

Status of Human Rights in Nauru for the 51st Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ELCJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Nauru (Nauru) for the 51st session of the Universal Periodic Review (UPR).

Background

2. Nauru is an island country located in the southwestern Pacific Ocean and has a population of approximately 12,300 people.¹ Approximately 34.3% of the population identifies as Nauruan Congregational Christian, 33.9% as Roman Catholic, 11.7% as Assemblies of God, 6% as Pacific Light House, 3.5% as Nauru Independent, and 8.8% as other.²

3. Nauru's last review was held on January 27, 2021.³ As a result of the review, Nauru received 156 recommendations, 132 of which it accepted.⁴ It was recommended by Fiji, and noted by Nauru, that the government “[c]ontinue to strengthen efforts to improve access to health-care services for all, including access to sexual and reproductive health-care services and information.”⁵ No recommendations were made regarding religious freedom.

Legal Framework

4. Article 4 of the Constitution of Nauru protects the right to life.⁶

5. Abortion is prohibited except in cases to save the life of the mother.⁷ Under Article 66 of the Crimes Act:

- (1) A person commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct causes the death of an unborn child; and
 - (c) the person is reckless about:
 - (i) the fact the child is unborn; or
 - (ii) preventing the child from being born alive by engaging in the

¹ Nauru, BRITANNICA (July 13, 2025), <https://www.britannica.com/place/Nauru>.

² *Id.*

³ Universal Periodic Review – Nauru, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/nr-index> (last visited July 15, 2025).

⁴ Infographic – Nauru, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/NR/NAURU-Infographics.pdf>.

⁵ OHCHR, UPR of Nauru, (3rd Cycle – 37th Session): Thematic List of Recommendations 32, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/NR/UPR37_Nauru_Thematic_List_of_Recommendations.docx (last visited July 14, 2025).

⁶ CONSTITUTION OF NAURU 1968, art. 4, https://www.constituteproject.org/constitution/Nauru_1968.

⁷ NAURU CRIMES ACT 2016, art. 66, <https://abortion-policies.srhr.org/documents/countries/01-Nauru-Crimes-Act-2016.pdf>.

conduct; or
(iii) contributing to the child’s death by engaging in the conduct.
Penalty: 14 years imprisonment.

(2) A person is not criminally responsible for an offence under subsection (1) if the conduct is engaged in:
(a) in good faith; and
(b) for the preservation of the life of the woman carrying the unborn child.⁸

6. Nauru is a party to the International Covenant on Civil and Political Rights (ICCPR).⁹ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁰ Nauru also has a responsibility to protect the lives of preborn babies under other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.¹¹

Abortion

7. Nauru has protected the right to sexual and reproductive healthcare for its citizens by continuing to prohibit abortion except in cases to save the life of the mother. Sexual and reproductive healthcare entails providing services for the mother to safely give birth. It does not include the right to deliberately end the life of a preborn baby. This very point is noted in the 1994 Cairo Conference on Population and Development, which states that U.N. Member States have an affirmative commitment to “reduce the recourse to abortion” and to take “take appropriate steps to help women avoid abortion.”¹² By prohibiting abortion, except in the rare case to preserve the health of the mother, Nauru has taken steps to help women avoid ending the life of a preborn baby.

8. Nauru is justified in helping women avoid abortion because of the harm that abortion causes women. Every year, approximately five million women are hospitalized due to abortion related complications such as hemorrhage and sepsis.¹³ Additionally, the World Health Organization’s Abortion Care Guidelines notes that abortion can result in infections and hemorrhage.¹⁴ In the United States of America, a study found that hemorrhage and infection were associated with a majority of abortion-related deaths between 1998 and

⁸ *Id.*

⁹ Ratification Status for Nauru, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=121&Lang=en (last visited July 2, 2025).

¹⁰ International Covenant on Civil and Political Rights art. 6, adopted Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹¹ See United Nations Charter (Full Text), UN, <https://www.un.org/en/about-us/un-charter/full-text> (last visited July 14, 2025); Universal Declaration of Human Rights, UN, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited July 14, 2025); Population and Development, UN (1994), https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/files/documents/2020/Jan/un_1995_programme_of_action_adopted_at_the_international_conference_on_population_and_development_cairo_5-13_sept._1994.pdf.

