



Nauru
Joint Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status with ECOSOC since 1996
and
The World Coalition Against the Death Penalty

for the 51st Session of the Working Group on the Universal Periodic Review
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

1. Nauru abolished the death penalty in the Crimes Act 2016,¹ but its Constitution still authorizes the death penalty.² Despite committing to ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights during the third-cycle Universal Periodic Review, Nauru has made no progress toward ratification of OP2.

Scope of international obligations; Acceptance of international norms; Death penalty

Status of Implementation: Accepted, Not implemented

2. In its third-cycle Universal Periodic Review in 2021, Nauru supported two recommendations to ratify OP2,³ and two recommendations to abolish the death penalty.⁴
3. During the interactive dialogue, the delegation from Nauru stated that the Constitution of Nauru still recognized the death penalty and “could be amended only by a mandate of the people by referendum, which was a complicated process.” Nonetheless, the delegation explained, “Nauru had made it a policy not to issue death penalties and therefore no subsequent pieces of legislation contained such penalties. The maximum penalty was life imprisonment. Unfortunately, the death penalty would remain in the Constitution until that instrument could be amended. Nevertheless, the death penalty would not be carried out in the future.”⁵
4. Since 2021, Nauru had not taken any steps toward signing or ratifying OP2 or toward finalizing the abolition of the death penalty in the country’s constitution. Nonetheless, Nauru voted in favor of the UN General Assembly resolution calling for a global moratorium on the death penalty in both 2022 and 2024.⁶
5. **Suggested recommendations:**
 - **Take all necessary steps to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, without reservations.**
 - **Step up the Constitutional referendum process, including an awareness-raising campaign about the importance of removing the death penalty from the Constitution of Nauru.**

¹ Amnesty International, *Nauru: New Criminal Law Is Welcome Improvement on Human Rights*, 16 June 2016, <https://www.amnesty.org.au/nauru-new-criminal-law/>.

² Constitution of Nauru, Art. 4(a) (1968) (“No person shall be deprived of his life intentionally, except in execution of a sentence of a court following his conviction of an offence for which the penalty of deprivation of life is prescribed by law.”).

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nauru*, (12 Apr. 2021), U.N. Doc. A/HRC/47/17, ¶ 99.28 (“Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty, as well as the International Covenant on Economic, Social and Cultural Rights (France)”), .31 (“Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras)”; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nauru, Addendum*, (27 Apr. 2021), U.N. Doc. A/HRC/47/17/Add.1, ¶ 11.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nauru*, (12 Apr. 2021), U.N. Doc. A/HRC/47/17, ¶ 99.75 (“Abolish the death penalty (Timor-Leste)”), .76 (“Abolish the death penalty (Ukraine)”; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nauru, Addendum*, (27 Apr. 2021), U.N. Doc. A/HRC/47/17/Add.1, ¶ 21.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nauru*, (12 Apr. 2021), U.N. Doc. A/HRC/47/17, ¶ 21.

⁶ International Commission Against the Death Penalty, *UNGA Moratorium Resolution Table*, <https://icomdp.org/map-unga/> (last visited 12 July 2025).