



THE UPR PROJECT AT BCU

Submitted by:

The UPR Project at BCU
Centre for Human Rights, School of Law
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About the UPR Project at BCU:

Birmingham City University's Centre for Human Rights was created in 2014 to promote human rights, ensure access to justice, and enhance the rule of law around the world. We seek to achieve this through leading research, education, and consultancy. We submit expert reports to international human rights regions, provide advisory services to governments and nongovernmental organisations, and draft legal opinions and file legal briefs in domestic courts and international human rights courts.

The Centre for Human Rights established the UPR Project in 2018 as part of our consultancy service. We engage with the Human Rights Council's review process in offering support to the UPR Pre-sessions, providing capacity building for UPR stakeholders and National Human Rights Institutions, and the filing of stakeholder reports in selected sessions. The UPR Project is designed to help meet the challenges facing the safeguarding of human rights around the world, and to help ensure that UPR recommendations are translated into domestic legal change in member state parliaments. We fully support the UPR ethos of encouraging the sharing of best practice globally to protect everyone's human rights. The UPR Project at BCU engages with the UPR regularly as a stakeholder and is frequently cited by the OHCHR. You can read more about the UPR Project here: www.bcu.ac.uk/law/research/centre-for-human-rights/projects-and-consultancy/upr-project-at-bcu

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INTRODUCTION

1. Nauru is party to four of the nine core international human rights treaties,¹ which is a disappointingly low number. While some progress has been made in strengthening its legal framework, the absence of a functioning National Human Rights Institution (NHRI) that is compliant with the Paris Principles remains a critical gap in its national human rights infrastructure.
2. This stakeholder submission focuses on the need for Nauru to establish an NHRI that is independent, adequately resourced, and empowered to promote and protect human rights in accordance with the Paris Principles.
3. Strengthening the institutional framework for human rights in Nauru would also advance progress on Sustainable Development Goal (SDG) 16 which aims to promote peaceful and inclusive societies, ensure access to justice for all, and build effective, accountable, and inclusive institutions.
4. In this submission, we encourage Nauru to commit to improving its human rights protection and promotion by engaging meaningfully with the UPR. This includes giving full and practical consideration to all recommendations made by Member States, effectively implementing the recommendations Nauru accepts, and actively engaging with civil society throughout the process

NATIONAL HUMAN RIGHTS INSTITUTIONS

A. Nauru and International Law on NHRIs

5. Despite recommendations in previous UPR cycles, Nauru has yet to establish a fully functioning NHRI. Although the government has previously expressed intent to create a human rights body, no institution exists that meets the criteria of independence, accountability, and broad human rights mandate set out in the Paris Principles (1993).
6. National Human Rights Institutions (NHRIs) are ‘official independent legal institutions established by the State by law for the promotion and protection of human rights.’² While the mandate, roles, and functions of an NHRI are determined by national law, the Paris Principles (Principles Relating to the Status of National Human Rights Institutions) developed at a UN-sponsored meeting in 1991 and adopted by the UN General Assembly in 1993, set out the international minimum standards for the establishment and operation of NHRIs.³ The Paris Principles are not aspirational, rather they are obligatory for NHRIs if they are to be considered legitimate, credible, and effective in the promotion and protection of human rights.

7. The Paris Principles contain a mix of specific and broad provisions relating to the competence and responsibilities of NHRIs; the composition of NHRIs and guarantees of independence and pluralism; the methods of operation of NHRIs; and additional principles concerning the status of commissions with quasi-judicial competence. To be effective, a NHRI must have: a clearly defined and broad-based mandate based on universal human rights standards; autonomy from the government; independence guaranteed by legislation or the constitution; pluralism in membership; adequate resources; and adequate powers of investigation.⁴
8. Full compliance with the Paris Principles provides an NHRI with international recognition and enables the institution to independently participate in the work of the UN Human Rights Council, its subsidiary bodies, and some General Assembly bodies and mechanisms.⁵ An NHRI must apply to be accredited by the Global Alliance of National Human Rights Institutions' Sub-Committee on Accreditation (GANHRI-SCA) to attain participation rights.⁶

B. Implementation of Recommendations from Cycle Three in 2021

9. Nauru received 156 recommendations in the Third Cycle of which 132 were accepted and 24 noted.⁷ A total of 13 recommendations focused on the issue of NHRIs, all of which were supported.⁸ These recommendations addressed both the need for independent oversight mechanisms and the broader structural capacity for promoting and protecting human rights.

