are allowed to apply for an AUD8000.00 business class visa (media) in order to enter Nauru |
| Address the question of the conditions offered to asylum and refuge seekers and ensure that refugees enjoy their rights as under the Convention relating to the Status of Refugees 1951  Avoid mandatory deprivation of liberty for asylum seekers while petitions are processed | Uruguay  Brazil | | |  | | |  |  | No longer an issue |
| Adopt a legislative framework that protects CSO’s journalists and human rights defenders against reprisals. | Belgium | | |  | | |  |  |  |
| Take the necessary measures for the abolition of the death penalty | Costa Rica | | |  | | |  |  |  |
| Uphold freedom of the press, freedom of information and freedom of speech | Netherlands | | |  | | |  |  |  |
| Take legal and institutional measures to strengthen the independence of judges | Costa Rica | | |  | | |  |  |  |