



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Nauru and welcome the constructive engagement of your Government during the 37th session of the UPR Working Group in February 2021.

As the final outcome report on the review of Nauru has been recently adopted by the Human Rights Council at its 47th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Nauru – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 55 delegations and the presentation made and responses provided by the delegation of Nauru. I have also considered the actions taken by the Government of Nauru to implement the 80 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the positive steps taken by the Government of Nauru to implement the recommendations from the last UPR in 2015, including the lifting of the ban on access to some social media sites in June 2018; the transfer of remaining refugee and asylum-seeking children in Nauru to Australia in February 2019; and the amendment of its criminal laws in 2016 to decriminalize sexual activity between consenting adults of the same sex. I also welcome the adoption of the Domestic Violence and Family Protection Act in 2017 to provide better protection to victims of domestic violence, as well as the adoption of Nauru National Women's Policy (2014 – 2024) to achieve gender equality, and encourage Nauru to continue its efforts to address areas where women continue to be discriminated, including representation and participation in public and political life. I further welcome the adoption of the framework for Climate Change Adaptation and Disaster Risk Reduction, and I encourage Nauru to work across ministries to ensure that climate-related policies address the specific needs of individuals who are disproportionately affected by the negative impacts of the climate crisis, including women, children and persons with disabilities.

I urge the Government of Nauru to introduce an official moratorium on the use of the death penalty pursuant to United Nations General Assembly Resolution A/RES/75/183, pending the full abolition of the death penalty through the necessary constitutional amendment.

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His Excellency
Honourable Mr. Lionel Rouwen AINGIMEA
President of the Republic and Minister for Foreign Affairs and Trade
Republic of Nauru

I also urge Nauru to ensure that the rights of all remaining refugees and asylum-seekers, including the right to access health care, are fully guaranteed, and to continue facilitating the resettlement of refugees and asylum-seekers to a third country where their human rights are respected, for those who wish to do so. I encourage Nauru to make public the report of the Subcommittee on the Prevention of Torture following its visit in May 2015 and to facilitate the follow-up visit, which had been scheduled in March 2020. I further encourage Nauru to allow United Nations funds and programmes as well as Special Procedures mandate-holders to undertake regular visits to the country and its migration facilities.

I encourage Nauru to set up an independent national human rights institution in compliance with the Paris Principles and to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator and with the technical cooperation of my Regional Office in the Pacific.

I also encourage Nauru to pursue its efforts to strengthen the Working Group on Treaties for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Nauru to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Nauru in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights



cc: H.E. Honourable Mr. Maverick EOE
Minister for Justice and Border Control
Republic of Nauru

Mr. Jacob (Jaap) Van Hierden,
United Nations Resident Coordinator of the North Pacific Multicountry Office
Federated States of Micronesia

Ms. Heike ALEFSEN
OHCHR Regional Representative
Regional Office for the Pacific (ROP)
Republic of Fiji

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the main human rights instruments, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Incorporating in the national legal system the obligations emanating from human rights treaties to which Nauru is party to.
- Establishing a national mechanism for reporting and follow-up.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Reviewing national legislation to explicitly prohibit discrimination on all grounds.

Development, the environment, and business and human rights

- Strengthening the cooperation across State entities in the implementation of the Climate Change Strategic Plan for Adaptation and Mitigation with a particular focus on addressing the needs of the most vulnerable groups.

B. Civil and political rights

Right to life, liberty and security of person

- Stepping up the efforts to abolish the death penalty, both in law and in practice.
- Stepping up, designating or maintaining one or several bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

Administration of justice, including impunity, and the rule of law

- Strengthening the independence of the judiciary and the governing bodies of the judiciary.

Fundamental freedoms

- Decriminalizing all forms of expression and developing transparent nationwide legislation to promote the enjoyment of the right to freedom of expression and the right to access to information.

Prohibition of all forms of slavery

- Developing a mechanism to address trafficking in persons and exploitation of prostitution.

C. Economic, social and cultural rights

Right to health

- Developing policies to ensure that healthy food choices are available and affordable, in particular for children.

Right to education

- Developing programmes to combat school dropout rates, in particular among girls due to early pregnancy.

D. Rights of specific persons or groups

Women

- Further combatting gender-based violence against women, in particular domestic violence, and ensuring victims have access to justice.
- Adopting specific legislation to prohibit all types of sexual harassment in the workplace.

Children

- Stepping up the efforts to protect children from violence and in particular eliminate corporal punishment in all settings.
- Ensuring the protection of children placed in mental health facilities.
- Providing technical resources to the staff of the Child Protection Service Division.

Persons with disabilities

- Ensuring that all persons with disabilities enjoy all the rights enshrined in the Convention on the Rights of Persons with Disabilities.
- Guarantee to all children with disabilities the right to inclusive education in mainstream schools.

Migrants, refugees and asylum seekers

- Ending the detention of refugees and asylum seekers.
- Providing asylum seekers, refugees and migrants the possibility to legally appeal decisions regarding their situation.
- Ensuring that asylum seekers, refugees and migrants are given all the necessary human rights protection and social support, in particular access to education and health including mental health care.
- Ensuring that all the complaints of human rights abuses against refugees and asylum-seekers are effectively investigated and that perpetrators are prosecuted and punished with sentences commensurate with the gravity of the acts committed.
- Facilitating the visits of United Nations bodies aimed at monitoring the situation of asylum seekers and refugees.



- Implementing durable solutions for asylum seekers and refugees.