**MINISTER FOR JUSTICE AND BORDER CONTROL**

**STATEMENT FOR 3rd CYCLE UNIVERSAL PERIODIC REVIEW**

Madam President

Distinguished members of the Council and troika,

1. Madam President, we offer our congratulations for your appointment as President of the Council. It is a proud moment for all of us in the Pacific region to have one of our own as the President of this body.
2. It is an honour for me to address the Council on the 3rd Cycle Universal Periodic Review of the Republic of Nauru. In addition, I would like to thank Madam President and other Secretariat staff for UPR for making special provision for Nauru to be reviewed.
3. I will begin with referring to Resolution 60/251 of 15th March 2006 during which the UN General Assembly established the UPR. The first recital of the Resolution reaffirmed the principles contained in the Charter of the United Nations in which it was recognised the principle of *‘equal rights and self determination of peoples and achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character’.* The Republic of Nauru strongly adheres to these principles. Nauru joins with those people who struggle to seek self-determination, which includes the country of Republic of China (Taiwan).

Madam President,

1. I will now move on to the work of the Republic of Nauru in the area of human rights. The National Report has been submitted which provides details of what has been undertaken after the 2016 review which the Secretary for Justice will refer to later in this process.
2. A feature of our democratic system in a small island of 26 square kilometres and a population of just around 12,000, poses itself many limitations. Many in the media or for that matter, the advocates who play the role of policing sovereign nations without any appropriate mandate, publish material for public consumption. My country has suffered the full brunt of it. Such reporting has given my country an appearance that it is a country of lawlessness. Let me set the record straight before this august body, that Nauru does not shy away from displaying its achievements or shortcomings in human rights. However, as part of our culture, we do not openly speak about it which in classic literature would be called ‘self-serving statements’. In the equilibrium of self-serving statements are also statements of certain stakeholders, who have no knowledge of or have visited the island nation, but virtually talk on every subject of human rights with great adversity. The UPR Review required all the nations to develop *‘friendly relations’*. Nauru appreciates and acknowledges that universal human rights are *‘indivisible, interrelated, interdependent and mutually reinforceable’.* The notion of human rights carries with it the right to fairness and equality, more so called equity. My country acknowledges that *‘peace and security, development and human rights’* are the pillars of the United Nations system and the foundation of collective security. In that regard, the Republic has not hesitated within its limited resources to sign, ratify and domesticate many international instruments, so that it is part of the global community. However, as is the case in life, there are some limitations be it skills, finance or other forms of resources. I have taken great interest in reading some of the commentaries that Nauru has failed to ratify the International Covenant on Civil and Political Rights (ICCPR). We have signed it as a nation. Lack of ratification certainly means we need assistance in all aspects. A number of the requirements have been implemented by our *Constitution* and other legislation. Ratifying and implementing the whole convention will require substantial work but I assure you that we will achieve that goal as we tidy all our other foundations of democracy.
3. The adherence to rule of law is a central pillar of good governance and accountability. The political check and balance under the doctrine of separation of powers ensures that the three different arms of the Government independently perform the functions. This principle allows each arm to co-exist for the benefit of the people. Tyranny, at best of not trusting one arm over the other leads to un-constitutionalism and degradation of rule of law. The Republic is fully aware of this and is ensuring its best to ensure the separation of powers are necessary tool for the enforcement of human rights. In that regard, last week the Parliament has expressly acknowledged the work of the three different arms. As the Minister for Justice, I moved a Bill which has become law to separate the Parliament’s administrative, financial and other support services from that of the Executive Branch. The *Parliamentary Services Act 2020* will give the Parliament absolute autonomy and will no longer be under the administrative or financial control of the Executive.
