



Nauru

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 4, 2002

The Republic of Nauru, a small Pacific island with approximately 10,500 inhabitants, gained independence in 1968, at which time it adopted a modified form of parliamentary democracy. The country is governed by a unicameral Parliament. The Nauru Island Council (NIC) was dissolved in 1999 by virtue of the Nauru Island Council (Dissolution) Act of 1999--that all assets and liabilities would vest in the Government of Nauru. The Parliament, which is elected at least triennially and consists of 18 members from 14 constituencies, is responsible for national and international matters. It elects the President, who is both Chief of State and Head of Government, from among its members. The judiciary is independent.

There are no armed forces, although there is a small police force (less than 100 members) under civilian control.

The economy depends almost entirely on the country's declining phosphate deposits. The government-owned Nauru Phosphate Corporation (NPC) controls the mining industry. The Government places a large percentage of the NPC's earnings in long-term investments meant to support the citizenry after the phosphate reserves have been exhausted. Financial mismanagement, corruption, and a shortage of basic goods and utilities have resulted in some domestic unrest, such as demonstrations outside of Parliament. Media reports indicate that substantial offshore deposits are associated with the country's banking facilities. The country is being investigated by the OECD'S financial action task force for alleged money laundering. The Government is working with the Pacific Finance Technical Assistance Center (an International Monetary Fund facility based in Fiji) and the Department of Justice to update its banking regulations.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Societal pressures limit women's economic opportunities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

The Government attempts to meet international prison standards within its limited financial means and in accordance with local living standards; however, prison conditions are basic, and food and sanitation are limited.

There are no local human rights groups, and the question of visits to prisons by human rights monitors has not been raised. Prison visits by church groups and family members are permitted.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The police may hold a person for no more than 24 hours without a hearing before a magistrate.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The judiciary is independent, and constitutional provisions for both a fair hearing and a public trial generally are respected.

The Supreme Court is the highest court when addressing constitutional issues; it is presided over by a judge who is also the Chief Justice of Nauru. Appeals against decisions of the Supreme Court on miscellaneous matters go to the Appellate Court of Nauru, which is comprised of two judges. Parliament cannot overturn court decisions. Cases may be brought before the High Court of Australia on Criminal and Civil Actions by virtue of the Appeals Act; however, legal decisions rarely are so reviewed. The District Court is presided over by a Resident Magistrate, who is also the Registrar of the Supreme Court. The Family Court is also presided by the Resident Magistrate as Chairman of a three- member panel. There are two other quasi-courts established under the Constitution: The Public Service Appeal Board and the Police Appeal Board. Both are presided over by the Chief Justice of Nauru as the chairman of the panel with two members for each board.

Defendants may have legal counsel, and a representative for the defense is appointed when required "in the interest of justice." However, many cases never reach the formal legal process, since traditional reconciliation is used--usually by choice but sometimes under communal (not government) pressure. Contract workers from Kiribati and Tuvalu are employed predominantly in the mining sector and do not have recourse to effective communal assistance; they are particularly at a disadvantage in complaints against citizens. There are only two trained lawyers, and many persons are represented in court by "pleaders," trained paralegals certified by the Government (see Sections 6.a. and 6.b.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution generally prohibits such actions, and the Government generally respects these prohibitions in practice. Searches not sanctioned by court order are prohibited, and there is no surveillance of individuals or of private communications. Citizenship and inheritance rights are traced through the female line. Marriage between women and foreign males may still draw social censure. The law extends the right of citizenship to both male and female spouses, provided that marital and residency requirements are met.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The country has no regular print media. Occasional publications include the government bulletin. A newsletter called the Visionary is published sporadically and provides an independent and critical view of the Government. It has been particularly vocal regarding economic crises during the year. The sole radio station is owned and operated by the Government; it broadcasts Radio Australia and British Broadcasting Corporation news reports. Local television includes Nauru TV, which is government owned, as well as a privately owned sports network. There is Internet service in the country provided by a company established by the Nauru Trust Board.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

Foreign workers must apply to their employers for permission to leave during the period of their contracts. They may break the contract and leave without permission but would lose their positions and often a sizable bond as a result. In most cases, foreign employees whose contracts are terminated by their employers must leave the country within 60 days.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. However, the Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The country has accommodated asylum seekers as a processing center for Australia. At year's end, approximately 1,100 asylum seekers were being processed; eventually they will be sent to Australia or returned to their countries of origin.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government. The Government also can be changed through a petition from the members of Parliament. Although there are no organized political parties, persons with diverse points of view run for and are elected to Parliament.