Recommendations concerning the Creation of an NHRI

10. A number of States recommended Nauru “establish an independent national human rights institution, in accordance with the Paris Principles” or similar. This included **India** (para 99.39), **Malaysia** (para 99.40), **Morocco** (para 99.41), **Indonesia** (para 99.42), **Senegal** (para 99.44), **Ukraine** (para 99.46), **Australia** (para 99.48), **Chile** (para 99.50), **France** (para 99.51), **Germany** (para 99.52), and **Luxembourg** (para 99.53).
11. The **Bahamas** (para 99.49) recommended Nauru “advance efforts toward adoption of the draft Human Rights Commission Bill which seeks to provide for the establishment of a National Human Rights Commission” and **Serbia** (para 99.45) recommended the State “establish a national human rights body which would, inter alia, monitor the implementation of United Nations human rights conventions.”
12. Whilst such recommendations are welcomed, it is crucial that they remain specific and measurable in order to assess the level of implementation. Broad recommendations, whilst easy to accept, lack any impetus to bring about real change.⁹ It is recommended that States adopt a SMART approach to recommendations as recognised by UPRinfo.¹⁰

This would help Nauru initiate an incremental approach to establishing an NHRI.

13. Nauru supported these recommendations during the adoption of its UPR outcome report, indicating a notional willingness to enhance national human rights mechanisms. However, since the conclusion of the Third Cycle, no meaningful institutional or legislative action has been undertaken to operationalize an NHRI. There is currently no evidence of draft legislation, public consultations, or budgetary allocation for such an institution.
14. This continued inaction reflects a systemic gap in Nauru's ability to fulfill its international human rights obligations and limits the country's capacity to engage with UN treaty monitoring bodies. While Nauru has cited resource constraints and small population size as challenges, such barriers have not prevented similar Pacific Island nations, such as Tuvalu and Vanuatu, from initiating NHRI processes with international support.¹¹
15. As a member of the Pacific Islands Forum, Nauru has access to technical support through the Pacific Community¹² and the Asia Pacific Forum of National Human Rights Institutions.¹³ Several small island developing states in the Pacific, including Samoa and Fiji, have established or are in the process of establishing national institutions with the support of regional and international partners.
16. Given Nauru's acceptance of several NHRI-related UPR recommendations and the regional support available through mechanisms like the Pacific Community and Asia Pacific Forum, there is a clear opportunity for Nauru to take concrete steps towards establishing an independent human rights institution before the next review cycle.
17. Nauru is therefore well-positioned to initiate a consultative process for the creation of an NHRI, and to draw on regional best practice to ensure compliance with international standards.

C. Further Points for Nauru to Consider

Initiating Inclusive Consultations for the Creation of an NHRI

18. We strongly encourage the Government of Nauru to prioritize an open, transparent, and genuinely inclusive consultation process in the establishment of the NHRI. Recognizing that the legitimacy and effectiveness of the NHRI hinge on broad-based support and participation, it is essential that consultations actively engage a diverse range of actors across society. This includes not only governmental bodies but also civil society organizations, human rights defenders, marginalized and vulnerable groups such as women and girls, persons with disabilities, children and youth, refugee and migrant communities, Indigenous peoples, and representatives from remote or rural areas.¹⁴