4. Likewise, this has impact on the Judiciary as well. The judicial system of the Republic of Nauru has always been independent of the other two arms of the Government. Those who criticise our judiciary based on some historical facts which have happened a long time ago, have overlooked the reforms undertaken. As a developing nation with limited human resources my country relies and has always been dependent on expatriate judicial officers. These expatriate officers have no nexus to the Parliament or for that matter, members of the Government of the day. Needless to mention, three year term of Parliament does not give any comfort to the professional judicial officers to lean in favour of one group and not the other, as the Government may change at any time including snap elections. Since 2013, the Republic has been under immense criticism of its judiciary and again, in the current review, I have noted that this is taken as a point. I am not sure whether this is genuine complaint or largely due to non-accessibility of information or simply a follow up from the last report and the numerous media reportings in the period between 2015 to 2019. This period is very important as it was in 2015 when a group of politicians agitated or conspired a substantial number of people to protest against the Government. The protest was not peaceful which ended up damaging the Parliamentary precincts, assault of police officers and resulting in a riot. A scene on the television of 6th of January 2021 in the United States Capitol brings memories of what happened in Nauru. USA as a country is fortunate due to its own fully fledged police and military. A limited number of Nauruan police were outnumbered by few hundreds of people who had almost overthrown the Parliament. Those who spearheaded the march were charged, together with those who were most aggressive. When these people were charged by the Office of the Director of Public Prosecutions for various crimes, many media outlets and ardent critics of Nauru, found it fit to report that the Government of Nauru is sabotaging the freedoms of expression and speech of the protesters. In a small country, we understand what such insurrection can do. Our imagination and prompt action to control it no doubt cements the actions taken by the Government when one looks at the outright invasion of the Congress and the Senate in the USA. We hope that those reporting against our country understand that people need to face the full brunt of the law, if they attempt to undermine democracy. It is a timely reminder for all the member countries of the United Nations to condemn such acts instead of giving life to those who encourage and perpetrate this. For whatever the Republic endured, we tried those who offended the laws and they have served the penalties as imposed by the Court. The media noise of judicial bias, Executive interference in the judiciary or for that matter, interfering with judicial officers is now factually consigned to history demonstrating on the face of those busy bodies that the Government was doing what it is supposed to be doing in enforcing the rule of law. This was important to ensure that democracy and human rights of people is more important than the self serving interest of those who were defeated. I may say that not only the judiciary is independent with the latest legislative intervention, the Legislature is now also autonomous. We are one of the leading nations in the Pacific in the effective implementation of separation of powers and are keen to see the work of every arm of the Government performs its constitutional, legislative and administrative functions.
5. Let me refer to another issue which is directly related to Nauru. This is the hosting of the regional processing centre for asylum seekers. In the meeting of Ministers in Bali for the Bali Process, one of the mutual concerns was irregular migration. Irregular migration is a phrase used for those people who intend to enter another country unlawfully or without any visa. Once they are in the country, they seek refuge. This is a perennial problem giving rise to an intervention by the United Nations through the *Convention Relating to the Rights of Refugees* (Refugees Convention 1951). My country has hosted asylum seekers under the UNHCR in 2001. Due to an influx of irregular migration to Australia, a close ally of Nauru and a nation in the Pacific region, Nauru acceded to the request to assist in curbing the unlawful entry of irregular migrants. One must understand that within this whole regime of irregular migration was also various acts of terrorism and terrorist activities. It was Nauru’s civic duty as a regional country to assist Australia in processing persons who were seeking refugee status in Australia or elsewhere. Not only was it Australia’s request but, in doing so, Nauru was duty bound under its own obligations as a member of the Refugee Convention. The issue has always been and continues to perpetrate that Nauru is one way or another depriving the rights of the people of irregular migration. In short, the complaint is that nobody should be taken to Nauru for the proper assessment and processing of an application for asylum. This international obligation of Nauru is completely overlooked, instead the focus is to largely to shut down the regional processing centre. The call for this largely comes from advocates, people with vested interests including the irregular migrants themselves. I would like to make this statement very clear to this body that this should stop. To the contrary, I urge all member countries to the Convention to find means and ways to assist those who are seeking asylum. Nauru only processes the applications as required under the Convention which is part of our domestic laws referred to as the *Refugee Convention Act 2012*. They have a right to abdicate their homeland for the fear of violence or loss of life in their own countries. The Refugee Convention mandates every member nation to provide this assistance as a humanitarian issue. I ask this body, if Nauru is fulfilling its obligation under one of the United Nations conventions, what is the reason for so much adversity? It is a problem Nauru does not need. However, to shy away from helping people is not the culture or tradition of my people. They have stood ready in difficult times. They have suffered through World War 2 and the pandemic. They understand pain and feeling of those who need assistance. Under the Refugee Convention, Nauru provides a safe haven in the interim to the asylum seekers. One cannot deny the fact that the processing of asylum seekers’ applications is time consuming. The advocates or for that matter, those who support that Nauru must stop the regional processing centre obviously act contrary to the requirements of the Refugee Convention. The third party country resettlement from Nauru has been very successful.
