

Evergreen Concern Group submission to the United Nations Universal Periodic Review.

**The tenth session of the Universal Periodic Review Working Group, 2011.
Submission of the Evergreen Concern Group.**

I. Description of the methodology and the broad consultation process

(a) In writing this UPR Report the Evergreen Concern Group (ECG) through the Secretariat of the Pacific Community / Regional Rights Resource Team (SPC/RRRT), Office of the High Commissioner for Human Rights (OHCHR) and the Ministries of Justice and Foreign Affairs of Nauru attended a one week UPR Information Training session.

The ECG used different methods to collect information. One of the prime methods used was to gather information and conduct meetings and interviews with stakeholders and with non-government institutions.

II. Background of ECG

The ECG is a grassroots non profit, non government organization that tackles issue with the livelihood of Nauruans living in the districts of Meneng and Yaren. These two districts have customarily been known as the Evergreen Districts and hence the name. ECG was established informally in 2007 and has been slowly raising awareness on issues touching on district life at the national level. We boast a membership of 150 people, mostly consisting of men, women and children. The primary goal of ECG is to support and strengthen the living standards of Nauruans living in Meneng and Yaren districts. ECG seeks to encourage and ensure activities that preserve and strengthen family unity and install positive values in the Evergreen Community. The current area of focus is to replace the water storage tanks of houses in the Evergreen Community, change the asbestos roofing of houses in the Evergreen Community and to raise awareness of human rights that is connected to everyday issues.

Through the training conducted by SPC/RRRT and OHCHR we realized that the needs of our community and indeed Nauru as a whole can be helped greatly by

the establishment of either a national human right institution or a regional human rights mechanism. Due to Nauru's tough economic environment, it is our considered opinion that a regional human rights institution is a valid idea.

In order to carry out our work, ECG seeks resources to meet these needs.

III. Institutional Framework for Protection of Human Rights of the Republic

(a) National/Regional Human Rights Commission

There is currently no UN-recognised human rights national/regional mechanism in the Pacific (Nauru included). Access of information and justice through a regional body is needed in order for all human rights to advance significantly in the region. The human rights requirement includes collective attention and strategic approaches to ensure longer term stability and social cohesion in the Pacific. Negative social impacts across Nauru and the region have led to prolonged periods of poor governance and disappointing economic growth along with limited access to resources, a breakdown in traditional systems, political tensions and lack of opportunities. This is equally important for the realization and promotion of the rights of all citizens not just in the Evergreen community but Nauru.

The submission of this report believes that a regional human rights commission is the most appropriate long term model for a human rights mechanism in the Pacific region and that such a mechanism will help the Evergreen Community and Nauru as a whole promote, protect and defend human rights.

Recommendation: The ECG urges the government of Nauru to support the establishment of a Pacific Regional Human Rights Commission to address human rights issues in Nauru and the region and to consider lobbying and entering into partnership with other Pacific Islands States to support the establishment of the commission.

Recommendation: ECG urges the Nauru government to consider the advantages of having a regional human rights commission which is less costly and less subject to domestic influence yet efficient and more sustainable than a domestic commission.

(b) Asbestos Roofing on a number of houses in the Evergreen Community.

There are 505 houses in the Evergreen Community, out of a total of 540, that have asbestos roofing. It is a well documented medical fact that exposure to asbestos can result in a number of health conditions, including lung cancer, asbestosis and mesothelioma cancer.

This concern has been raised on a number of occasions at the community and national level. So far nothing has been done, due to a lack of resources or it is not a national priority. No careful study of the problem has been done and therefore the impact of this danger has not been realized by Government. Understandably the ECG realizes that Nauru's current economic climate would make this

The Constitution of the Republic of Nauru being the supreme law of the land, ensures the rights of every person living in Nauru is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following freedoms, namely:-

- (a) life, liberty, security of the person, the enjoyment of property and the protection of the law;
- (b) freedom of conscience, of expression and of peaceful assembly and association; and
- (c) respect for his private and family life.

With asbestos roofing remaining a concern, the rights of people living in the Evergreen Community is not being fully realized and if it remains unchecked and resolved the problem can only become a greater challenge.

Recommendation: ECG urges the government to do a study to find the impact of asbestos roofing in the Evergreen Community.

Recommendation: ECG urges the government to seek funding to address the problem of asbestos roofing in Nauru

ECG further urges the International Community to assist the Government of Nauru to replace all asbestos roofing not only in the Evergreen Community but Nauru as a whole.

(c) Water Tanks in the Evergreen Community

The ECG did a survey and conducted interviews with a number of Evergreen community households on their water tanks.

Water tanks are the primary source of fresh water for all Nauruans. The need to have a water tanks becomes more acute with during dry spells that seem to occur on Nauru on a regular basis. The majority of tanks in the Evergreen community are made of aluminum based metal. Even with aluminum as a base metal, rust still occurs o the tanks. Tanks are repaired on a regular basis, but materials for repairs sometimes run out due to the frequency of repairs occurring.

Of the 540 houses surveyed in the Evergreen Community, 457 houses have water tanks that are either completely rusted away or the rust is sufficient to reduce the storage capacity of the water tanks by half.

It is paramount that Nauru being a member of the United Nations to uphold the articles of the UDHR. We commend our government, considering all the restraints that are on our government, for all the work it has done to ensure the people on Nauru human rights are being upheld.

OHCHR on the issue of the right to water stated in September 2007 that “It is now time to consider access to safe drinking water and sanitation as a human right, defined as the right to equal and non-discriminatory access to a sufficient amount of safe drinking water for personal and domestic uses—drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene—to sustain life and health. States should prioritize these personal and domestic uses over other water uses and should take steps to ensure that this sufficient amount is of good quality, affordable for all and can be collected within a reasonable distance from a person's home.”

The Constitution of the Republic of Nauru further protects the rights of all people living in Nauru in relation to life, liberty, security of the person, the enjoyment of property and respect for his private and family life.

The sixth schedule of the Constitution of Nauru ensures that funds are taken from phosphate sales to go towards a housing fund for erecting, repairing or maintaining houses in Nauru. Since tanks are an essential part of houses in Nauru, the government of Nauru has not been carrying out what it has been mandated to do in the Constitution.

It is therefore essential to the realization of the rights of people living in the Evergreen Community and in Nauru as a whole that water tanks be issued free to all houses in Nauru.

Recommendation: ECG urges the Nauru government to build or issue water tanks for each house and use funds made available to it from the Constitution for such work.

Recommendation: ECG urges the International community to assist the government of Nauru or the ECG to build or issue water tanks for each house in the Evergreen Community.