



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Sixty-eighth session**

Summary record of the 1539th meeting

Held at the Palais des Nations, Geneva, on Friday, 27 October 2017, at 3 p.m.

Chair: Ms. Arocha Domínguez (Vice-Chair)

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In the absence of Ms. Leinarte, Ms. Arocha Domínguez (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second periodic reports of Nauru (continued)

(CEDAW/C/NRU/1-2; CEDAW/C/NRU/Q/1-2 and CEDAW/C/NRU/Q/1-2/Add.1)

1. *At the invitation of the Chair, the delegation of Nauru took places at the Committee table.*
2. **The Chair** invited the delegation to resume its responses on articles 9 and 10.

Article 9 (continued)

3. **Ms. Scotty** (Nauru) said that the Government was aware of the need to correct article 74 of the Constitution, which automatically conferred Nauruan citizenship on the foreign wives of Nauruan men but not on the foreign husbands of Nauruan women. The issue would be followed up in the context of the current review of the Naero Citizenship Act.
4. **Ms. Bethel** emphasized the fact that, given that Nauruan women were denied the right to confer their citizenship on their husbands under the Constitution, it was only by amending the Constitution that that discrimination could be eliminated. There appeared to be a contradiction between article 74 of the Constitution and the constitutional provision that there was no discrimination on the basis of sex.

Article 10 (continued)

5. **Ms. Scotty** (Nauru) said that 25 boys and 16 girls were currently enrolled in the country's Able Disable Centre. There were 340 boys and 322 girls enrolled in the early childhood play centres, which were run in the community and required the presence of the child's parent whenever the child was in attendance. Some 1,092 boys and 1,075 girls were enrolled in primary school, whereas only 354 boys and 337 girls were enrolled in secondary school. In 2016, there had been 48 male and 43 female refugee children and 9 male and 2 female asylum-seeking children. In 2017, to date, there had been 46 male and 52 female refugee children and 17 male and 4 female asylum-seeking children. While responsibility for the education of such children had formerly lain with the Government of Australia, which had schooled them at the Regional Processing Centre, they were now integrated into local schools. The children's parents had initially been somewhat reluctant, but a multi-stakeholder working group had been set up to discuss the children's welfare, including their integration and attendance into the local school system. Every refugee and asylum-seeking child on Nauru was assigned a case worker by the Government of Australia. Refugee and asylum-seeking young people were now charged local rates to attend the University of the South Pacific.
6. There was currently no qualified teacher to deliver the Family Life Education programme. Finding the right candidate was a priority for the Department of Education, given the culturally sensitive nature of the topic. The programme focused specifically on reproduction.
7. School-age girls who had babies rarely returned to school after giving birth, mainly owing to the stigma attached to such conduct. The Government planned to work with the girls involved to overcome that. While sexual harassment was not currently criminalized in schools or elsewhere, the Government recognized that that was an oversight and was working to include it in the Education Act, the Public Service Act and the Crimes Act. The authorities would seek assistance with training teachers on the appropriate use of textbooks in their teaching.
8. **Ms. Acar** asked whether the State party would consider requesting assistance from United Nations agencies or donor countries in order to ensure that teachers on Nauru

received training in delivering reproductive health education and making appropriate use of materials that were gender-sensitive and departed from gender stereotypes.

9. **Ms. Scotty** (Nauru) said that the Government would consider requesting such assistance.

10. **Ms. Song** Wenyan asked whether the Education Act contained any specific clauses on the education of women and girls. Noting the delegation's use of the term "gender-neutral", she said that realities from around the world had demonstrated that so-called "neutrality" could never address gender issues and women's concerns or respond to women's aspirations. She wished to know how many women graduated from university each year in the State party and what percentage of those who pursued the vocational pathways available to adults and school leavers were women and girls.

11. **Ms. Scotty** (Nauru) said that two scholarships were available a year for vocational training, one for a male student and one for a female student. When the Education Act had been drafted, the main aims had been to increase the school-leaving age from 16 to 18 and to address the high truancy rate. Gender sensitivity had not therefore been a priority.