19. To ensure meaningful participation, consultations should be conducted in accessible and culturally sensitive ways. This may involve holding meetings at various locations throughout the country, using local languages and interpreters where necessary, and employing multiple engagement methods, including public forums, focus groups, workshops, surveys, and digital platforms to reach those who cannot attend in person.¹⁵ The government should provide comprehensive, clear, and timely information on the NHRI's intended mandate, powers, and operational modalities to enable stakeholders to contribute informed views. Furthermore, the consultations must foster a safe and respectful environment that protects participants from any form of intimidation, discrimination, or retaliation, especially for those raising critical or dissenting opinions.¹⁶
20. It is vital that the inputs and concerns gathered from all stakeholders be systematically documented, publicly reported, and meaningfully incorporated into the NHRI's design, including its mandate, governance, independence safeguards, and resource allocation. The government should also commit to ongoing engagement beyond the initial establishment phase by regularly updating stakeholders on progress, challenges, and adjustments. Such a participatory approach will help build public trust, enhance the NHRI's relevance to Nauruan society, and strengthen its capacity to address the human rights priorities specific to the country's context.¹⁷
21. Finally, Nauru is encouraged to seek technical support from international and regional partners, including the Office of the High Commissioner for Human Rights (OHCHR) and the Asia Pacific Forum (APF), to design and facilitate an inclusive consultation process that aligns with best practices and international standards. By embedding inclusivity and transparency at every stage, Nauru will ensure that the NHRI is not only established but empowered as a credible, accessible, and effective institution to protect and promote human rights for all.

The Universal Periodic Review Recommendations and the Contribution to the Sustainable Development Goals

22. Nauru should consider adopting the UPR recommendations as an expression of mutual reinforcement of the government's commitment to promoting the Sustainable Development Goals.¹⁸ The human rights values expressed in both the UPR and the SDGs can be woven together to promote policy coherence.¹⁹
23. SDG 16 provides for "Peace, Justice and Strong Institutions" but the absence of an NHRI from its human rights infrastructure is inconsistent with this goal. The creation of a Paris-Principles-compliant NHRI would directly advance Nauru's commitments under SDG 16. In fact, SDG target 16.a calls on States to "strengthen relevant national institutions" and explicitly recognises the existence of an independent NHRI, accredited in compliance with the Paris Principles, as indicator 16.a.4 for monitoring progress. As of

April 2025, 118 NHRIs worldwide held GANHRI accreditation (91 at “A” status), underscoring the global consensus that such bodies are indispensable to SDG16’s institutional architecture.²⁰

24. Beyond indicator 16.a.4, a fully empowered NHRI would help Nauru meet additional SDG 16 targets. By investigating complaints (SDG 16.3), monitoring public institutions (SDG 16.6), and facilitating inclusive decision-making processes (SDG 16.7), an NHRI can bolster transparency, accountability and access to justice. Its public-education and outreach functions further contribute to preventing violence and discrimination (SDG 16.1), and its engagement with marginalized groups supports the participatory governance envisioned by SDG 16.7. In this way, establishing an NHRI is both a core UPR recommendation and a critical enabler of Nauru’s sustainable development agenda.

D. Recommendations

We recommend that, before the next cycle of review, the government of Nauru should:

- i. Establish a National Human Rights Institution in full compliance with the Paris Principles.
- ii. Enact legislation clearly outlining the NHRI’s independence, powers, and responsibilities, including complaints handling, monitoring, and advisory roles.
- iii. Ensure sufficient budgetary and administrative resources to enable the NHRI to function effectively and independently.
- iv. Seek technical support and cooperation from the Pacific Community (SPC), the Office of the High Commissioner for Human Rights (OHCHR), and the Asia Pacific Forum (APF) to guide the establishment process.
- v. Initiate inclusive national consultations with civil society, parliamentarians, and vulnerable groups to design an NHRI reflective of national needs.
- vi. Mandate the NHRI to assist with treaty reporting and implementation of UPR recommendations.
- vii. Incorporate the NHRI into national development plans and align its work with Sustainable Development Goal 16, especially 16.A.1 and 16.3.
- viii. Periodically publish activity reports and human rights assessments to promote transparency and accountability
- ix. Ensure the NCHR is fully staffed with the requisite human resources to carry out their function.
- x. Accept UPR recommendations on the creation of an NHRI, as also signalling Nauru’s affirmation of commitments to SDG 16 on strong institutions.

¹ See <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=121&Lang=en>.

² Principles relating to the Status of National Institutions; Commission on Human Rights resolution 1992/54 and General Assembly resolution 48/134.

³ GANHRI, A Manual on National Human Rights Institutions, October 2020, <https://ganhri.org/wp-content/uploads/2020/07/Manual_on_NHRIs_Oct_2018.pdf>.