¹² Rep’ of the Int’l Conf. on Population & Dev., ¶ 8.25, U.N. Doc. A/CONF/F.171/Rev. 1 (Sept. 5-13, 1994).

¹³ Lisa B. Haddad et. al., *Unsafe Abortion: Unnecessary Maternal Mortality*, *Obstet Gynecol* 2009, Spring; 2(2):122-126, <https://pmc.ncbi.nlm.nih.gov/articles/PMC2709326/>.

¹⁴ *Abortion Care Guideline*, WORLD HEALTH ORGANIZATION, <https://iris.who.int/bitstream/handle/10665/349316/9789240039483-eng.pdf?sequence=1>.

2010.¹⁵ Further, abortion can have a negative impact on the psychological and mental health of the mother. A study conducted in New Zealand found that women who have had an abortion experienced higher rates of suicidal behavior, depression, substance abuse, and other mental health problems.¹⁶ Every time an abortion is carried out, two lives are devastatingly impacted. The first life that is impacted is the life of the innocent preborn baby that has been killed. The second life that is impacted is that of the mother, who is left both physically and emotionally traumatized from the experience.

9. By prohibiting abortion, not only is Nauru protecting the right to life enshrined in its constitution, but it is also upholding the rights enshrined in fundamental human rights instruments such as the ICCPR and the UDHR. Both of these documents enshrine the right to life for every individual, with no exceptions. Again, the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁷ Likewise, the UDHR states that “[e]veryone has the right to life”¹⁸ and requires the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family [as] the foundation of freedom, justice and peace in the world.”¹⁹ A majority of U.N. Member States have recognized the right to life and has taken a stance similar to Nauru and have protected the life of all individuals, including preborn babies, through either prohibiting abortion altogether or only permitting it in cases to save the life or health of the mother.²⁰

10. Thankfully, since Nauru’s last UPR, no efforts have been made to change the law and expand access to abortion. The last time legislation was introduced to expand abortion was in 2016, and it was resoundingly rejected by members of parliament regardless of political affiliation.²¹ Through its bipartisan rejection of that law, Nauru demonstrated that protecting the life of preborn babies is not a partisan issue.

Recommendations

11. We want to commend Nauru’s efforts in protecting the lives of preborn babies and of mothers as life is the foundational human right that requires protection. All members of the human race deserve to be protected, regardless of what stage of life they are in. We also want to encourage Nauru to continue protecting the lives of all humans, which is in line with the majority of U.N. Member States who also take their obligation to protect life seriously.

¹⁵ Suzanne Zane et. al., *Abortion Related Mortality in the United States 1998-2010*, *Obstet Gynecol.* 2015 Aug;126(2):258–265, <https://pmc.ncbi.nlm.nih.gov/articles/PMC4554338/#:~:text=A%20majority%20of%20abortion%2Drelated,pregnancy%20threatened%20the%20woman's%20life>.

¹⁶ David C. Reardon, *New Zealand on Mental Health Problems May Force Doctors to Refuse Abortions*, RACHEL’S VINEYARD MINISTRIES (2006), <https://www.rachelsvineyard.org/PDF/Articles/New%20Zealand%20Study%20on%20Mental%20Health%20-%20David%20Reardon.pdf>.

¹⁷ ICCPR art. 6, *supra* note 10.

¹⁸ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 3 (Dec. 10, 1948).

¹⁹ *Id.* pmbl.

²⁰ See *The World’s Abortion Laws*, *CTR. FOR REPROD. RTS.* (June 9, 2023), <https://reproductiverights.org/maps/worlds-abortion-laws/>.

²¹ Michael Walsh, *Nauru Scraps Proposed Abortion Laws for Refugee and Asylum Seekers*, *ABC* (Nov. 11, 2016), <https://www.abc.net.au/news/2016-11-11/nauru-scraps-abortion-laws-for-refugees-asylum-seekers/8018504>.