Article 11

12. **Ms. Hayashi** said that she had been surprised to read in the State party's replies to the list of issues that there were no issues of sex discrimination in the workplace. In the absence of legislation on anti-discrimination and labour standards, she did not understand how women could register complaints about the sexual discrimination that they suffered. She asked whether there were any plans to introduce legislation protecting and promoting women workers' rights, in compliance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Workers with Family Responsibilities Convention, 1981 (No. 156) of the International Labour Organization (ILO), as well as a fundamental law prohibiting gender-based discrimination against women. She wished to know when the right to maternity leave would be extended to the private sector, what percentage of their salary women in the public sector were paid while on maternity leave and whether women who returned to work after having a baby were allocated time within the working day to breastfeed and to collect their children from nursery. It would also be interesting to learn when paternity leave would be extended to the private sector and how many men in the public sector had applied for such leave. She wondered whether the Government planned to introduce a formal complaint mechanism for women who had been victims of sexual harassment and whether the Government or any other entity provided any assistance for women who were dissatisfied with the outcome of a complaint and took their case to court.

13. **Ms. Scotty** (Nauru) said that women received full pay for the duration of their maternity leave. The Government would consider becoming a party to ILO. While the Government currently exerted no influence on the private sector, it would consider doing so in the future. There was clearly a need to introduce legislation to prohibit sexual harassment in the workplace. Mothers had to request additional time for breastfeeding; it was not an automatic right. To her knowledge, no men had requested paternity leave to date. Currently, public sector workers who had a grievance brought their case before the Public Service Appeals Board.

14. **Mr. Sovau** (Nauru) said that, if a woman was dissatisfied with the outcome of a complaint, she could file a complaint with the police. If the case went to court, the woman could apply to the Public Defenders' Office for legal representation, or hire a private defence lawyer.

15. **Ms. Hayashi** asked whether the Government provided childcare facilities to enable all mothers to participate in the workforce.

16. **Ms. Scotty** (Nauru) said that, while there were currently no such public facilities, individual sectors such as teachers and health-care professionals had begun setting up impromptu childcare centres within their workplaces.

17. **Ms. Song** Wenyan asked whether there was unemployment in the State party and, if so, what percentage of women were unemployed.

18. **Ms. Scotty** (Nauru) said that unemployment, which could be found everywhere, had been very high on Nauru until around 2012, when the reopening of the Regional Processing Centre had improved job prospects considerably, including for women. As the island's once large phosphate industry was no longer viable, employment opportunities other than those provided by the Processing Centre and the Nauruan State were nearly non-existent. The people of Nauru, for whom swimming was second nature, had taken jobs as lifeguards to ensure the safety in and around the water of refugees and asylum seekers or even to teach them how to swim. Some also worked for the Centre as counsellors.

19. **Ms. Gbedemah**, commending the State party for the positive steps that it had taken in the field of health care, said that there were nonetheless a number of troubling issues in that field. Nauru had acknowledged in its report, for example, that married women were denied access to tubal ligations if their husbands did not consent to the procedure. Men were thus in control of women's reproductive choices, a situation that flew in the face of the Convention. Requiring women to seek their husbands' permission also appeared to be incompatible with the Crimes Act 2016, which stated that medical procedures required the consent of the person undergoing the procedure alone. She therefore wondered whether a public health bill that would strengthen women's rights, the possibility of which was alluded to in paragraph 176 of the State party's report, was in fact being considered and, if so, what the timeline for the drafting project was. It would also be interesting to know whether it would abolish the requirement for women to seek their husbands' consent for tubal ligations.

20. In addition, she wished to know whether Nauru had counselling services to help the 13 per cent of Nauruan girls aged 15 to 19 who were married, in most cases because they had become pregnant, and whether it had taken steps to cooperate with the United Nations Population Fund (UNFPA) in that regard. In the same vein, she wondered how widely available contraceptives were and how they were distributed. It would be especially interesting to know why the rate of teenage pregnancy, already high, was increasing, what efforts the Government had made to address the problem and what the overall rate of contraceptive use was.

21. She wondered why a bill that would have given refugees and asylum seekers access to abortion had been withdrawn. She also urged the State party to consider decriminalizing abortion and, in the meantime, to raise awareness of the exceptional grounds on which it could be performed.

22. The delegation should indicate whether the State party's newly upgraded hospital provided oncological services that would expedite diagnoses of breast and cervical cancer and whether the companies that owned the phosphate mines, whose emissions had been linked to a number of illnesses, had been compelled to contribute to efforts to improve women's health. The delegation should also indicate whether the hospital provided mental health services and, more generally, what measures Nauru was taking to address mental illness among female asylum seekers and refugees and among the people of Nauru themselves.