⁴ Principles relating to the Status of National Institutions; Commission on Human Rights resolution 1992/54 and General Assembly resolution 48/134.

⁵ GANHRI, Accreditation, <<https://ganhri.org/accreditation/>>.

⁶ OHCHR & GANHRI, Chart of the Status of National Institutions Accredited by the Global Alliance of National Human Rights Institutions, 4 June 2025, <https://ganhri.org/wp-content/uploads/2025/06/Accreditation-Status_Chart_Jun2025.pdf>.

⁷ UNHRC, 'Report of the Working Group on the Universal Periodic Review: Nauru – Addendum' (27 April 2021) UN Doc A/HRC/47/17/Add.1, para 40.

⁸ See UNHRC, 'Report of the Working Group on the Universal Periodic Review: Nauru (12 April 2021) UN Doc A/HRC/47/17.

⁹ Amna Nazir, 'A UPR Perspective on Capital Punishment and the Kingdom of Saudi Arabia' (2022) 19 Muslim World Journal of Human Rights 77-94.

¹⁰ See UPRinfo, 'For impact on the ground the UPR needs SMART recommendations' <www.upr-info.org/en/news/for-impact-on-the-ground-the-upr-needs-smart-recommendations> (21 October 2015).

¹¹ OHCHR, NHRIs: Pathways for Pacific States (OHCHR Pacific Regional Office 2016) 10–11 https://pacific.ohchr.org/docs/NHRI/NHRIs_Pathways_for_Pacific_States.pdf accessed 8 July 2025; Amnesty International, Submission to the UN Universal Periodic Review: Tuvalu - 45th Session (April 2023) <www.amnesty.org/en/wp-content/uploads/2023/04/ASA4766162023ENGLISH.pdf>; Pacific Community (SPC), 'Vanuatu Prepares to Establish a National Human Rights Institution (NHRI)' (13 August 2021) <www.spc.int/updates/blog/2021/08/vanuatu-prepares-to-establish-a-national-human-rights-institution-nhri> accessed 8 July 2025.

¹² See The Pacific Community <www.spc.int/>.

¹³ See Asia Pacific Forum <www.asiapacificforum.net/>.

¹⁴ See Global Alliance of National Human Rights Institutions (GANHRI), 'General Observations of the Sub-Committee on Accreditation', in particular General Observations 1.5 and 1.6 (on pluralism and participation in the selection and appointment of members) <<https://ganhri.org/accreditation/>>; Asia Pacific Forum, Establishing a National Human Rights Institution: A Guide for Pacific Island Countries (APF 2017) <www.asiapacificforum.net/resources/guide-establishing-nhri-pacific/> accessed 4 July 2025. APF emphasizes inclusive consultation as foundational for legitimacy and sustainability of NHRIs.

¹⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Guidelines on the Effective Implementation of the Paris Principles* (OHCHR 2021) <https://www.ohchr.org/en/documents/tools-and-resources/guidelines-effective-implementation-paris-principles> accessed 4 July 2025.

¹⁶ See UNDP and OHCHR, *Toolkit for Collaboration with National Human Rights Institutions* (UNDP/OHCHR 2010) <https://www.undp.org/publications/toolkit-collaboration-national-human-rights-institutions> accessed 4 July 2025.

¹⁷ GANHRI, General Observations of the Sub-Committee on Accreditation, General Observation 1.8 (on transparency and accountability) <https://ganhri.org/accreditation/> accessed 4 July 2025; OHCHR, National Human Rights Institutions: History, Principles, Roles and Responsibilities (OHCHR 2010) <https://www.ohchr.org/en/publications/policy-and-methodological-publications/national-human-rights-institutions-history> accessed 4 July 2025.

¹⁸ See the UN Sustainable Development Goals website, <https://sustainabledevelopment.un.org/?menu=1300>.

¹⁹ The first two cycles of the UPR were reviewed under a data mining procedure and of the circa. 50,000 recommendations, it was possible to link more than 50% of those to SDG targets, see, The Danish Institute for Human Rights, Linking the Universal Periodic Review to the SGs, p. 2.

²⁰ GANHRI, 'Our Members' <<https://ganhri.org/membership/>> accessed 8 July 2025.