

## NAURU

Nauru is a constitutional republic with a population of approximately 9,200. The most recent parliamentary elections, held in November, were generally free and fair. There were no formal political parties. The 18-member unicameral parliament reelected March Stephen as president. Security forces reported to civilian authorities.

Few human rights problems were reported.

### **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 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

During the year a new prison compound was made operational, although minor completions remained ongoing at year's end. The only other prison in the country was damaged by fire in 2008 and closed when the new prison became operational. Prison conditions generally met international standards. The new facility could hold up to 60 prisoners at full capacity. The new facility houses a juvenile center, a women's prison, and a main prison. During the year there were 20 prisoners in detention, including one woman and no juveniles. There were also five pretrial detainees held in the same facility. Unlike in previous years, 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, instead of in cells made from converted shipping containers.

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, the police assist in the investigation. Government representatives made weekly visits to the correction center.

The government affirmed it would permit monitoring visits by independent human rights observers, but none were reported. Prison visits by church groups and family members were permitted.

There was no ombudsman who could serve on behalf of prisoners and detainees. Prison authorities provided daily reports to the correction 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 their total term based on good behavior. The recommendations were made by corrections center management to the Secretary for Justice, who issued final decisions. The program was also 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

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 be informed promptly of charges; the right to adequate time and facilities to prepare a defense; the right to confront witnesses, present evidence, and appeal convictions; the right to trial by jury; and a prohibition on double jeopardy and forced self-incrimination. Trials are public, defendants have the right to legal counsel, and a representative for the defense is appointed at public expense when required "in the interest of justice." Bail and traditional reconciliation mechanisms rather than the formal legal process were used in many cases, usually by choice but sometimes under communal pressure. These rights were extended to all citizens without exception.

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 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

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

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 reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet facilities were available for public use for an affordable fee.

According to the International Telecommunication Union, in 2009 approximately 2.1 percent of the population had access to the Internet. However, the communal culture of the country allowed for ready sharing of such access, and the country gained broadband access in October.

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 freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

For a description of religious freedom, please see the Department of State's 2010 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

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

Neither the constitution nor the law specifically provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the government

generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Neither the constitution nor law prohibits forced exile; however, the government did not use it.

### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. There were no requests during the year for protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

### 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

On March 20, with parliament in a stalemate of nine members for the government and nine members in the opposition, President Marcus Stephen called a general election two years into the three-year parliamentary term. The parliament indirectly elects the president, but the two factions have not been able to form a majority in the parliament.

On April 24, the same 18 members were reelected, and the stalemate continued. The 19th Parliament was unable to form a new government, and on June 11, President Marcus Stephen declared a state of emergency and dissolved parliament. The state of emergency is an administrative measure enabling the government in place to operate without a new parliamentary mandate, and it does not restrict

individual or political freedoms. Another round of elections took place on June 19, which resulted in another hung parliament.

On November 1, a third parliamentary election took place. The state of emergency was lifted after President Marcus Stephen was reelected, defeating opposition member Milton Dube, in free and fair elections. The stalemate was broken with a deal that made opposition leader and former president Ludwig Scotty speaker of the house.

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

There are no legal impediments to participation in politics by women. However, women have traditionally been 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 the 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. During the year there were some allegations of corruption surrounding the election campaign.

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 of local human rights organizations, but no such groups existed.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations.

## 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 is a crime punishable by up to life imprisonment. However, there was no information regarding the extent of rape or domestic violence. Police investigated all reports of rape thoroughly, and cases were vigorously prosecuted by the courts. Spousal rape is not specifically identified as a crime, but police investigated and filed charges when allegations of rape were made against a spouse.

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.

Some forms of sexual harassment are crimes, but sexual harassment was not a serious problem.

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. There were no figures available regarding maternal mortality rates. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

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 impoverished economic circumstances often limited opportunities for women to exercise these rights fully. The Women's Affairs Office was responsible for promoting professional opportunities for women.

## Children

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.

Government resources for education and health care for children were severely constrained by the economic crisis.

Child abuse statistics were not compiled, but anecdotal evidence indicated that abuse occurred.

The minimum age for consensual sex is 17 years. 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 a misdemeanor punishable by two years' imprisonment.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.htm](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm)

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## Anti-Semitism

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

## Trafficking in Persons

In 2009 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 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. Department of Education teachers provided



rudimentary classes for a small group of students with disabilities, which were held at a teacher's home, as no classroom was available.

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

Ethnic Chinese composed approximately 5 percent of the population. A pattern of petty theft, property damage, and assault directed at the ethnic Chinese community continued during the year. Police attributed most attacks on ethnic Chinese to economic motivations and noted a general trend of theft-related attacks on a few private businesses.

#### 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. Right of Association

The constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country lacks labor laws and formal trade unions. Historically, the transient nature of the mostly foreign workforce hampered efforts to organize trade unions. Several small associations, such as the Nauru Fishermen's Association, People's Movement Association, and Buada Lagoon Owners' Association, offer information on fisheries vocational skills and regulations.

The right to strike is not protected, prohibited, or limited by law. There were no strikes during the year.

b. The Right to Organize and Bargain Collectively

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 are governed by public service regulations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. 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. Some children under 17 worked in small family-owned businesses.

e. 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.

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; however, most workers observed Saturdays and Sundays as holidays. There were provisions for premium overtime pay only for public-sector workers.

The government sets some health and safety standards, which the Department of Human Resources and Labor is responsible for enforcing. 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.