23. Nauru, like her own country, Ghana, was historically a matrilineal society. It should draw on that heritage to strengthen women's position, in particular with regard to their health.

24. **Ms. Scotty** (Nauru) said that the consent of a woman's spouse was necessary for any major operation, not simply for such procedures as tubal ligations. The Department of Health had not yet brought its procedures into line with all the provisions of the Crimes Act, which was relatively new.

25. Nauru, which lacked qualified personnel locally, had finally managed to bring in a director of public health, so public health issues such as teenage pregnancy and substance abuse would be addressed with new urgency. Visits would be made to the country's schools to discuss those topics with young people and serious consideration was being given to including them in the national curriculum.

26. Nauru had a good relationship with UNFPA, whose assistance it valued greatly. The Fund was instrumental in enabling the Nauruan Government to achieve its goals.

Contraceptives were available, but only at the public health area of the hospital. They had been widely used in Nauru during the worldwide AIDS scare, but since then they had been less popular. The view in Nauru was that having an abortion was tantamount to taking a life. Decriminalizing abortion would thus be no easy matter.

27. Cervical and breast cancer were a major concern, not least because the Government spent a considerable amount of money on overseas medical referrals — persons with cancer were generally sent for treatment either to Australia or to Bangkok. Efforts were being made to fill all the vacancies at the rebuilt hospital, which had given the country's health authorities considerable scope for the provision of new services, and talks were still under way with Australia, the country's major donor, on the provision of additional medical equipment. Australia occasionally sent oncologists to Nauru and the Nauruan authorities would encourage the Australian Government to send more.

28. Mental health had been neglected, especially among refugees and asylum seekers. International Health and Medical Services, an Australian company, had, however, been contracted by Australia to provide mental health care to refugees and asylum seekers in the Regional Processing Centre. In addition, Doctors without Borders had recently begun working in Nauru. It provided care both to Nauruans and to refugees living in the community.

29. She welcomed the reference to her country's matrilineal society. Nauruan women should indeed draw on their cultural heritage in their efforts to improve their lives.

30. **Ms. Gbedemah** said that the reasons that contraceptives were no longer widely used should be looked into. If there was a heavy stigma attached to teenage pregnancy and if contraceptives were widely available, it was likely that they would regain their lost popularity. Contraceptives should also be distributed in youth-friendly ways. No 15-year-old girl wanted to go to the hospital for contraceptives only to run into her mother, there for the same reason. She wished to know what steps the State party was taking to ensure that it did not encounter another shortage of physical education and wellness instructors and that the instruction that they provided enabled the country to lower its rate of teenage pregnancy.

31. She called on the State party to ensure that screenings for cervical and breast cancer took place more often. In addition, she would welcome a further clarification of the reasons for the ongoing criminalization of abortion.

32. **Ms. Scotty** (Nauru) said that the points made by Ms. Gbedemah had been noted and would be discussed in Nauru.

33. **Ms. Song Wenyan** said that she wished to know what major social and family benefits were available in Nauru and whether women had access to them. She also wished to know whether the Government was considering setting up support programmes specifically for households headed by women, which accounted for around a third of all Nauruan households. In addition, she wondered whether Bendigo Bank, recently opened by the Government, was the only bank in Nauru and whether it made loans to individuals, women in particular, so that they could start businesses. In that connection, she asked whether the Government had studied how often women used banking services and whether the country had other financial institutions to which women could turn.

34. She would welcome an indication of the recreational opportunities available to women. She also wondered whether Nauru had any programmes to teach Nauruan men, who, according to Nauruan women, asserted control over women's dress and behaviour, about women's rights and gender equality. She would welcome an indication of whether there was a mechanism that enabled women to submit complaints about such attempts to control their lives.

35. She asked whether women and girls had equal rights to inherit land, whether there were any landless people, including women, whether landowners could sell their land and whether the State owned any land. She also asked whether women were consulted on land use and whether the authorities had any statistics, broken down by the gender and age of the owner, on land tenure. Any such statistics should be shared with the Committee. She wondered whether she had understood correctly that land could be seized for reforestation or development purposes with no compensation provided to the landowner.

