

NAURU

EXECUTIVE SUMMARY

Nauru is a constitutional republic. The most recent parliamentary elections, held in June 2010, were generally free and fair. In November 2010 Parliament reelected Marcus Stephen as president. On November 9, Stephen resigned in the face of corruption allegations, and on November 10, Parliament elected Freddie Pitcher to replace him. A few days later, however, Pitcher lost a no-confidence vote after an additional Member of Parliament (MP) joined the opposition, and Sprent Dabwido became president. Security forces reported to civilian authorities.

Few human rights problems were reported.

There were some allegations of government corruption, and there were some instances of domestic violence, child abuse, and discrimination against women.

Impunity was not an issue, as there were no reports that government officials committed human rights abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

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.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and prisoners had access to potable water. The sole correctional facility could hold up to 60 prisoners at full capacity. The facility houses a juvenile center, a women's prison, and a main prison. During 2010 (the latest statistics available) there were approximately 20 prisoners in detention, including one woman and no juveniles. There were five pretrial detainees held in the same facility. Short-term detainees (those held for no more than 24 hours, generally for drunk and disorderly behavior), including juveniles, were accommodated in the low-risk area of the prison.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities through their families, lawyers, or directly with the officer in charge. All complaints were addressed by the officer in charge. If necessary, police assist in the investigation. Government representatives made weekly visits to the prison.

The government affirmed it would permit monitoring visits by independent human rights observers, but none were reported. Prisoners had access to visitors and were permitted religious observance.

There was no ombudsman who could serve on behalf of prisoners and detainees. Prison authorities provided daily reports to the correctional center management on the behavior of each prisoner. These reports were submitted to the Quarterly Remission Program, which could reduce a prisoner's sentence by a quarter of the total term based on good behavior. The recommendations were made by correctional center management to the secretary for justice, who issued final decisions. The program also was used to ensure prison terms were accurately monitored.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The national police under the Ministry of Police maintain internal security and as necessary, external security. The country has no military force. Civilian authorities maintained effective control over the police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

Arrests are made openly, based either on warrants issued by authorized officials or for proximate cause by a police officer witnessing a crime. Police may hold a person for no more than 24 hours without a hearing before a magistrate. There was a functioning bail system. The law provides for accused persons to have access to legal assistance, but in practice qualified assistance was not always readily available. Detainees were allowed prompt access to family members.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Procedural safeguards are based on English common law. They include the presumption of innocence, the right to trial by jury, adequate time and facilities to prepare a defense, and prohibitions on double jeopardy and forced self-incrimination. Defendants have the right to be informed promptly of charges and consult with an attorney or have one provided at public expense when required “in the interest of justice.” They also have the right to confront witnesses, present evidence, access government-held evidence, and appeal convictions. Trials are public. Bail and traditional reconciliation mechanisms rather than the formal legal process were used in many cases, usually by choice but sometimes under communal pressure.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to a court by individuals or organizations to bring lawsuits seeking damages for, or cessation of, human rights violations.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice.

Freedom of Press: Although there were no government restrictions, there were few local independent media.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

Neither the constitution nor law specifically provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the government generally respected these rights in practice.

Exile: Neither the constitution nor law prohibits forced exile, but the government did not use it.

Protection of Refugees

The government had not established a system for providing protection to refugees. There were no requests for asylum or refugee status during the year.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The most recent parliamentary elections, held in June 2010, were generally free and fair but did not break an existing parliamentary deadlock; parliament remained evenly divided between government supporters and the opposition. In November 2010 the protracted standoff was resolved when parliament reelected Marcus Stephen as president after opposition member and former president Ludwig Scotty accepted the position of speaker. On November 9, however, Stephen resigned after another MP alleged he had taken kickbacks (see section 4) and on November 10, Freddie Pitcher replaced him as president. On November 15, Pitcher lost a parliamentary no-confidence vote after a progovernment MP switched to the opposition, and parliament elected Sprent Dabwido president.

Political Parties: Political parties could operate without restriction or outside interference, but there were no formal parties.

Participation of Women and Minorities: There are no legal impediments to participation in politics by women. However, women traditionally were less prominent in politics than men. No women stood as candidates in the parliamentary elections. The country's dually accredited permanent representative to the UN and ambassador to the United States was a woman. Women held some senior civil service positions, including the head of the civil service and the presidential counsel.

There were no members of minorities in the parliament or cabinet. The country has a small and almost entirely homogenous Micronesian population.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but there are no financial disclosure laws or specific government agencies responsible for combating government corruption. In November opposition MP David Adeang--himself the subject of corruption allegations in 2007--asserted that then president Stephen had sought kickbacks from foreign phosphate dealers. Stephen denied the allegations. By year's end there had been no investigation into the matter.

There are no legal provisions for public access to government information, and the government did not freely provide such access.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government did not restrict establishment or operation of local human rights organizations, but no such groups existed. No international human rights organizations maintained offices in the country, although there were no government restrictions.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, place of origin, color, creed, or sex, and the government generally observed these provisions.

Women

Rape and Domestic Violence: Rape is a crime punishable by up to life imprisonment. Spousal rape is not specifically identified as a crime, but police investigated and filed charges when allegations of rape were made against a spouse. Police investigated all reports of rape that they received, and cases were vigorously prosecuted by the courts.