Parliament elects the President. There was a change in government in March, the first change in government since the general elections in April 2000. A new President was elected by Parliament, installed, and a new cabinet convened in April. During the country's history, all of its changes in government have been peaceful and in accordance with the Constitution. Voting by secret ballot is compulsory for all citizens over the age of 20 for parliamentary elections. There were multiple candidates for all parliamentary seats during recent elections.

There are no legal impediments to participation in politics by women; however, the percentage of women in government and politics does not correspond to their percentage of the population. There are no female Members of Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on establishing local groups that concern themselves specifically with human rights, but no groups have been formed. No allegations have been made by outside organizations of human rights violations in the country, nor have there been any requests for investigations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination on the basis of race, sex, religion, disability, language, or social status.

Women

The Government does not keep track of incidents of physical and domestic abuse against women. However, credible reports indicate that sporadic abuse, often aggravated by alcohol use, occurs. Families normally seek to reconcile such problems informally, and, if necessary, communally. The judiciary and the Government treat major incidents and unresolved family disputes seriously.

The law assures women the same freedoms and protections as men. The Government officially provides equal opportunities in education and employment, and women are free to own property and pursue private interests. However, in practice societal pressures limit opportunities for women to exercise these rights fully. There is a Women's Affairs Office to assist with professional opportunities for women.

Children

The Government devotes resources for education and health care for children. Education is compulsory until age 16. Child abuse statistics do not exist, but alcohol abuse sometimes leads to child neglect or abuse. There were no reported cases of child abuse during the year.

Persons with Disabilities

There is no reported discrimination in employment, education, and the provision of state services to persons with disabilities. However, no legislation mandates access to public buildings and services for persons with disabilities. Upon application to the Health Department, the Government will assist persons with disabilities by building access ramps to homes and workplaces.

There are no formal mechanisms to protect persons with mental disabilities; however, the Government at times provides essential services to the families of such persons.

National/Racial/Ethnic Minorities

Nonnative Pacific Island workers experience some discrimination. While foreign workers are provided free housing, the shelters they are given often are maintained poorly and are overcrowded. In the past, some foreign workers alleged that the police rarely act on their complaints against citizens (see Section 6.e.).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country has virtually no labor laws, and there are no trade unions. Past efforts to form unions were discouraged officially. The transient nature of the mostly foreign work force and the relative prosperity of the citizenry also have served to hamper efforts to organize the labor force. The right to strike is neither protected, prohibited, nor limited by law. No strikes took place during the year. There are no prohibitions or limits on the right of unions to affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

While there are no legal impediments, collective bargaining does not take place. The private sector employs only about 1 percent of salaried workers. For government workers, public service regulations determine salaries, working hours, vacation periods, and other employment matters.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids forced or compulsory labor, including forced and bonded labor by children, and the Government effectively enforces these prohibitions.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets age 17 as the minimum age of employment. The only two large employers, the Government and the NPC, honor this rule. Some children under the age of 17 work in the few, small, family-owned businesses.

The country is not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

Minimum wages exist for office workers and manual laborers and provide an adequate, if modest, standard of living for a worker

and family. Most families live in simple but adequate housing, and almost every family owns some sort of motor vehicle. The Government sets the minimum yearly wage administratively for the public sector. Since November 1992, that rate has been \$6,562 (\$A9,056) for those 21 years of age or older. The rate is progressively lower for those under 21 years of age. Employers determine wages for foreign contract workers based on market conditions and the consumer price index. Usually foreign workers and their families receive free housing, utilities, medical treatment, and often a food allowance. Some noncitizen contract workers have complained about conditions in company living compounds. By regulation the workweek for office workers is 36 hours, and for manual laborers, it is 40 hours in both the public and private sectors. Neither law nor regulations stipulate a weekly rest period; however, most workers observe Saturdays and Sundays as holidays.

The Government sets health and safety standards. The NPC has an active safety program that includes an emphasis on worker education and the use of safety equipment such as helmets, safety shoes, and dust respirators. The NPC has a safety officer who is specifically responsible for improving safety standards and compliance throughout the company.

f. Trafficking in Persons

The law does not specifically prohibit trafficking; however, there were no reports that persons were trafficked to, from, or within the country.