36. With regard to vulnerable groups, she asked whether any plans had been made to build a facility that would ease the burden, generally borne by women, of caring for older persons or to encourage men to play their part in caring for dependent family members. Similarly, she wondered whether there were any plans to address the needs of women with mental disabilities and what efforts had been made to meet the needs of women with disabilities for education and employment. In that connection, she wished to know whether there was a national action plan for persons with disabilities, including women, or a government department catering for such persons. Lastly, she would welcome an indication of the Nauruan authorities' current view of the offshore processing agreement between Nauru and Australia.

37. **Ms. Scotty** (Nauru) said that persons with disabilities and person aged 60 years and over were entitled to a benefit of 200 Australian dollars (\$) a fortnight. Mothers with newborn babies received a one-off payment of \$A 100. For each person who died, the Government provided a benefit of \$A 2,000 to cover funeral costs.

38. Bendigo Bank, which was around two years old, was the country's only bank. It was not yet a lender. Everyone in Nauru, which had had no banking services for nearly 20 years, was required to open a bank account, as the Government deposited wages and benefits directly. The opening of the bank had been a milestone, bringing Nauru into the modern world. Previously, if the islanders ran out of cash, more had had to be brought in from Australia. Nonetheless, in view of their parents' experiences with banking, people in Nauru would be afraid to borrow.

39. A programme established by the Department of Commerce, Industry and Environment, in conjunction with the Australian High Commission and the Embassy of Taiwan Province of China, had aimed to provide start-up loans for women who wished to work in the area of food production.

40. Community bingo sessions, which were primarily organized by women, generated a significant amount of tax revenue for the Government. Over \$A 100,000 had been raised in the first year of the sessions. Women entrepreneurs also raised money by selling food and drinks at bingo sessions.

41. The Sport Department, which was responsible for promoting physical activity, prioritized non-competitive traditional games, which women enjoyed. Such games were played on Angam Day, which was celebrated every 26 October to mark the survival of Nauru as a nation following periods in its history when its population had declined. Weightlifting and powerlifting, which were popular among the young, were promoted by the Sport Department. Young people were also encouraged to train as referees in those sports.

42. There were no rural areas, or rural women, in Nauru. People had access to the land that was their birthright. Although land could not be purchased, women could acquire it through marriage for the duration of their lifetime, after which it reverted to their husband's family. Nauru was divided into portions of land, each belonging to a particular person. All land used by the Government was leased from the persons who owned it. Different rates were paid for the lease of land, depending on the use to which it was put. Consultations were always held before any decision to lease land was taken. A rental agreement had recently been reached in relation to the lease of land for the construction of a national stadium funded by the Australian Government.

43. Older persons whose families could not care for them were allowed to stay in hospital free of charge.

44. The Women's Affairs Department, in conjunction with the University of Sydney, had established a programme, entitled Self Help Ending Domestic Violence, which worked with perpetrators to tackle domestic abuse. The programme was managed by a man who had undertaken gender-awareness training. Although it had faced a certain amount of resistance, a number of men had contacted the programme of their own accord in order to seek advice.

45. The Government was holding discussions with representatives of Doctors without Borders with a view to providing support to women suffering from mental health problems. As for persons with disabilities, responsibility was shared between the Department of

Education and the Department of Health, which were working with the Nauru Disabled People's Organization on the drafting of the periodic report to be submitted to the Committee on the Rights of Persons with Disabilities. Although, owing to a shortage of ramps and lifts, access for persons with disabilities was relatively limited, the Government had approved the construction of a building in which persons with disabilities could meet and action was being taken to provide more parking places for persons with disabilities.

46. Refugees and asylum seekers no longer lived in inadequate conditions. The accommodation currently made available to them was of a good standard. Refugees who had entered the community had the option of renting a house or living in a purpose-built unit. They also had access to a dedicated community resource centre, where they could discuss their needs with an international service provider. In recent months, United States Government officials had conducted interviews with refugees at the centre. Subsequently, some 28 refugees had been granted a visa for the United States and had left Nauru. Refugees enjoyed access to health-care services.

47. **Ms. Ameline** said that the Committee remained deeply concerned at the conditions in which refugees and asylum seekers were held in the State party, which were very harsh, according to a number of reports issued by United Nations agencies. In the light of that situation, and of the decision taken by the Supreme Court of Papua New Guinea to declare the detention centre on its territory to be unconstitutional and illegal, she asked whether the State party would continue to hold asylum seekers in such conditions and whether it would be willing to accept asylum seekers who could no longer remain in Papua New Guinea.