The law does not address domestic violence specifically, but domestic violence cases can be prosecuted under laws against common assault. The maximum penalty for simple assault is one year's imprisonment, and for assault involving bodily harm, three years' imprisonment.

The government kept no statistics on the incidence of physical or domestic abuse of women. However, credible reports from women's organizations indicated that sporadic abuse occurred, often aggravated by alcohol use. Families normally sought to reconcile such problems informally and, if necessary, communally. The police and judiciary treated major incidents and unresolved family disputes seriously.

Sexual Harassment: There is no specific law against sexual harassment, but harassment involving physical assault could be prosecuted under the assault laws. Sexual harassment was not believed to be widespread.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children. The government-run medical system provided access to contraception and prenatal, obstetric, and postpartum care free of charge. A Department of Health survey on contraceptive use reported that 36 percent of surveyed married women used some form of contraception.

Discrimination: The law grants women the same freedoms and protections as men. The government officially provides equal opportunities in education and employment, and women may own property and pursue private interests. In practice, however, societal pressures and the country's impoverished economic circumstances often limited opportunities for women to exercise these rights fully. While women headed approximately one-third of all households, less than one-quarter of heads of households engaged in paid work were female. Overall 70 percent of male heads of households and 40 percent of female heads of households were economically active in either paid or unpaid work, according to the Secretariat of the Pacific Community. More than half of the female heads of

household were not working and were either unemployed (25 percent), were undertaking other activities, or were not able to work (29 percent).

The Women's Affairs Office was responsible for promoting professional opportunities for women.

Children

Birth Registration: Citizenship is derived from one's parents. The constitution also provides for acquisition of citizenship by birth in the country in cases in which the person would otherwise be stateless. The law requires registration of births within 21 days.

Child Abuse: Child abuse statistics were not compiled, but anecdotal evidence indicated that some cases of abuse occurred. There were no prosecutions for child abuse during the year. Several nongovernmental organizations were concerned with youth and children's issues.

Sexual Exploitation of Children: The minimum age for consensual sex is 17. Carnal knowledge of a girl under age 12 has a maximum penalty of life imprisonment. The penalty for unlawful carnal knowledge or attempted carnal knowledge of a girl under age 17 is six years' imprisonment. "Indecent treatment" of a girl under age 17 is punishable by two years' imprisonment, and indecent treatment of a boy under age 14 is punishable by seven years' imprisonment.

There is no specific law against child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was no known Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

During the year there were no confirmed reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities. Nonetheless, there was no reported discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. No legislation mandates services for persons with disabilities or access to public buildings. The government provides a welfare benefit to persons with disabilities. As part of aiding the participation in society of persons with disabilities, in 2009 the government began installing mobility ramps in public buildings. However, many buildings in the country were not accessible. Department of Education teachers provided rudimentary classes for a small group of students with disabilities; classes were held at a teacher's home.

There is no government agency with specific responsibility for protecting the rights of persons with disabilities. There are no formal mechanisms to protect persons with mental disabilities.

National/Racial/Ethnic Minorities

More than 95 percent of the population report their ethnicity as Nauruan. Persons of Chinese and other Asian backgrounds constituted slightly more than 3 percent of heads of households, and i-Kiribati made up 1.5 percent. Unlike in some previous years, there were no reports during the year of violence targeting minorities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Sodomy is illegal, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons. There were no reports of violence or discrimination against persons on the basis of sexual orientation or gender identity.

Other Societal Violence or Discrimination

There were no reports of violence or discrimination against persons based on HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country lacks formal trade unions and labor laws relating to unions. Historically, the transient nature of the mostly foreign workforce hampered efforts to organize trade unions. The right to strike is not protected, prohibited, or limited by law. There were no strikes during the year.

Although there are no legal impediments, collective bargaining did not take place. A tiny private sector, mostly family-run stores and restaurants, employed approximately 1 percent of salaried workers. Salaries, working hours, vacation periods, and other employment matters for government workers, who constituted more than 90 percent of salaried workers, are governed by public service regulations.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age of employment at 17. The Department of Human Resources and Labor is responsible for enforcing the law, which was respected by the only two significant employers: the government and the phosphate industry. The government enforced the law in the public sector but did not conduct any workplace inspections of private businesses during the year. Some children under 17 worked in small family-owned businesses.

d. Acceptable Conditions of Work

The government has a graduated salary system for public service officers and employees. At lower ranges the salaries did not provide a decent standard of living for a worker and family. There was no minimum wage for private sector workers. There was no official poverty-level income figure, but approximately 26 percent of the population lived at the subsistence level.

By regulation the workweek in both the public and private sectors was 35 hours for office workers and 40 hours for manual laborers. Neither the law nor regulations stipulate a weekly rest period, but most workers observed Saturdays and Sundays as holidays. There were provisions for premium overtime pay only for public sector workers; there were no specific regulations governing overtime for private sector workers.

The government sets some health and safety standards, which the Department of Human Resources and Labor enforced in the public sector. The phosphate industry had a history of workplace health and safety requirements and compliance, but with the decline of the industry, enforcement of these regulations was lax. A gradual revival of the industry, which continued during the year, was accompanied by accusations that unfiltered dust discharge from the phosphate plant exposed workers and the surrounding communities to a significant health hazard. The government did not act to eliminate the problem, citing high costs. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.