6. I will briefly explain that the regional processing centre in Nauru is a model of its own. For the relevant period for this review, that is from 2016 to 2020, it is called an ‘Open Centre’. An open centre means that the asylum seekers or for those who have been granted refugee status, are allowed to live and enjoy the same rights as those enjoyed by every other person on the island, including Nauruan citizens. The asylum seekers and refugees are all allowed to work without the need for any special visa. They are treated in the same way as the Nauruan citizens for taxation purposes. The reality is, none of them pay tax. They are employed in the Government sector as well as the private sector. They are paid the same amount or even better in some cases to that of Nauruan citizens. Apart from employment, they are allowed to operate businesses. They have or are still running businesses such as construction, restaurants, cafeterias, bars, hair salons and retail stores. I may add that they have been earning sufficient money to have been remitting money back to their families in their home countries. Almost all came penniless. Some have become wealthy and even millionaires over the last few years. *What wrong has Nauru done to these people?* If and when they are ready to be resettled, every effort is made to ensure that they find a place which they can call home. Not only that, the Republic has to date, not forcefully returned any person to their home country pursuant to the non-refoulement principle in the Refugee Convention.
7. Madam President, for doing all little we can, my country has been called and referred to by the media outlets and advocates, as *‘the island itself is a prison’ or ‘hellhole’*. The UNHCR has been complicit in some of these comments and has time and time again chose to report only the negatives and not the positives of what Nauru has done for asylum seekers and refugees. A typical example of free service provided to refugees and asylum seekers is health care and education. For education, the children of the asylum seekers or refugees were given free uniforms, stationary, transport and lunch as is given to all other Nauruan children at school. The Republic has also given all refugees a travel document which they can use to travel out of the country. Unfortunately other nations were not keen to give these people visas to at least travel outside and return to Nauru. We encouraged this and I will acknowledge that Fiji was the only nation which came forth to help. Some of the refugees and asylum seekers were keen sports people and wanted to represent the Republic in international sports but were denied the right because no visas could be granted. I encourage the busy bodies to fight for these rights as it will go a long way to fulfil every country’s international obligations under the Refugee Convention.
8. To those who want to shut down the regional processing centre in the Republic, I will say that shutting down the centre will not stop irregular migration. We invite you to stop criticising and actively be involved in providing assistance to irregular migrants in all different aspects to ensure that the processing time is reduced and they help all the hosting countries one way or another to find homes for many of these people. You will be remembered for this and not simply criticising a country which puts everything on the line to save the lives of asylum seekers from their own people in their own countries. I urge all the representatives of the member countries to please join with Nauru in an effort to find solutions to this global problem. Every effort must be made to ensure that asylum seekers’ prime work time and right to earn money is not taken away.
9. Madam President, let me refer to the COVID-19 pandemic. In the review, we have noted that a stakeholder has accused Nauru of not looking after the human rights of medical professionals. This is a superfluous statement, which is not new to Nauru. Unbeknown to us, during all this travel restrictions, we are not aware who has visited the island to come to this conclusion which is not only presumptuous but utterly false. Nauru does not have a single case of Coronavirus (COVID-19) since November 2019 when the noise of the disease began. Whoever has come up with this suggestion deserves ‘praise’ for criticising Nauru without any merit or basis. Madam President, this is how a small country as mine is put under a lot of criticism and scrutiny when really, there is no issue. We are simple people and we respect each other’s rights and obligations faithfully as a devoted Christian nation.

Madam President, on behalf of the Republic, I would like to thank you for your intervention in ensuring that the view of a small Republic in the central Pacific was heard by an international body such as the United Nations.

With this I conclude my opening address and will now refer to the Secretary for Justice and Border Control, Mr Jay Udit to highlight the National Report.