48. **Ms. Scotty** (Nauru) said that, contrary to the impression given by reports in the international media, refugees and asylum seekers were held in decent conditions in Nauru. She encouraged members of the Committee to visit the country to see for themselves. An invitation to visit Nauru had been extended to the Office of the United Nations High Commissioner for Human Rights.

49. The current agreement with the Government of Australia was coming to an end. When a new agreement was drawn up, the Government of Nauru would insist on having more say over the way that refugees and asylum seekers were held. The Government was unsure whether refugees and asylum seekers at the Manus Island Regional Processing Centre would want to transfer to Nauru. Refugees and asylum seekers stayed in an open camp in Nauru and were not held in detention.

50. In reply to a question from **Ms. Manalo**, she said that plans were in place to incorporate a gender perspective in the framework for climate change adaptation and disaster risk reduction. To help it achieve that goal, the Government had successfully applied for funding from the Green Climate Fund. Various regional bodies had assisted the Women's Office with its work in the areas of gender and energy. The Pacific Islands National Priorities Multi-Focal Area "Ridge-to-Reef" programme was being implemented in Nauru.

Articles 15 and 16

51. **Ms. Narain** said that the Government should be commended for highlighting the various shortcomings in its legislative framework and for recognizing that certain pieces of legislation would need to be enacted or amended if they were to comply with the Convention. Such legislation included the law providing for the recognition of de facto relationships, the law requiring unmarried fathers to contribute to pregnancy and childbirth costs, the law on the equal division of property and the law requiring the best interests of the child to be considered in disputes over custody and access.

52. The Committee welcomed the Government's announcement that it was considering drafting a bill on family law but urged it to conduct a comprehensive review of all legislation on family matters with a view to removing all archaic provisions from its existing legislation and enabling Nauru to comply with its international obligations, including those enshrined in the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child. The drafting of the bill might also provide an opportunity to enact a consolidated umbrella law that would bring together all the relevant provisions that were currently scattered across many different pieces of

legislation. In drafting the bill, the Government should consult the views of civil society, particularly women, and should consider seeking assistance from the Commonwealth Secretariat or from donor countries.

53. Legislation on maintenance orders was in particularly urgent need of reform. Many of the existing provisions relating to that area were outdated, being contained in the Maintenance Act of 1959, and clashed with provisions in other pieces of legislation, such as the Matrimonial Causes Act of 1973. According to reports received by the Committee, many women hesitated to apply for maintenance out of sympathy for their former husbands and suffered financially as a result. Until the family law bill had been drafted, therefore, the Government should consider facilitating the procedure by which women applied for maintenance orders.

54. It was not clear whether adequate resources were allocated to the Family Court, whether the Court's judicial officers were properly trained to handle sensitive family matters and whether the court was supported by psychologists and counsellors who could assist in the reconciliation process that the Court was required to undertake by law. It was, however, important to ensure that women were not compelled to accept reconciliation even when it would be against their interests. The Committee wished to know whether cases involving domestic violence were handled by the Family Court or by the Magistrate Court. The Government should consider asking organizations or donor partners for assistance with the training of judicial and other officers working at the Family Court.

55. In view of the fact that family homes often belonged to the husband's parents, the Committee was concerned that a battered or abused wife might be deterred from reporting abuse, as she could not occupy the marital home to the exclusion of her abusive husband. In view of that, she asked what steps would be taken to ensure that women in abusive relationships would not be forced to continue living with abusive husbands.

56. **Ms. Scotty** (Nauru) said that the Government would make efforts to ensure that all archaic provisions on family law were removed from national legislation. In drawing up the draft family law bill, steps would be taken to consult civil society and seek assistance from donor partners. It should be pointed out that women who had separated from their husbands now had a much better understanding of the importance of obtaining maintenance orders.

57. **Mr. Sovau** (Nauru) said that judicial officers serving at the Family Court were comprehensively trained in family matters and gender awareness. In accordance with the Domestic Violence and Family Protection Act, cases involving domestic violence were dealt with by the Magistrate Court. Under that Act, a woman who successfully applied for a protection order would be able to remain in the family home, even when it belonged to her husband or his family. In such cases, the Court would order the husband to be removed.

58. **Ms. Scotty** (Nauru) said that, on behalf of all the women and girls of Nauru, she would like to thank the Committee for listening to its statements and replies and giving it sound advice.

The meeting rose at 5.05 p.m.