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Committee on the Rights of the Child**Concluding observations on the initial report of Nauru*****I. Introduction**

1. The Committee considered the initial report of Nauru (CRC/C/NRU/1) at its 2134th and 2135th meetings (see CRC/C/SR.2134 and 2135), held on 13 and 14 September 2016, and adopted the following concluding observations at its 2160th meeting (see CRC/C/SR.2160), held on 30 September 2016.

2. The Committee welcomes the submission of the initial report of the State party (CRC/C/NRU/Q/1) which allowed for a better understanding of the situation of children's rights. The Committee expresses appreciation for the constructive dialogue held with the high-level and multi-sectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

- (a) Optional Protocol of the Convention against Torture, 2013;
- (b) Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 2012;
- (c) Convention on the Rights of Persons with Disabilities, 2012; and
- (d) Convention on the Elimination of All Forms of Discrimination against Women, 2011.

4. The Committee also welcomes the following legislative measures:

- (a) Child Protection and Welfare Act 2016;
- (b) Crimes Act 2016;
- (c) Education (Amended) Act 2015;
- (d) Cyber Crime Act 2015.

* Adopted by the Committee at its seventy-third session (13-30 September 2016).

5. The Committee notes with appreciation the following institutional and policy measures:

- (a) Nauru National Policy on Disability, 2015;
- (b) Establishment of a new Division of Child Protection Services, 2015;
- (c) Nauru National Youth Policy, 2009 – 2015;
- (d) Nauru Gender Country Plan, 2014.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

Legislation

6. The Committee welcomes the efforts towards the comprehensive review of existing laws to ensure compliance and harmonization with the provisions of the Convention and notes as positive the adoption of a new Child Protection and Welfare Act in 2016 and the proposed Family Protection Act. It further welcomes efforts to re-initiate the constitutional review process, as a means of specifically guaranteeing children's rights in the Constitution. It is concerned however that some legislation remains to be harmonized with the Convention.

7. The Committee encourages the State party to ensure domestication of the Convention and continue its efforts to harmonize its legislation with the principles and provisions of the Convention. In particular the Committee recommends that the State party:

- (a) Take measures to ensure that provisions outlined in relevant legislation are harmonized with the Child Protection and Welfare Act 2016;**
- (b) Expedite the passing of the Family Protection Bill as a matter of priority;**
- (c) Introduce a child rights impact assessment procedure for all new legislation adopted at the national level;**
- (d) Take steps to reinitiate the constitutional review process and ensure that children's rights are specifically guaranteed in the Constitution.**

Comprehensive policy

8. The Committee is concerned at the lack of a comprehensive policy to specifically promote and protect the rights of children. It also notes with concern reports indicating that the Child Protection Directorate staff lack training or formal experience in child protection/child welfare.

9. The Committee recommends that the State party:

- (a) Develop a comprehensive policy to promote and protect the rights of children and ensure that such a policy is supported with sufficient human, technical and financial resources;**
- (b) Ensure consultations with all relevant stakeholders, including children, to develop such a policy and continue to regularly assess the effectiveness of its implementation;**

(c) **Allocate sufficient human, technical and financial resources for the new Child Protection Directorate;**

(d) **Develop a capacity building strategy for the social welfare sector including a programme of education and development on child well-being, welfare and protection for the Ministry of Home Affairs and its divisions.**

Coordination

10. The Committee is concerned at the insufficient coordination of all activities related to the implementation of the Convention at cross-sectoral, national and local levels.

11. **The Committee recommends that the State party develop an effective mechanism to coordinate all activities related to the implementation of the Convention at cross-sectoral, national and local levels and provide the necessary human, technical and financial resources.**

Allocation of resources

12. While the Committee notes that the budgetary allocation for 2015-2016 provides for implementation of the provisions of the Convention, it is concerned that the process fails to stipulate budget allocations, including indicators and tracking systems, for children in the relevant sectors and agencies, and children in vulnerable situations.

13. **In light of General Comment 19 on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

(a) **Establish a budgeting process which includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;**

(b) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention;**

(c) **Ensure transparent and participatory budgeting through public dialogue, especially with children, and for proper accountability of the authorities, including at the local level;**

(d) **Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, increase the budget allocated to social sectors as well as address disparities on the basis of indicators related to children's rights and in particular, increase allocations in the areas of education and social assistance to adequate levels.**

Data collection

14. The Committee is concerned that the lack of a systematic mechanism of data collection has resulted in a scarcity of disaggregated data on children, particularly children with disabilities, children living in marginalised situations and asylum seeking and refugee children.

15. **In light of its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:**

(a) **Expediently improve its data collection system to cover all areas of the Convention. Data should be disaggregated by, inter alia, age, sex, disability, ethnicity, national origin and socioeconomic background;**

(b) **Ensure that data and indicators are shared among relevant Ministries and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(c) **Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human rights indicators: a guide to measurement and implementation* when defining, collecting and disseminating statistical information.**

Independent Monitoring

16. The Committee notes as positive the State party's acceptance of recommendations made through its Universal Periodic Review in 2015 to establish a national human rights institution in accordance with the Paris Principles, including the possibility of establishing an Ombudsman's Office. However, it is concerned that to date no progress has been made. It is further concerned that a specific mechanism for monitoring children's rights is not in place.

17. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party expeditiously establish an independent mechanism for monitoring children's rights that is mandated to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims, and undertake monitoring, follow-up and verification activities for victims. The Committee further recommends that such a mechanism be allocated sufficient human, technical and financial resources.**

Dissemination, awareness-raising and training

18. The Committee notes as positive the development of awareness raising programmes, and trainings pertaining to the Convention along with the development of locally contextualized materials on the rights of the child in court. It is concerned however that there is insufficient training and awareness raising on the Convention for children in vulnerable situations, in particular asylum seeking and refugee children, who do not have access to these materials and are unaware of their rights as enshrined in the Convention.

19. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to provide adequate and systematic training on children's rights to professional groups working with and for children, such as law enforcement officials, judges, lawyers, health personnel, teachers, school administrators, social workers, media professionals and others as required;**

(b) **Include teaching of the Convention's principles and provisions at all levels of the school curricula, emphasising tolerance and diversity;**

(c) **Give special attention to the participation of children in the dissemination of information on their rights;**

(d) **Develop Training & Operations Manuals for Child Protection and other Child Welfare officers;**

(e) **Encourage the media to ensure sensitivity to children's rights as well as the inclusion of children in vulnerable situations in the development of programs;**

(f) **Strengthen its efforts to increase awareness of the Convention, its principles and provisions throughout the country, in close cooperation with non-governmental organizations (NGOs) and other stakeholders.**

Civil society

20. The Committee is seriously concerned that international civil society organisations and journalists have been restricted in their ability to conduct research relating to children's rights, particularly in relation to the processing of child asylum seekers and refugees at the Regional Processing Centres. It is further concerned at reports indicating that some international organisations have been subjected to intimidation, and that non-refundable visa application fees for visiting journalists have been increased from USD200 to USD8000.

21. **The Committee urges the State party to :**

(a) take immediate and concrete steps to give legitimate recognition to child rights defenders and their work;

(b) build an environment of trust and cooperation with international as well as local non-governmental organisations and journalists;

(c) involve civil society in the planning, implementation, monitoring and evaluation of policies, plans, programmes and progress in relation to children's rights, in particular children with disabilities and those living in marginalised situations such as asylum seeking and refugee children.

C. General principles (arts. 2, 3, 6 and 12 of the Convention)**Non-discrimination**

22. While the Committee notes that Part II of the State party's Constitution provides for non-discrimination on the basis of, inter alia, "race, place of origin, political opinion", it is deeply concerned at the persistent discrimination against asylum seeking and refugee children in all areas, in particular with regard to access to water, sanitation, education, health care and adequate housing. The Committee notes with concern that children with disabilities also face discrimination, particularly within the school environment.

23. **In light of General Comment No.5, the Committee urges the State party to:**

(a) Amend Article 3, Part II of the Constitution to include reference to discrimination on the basis of nationality or other status in line with Article 2 of the Convention;

(b) Ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards refugee and asylum seeking children and children with disabilities;

(c) Ensure that all children have access to adequate food, water, sanitation, quality education, adequate health care and housing;

(d) Introduce a specific mechanism within the auspices of the Child Protection Directorate to address cases of discrimination against children, with particular attention to asylum seeking and refugee children, and ensure the availability of sufficient human, technical and financial resources for that purpose.

Best interests of the child

24. While the Committee notes that some areas of Nauruan law uphold the principle of the best interests of the child, it regrets that no comprehensive guarantee exists to ensure this right. In particular, the Committee expresses profound concern at reports that asylum

seeking and refugee children have been accepted by the State party from Australia without taking their best interests into account.

25. **In light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Develop procedures and defined criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration;**

(b) **Strengthen its efforts to ensure that the principle of best interests of the child is appropriately integrated, consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies and programmes that are relevant to and have an impact on children.**

Right to life, survival and development

26. The Committee welcomes as positive the overall decrease in infant and child mortality since 1990. However it is concerned at the high rate of under-5 mortality for non-Nauruan and indigenous Nauruan children. The Committee is further concerned at reports that asylum seeking and refugee children face significant physical and developmental risks as a result of living in cramped, humid and life-threatening conditions in the Regional Processing Centres. It is further concerned that spending prolonged periods in such conditions is detrimental to the mental and physical well-being of these children, and has led to some as young as 11 years attempting suicide and engaging in other forms of self-harm.

27. **The Committee urges the State party to:**

(a) **Immediately strengthen efforts to ensure that access to adequate health care and nutrition is extended to the most vulnerable families, particularly non-Nauruan and indigenous Nauruan families, as well as asylum seeking and refugee families;**

(b) **Ensure that all conditions relating to asylum seeking and refugee children are conducive to their healthy physical and mental development and survival;**

(c) **Ensure that staff working at the Regional Processing Centres are adequately trained to identify particularly vulnerable children and those at potential risk of self-harm, and develop a system to ensure that when cases are identified, adequate referral and follow-up with the appropriate services is provided.**

Respect for the views of the child

28. The Committee notes as positive developments within the new Child Protection Directorate to ensure that the views of child victims of abuse are taken into consideration in terms of their choice of living arrangements. It is concerned however that overall, traditional practices and cultural attitudes, particularly within the family, schools and social and judicial settings, impede the full realisation of the rights of children to express their views freely.

29. **In light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee encourages the State party to ensure that children's views are given due consideration in the family, at schools, in the courts and in all relevant administrative and other processes concerning them through among other things, the establishment of specific learning activities at schools and general awareness-raising.**

The Committee further encourages the State party to work in collaboration with relevant professionals to strengthen the creation of meaningful spaces through which children can influence public policy.

D. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)

Freedom of the child from all forms of violence

30. The Committee notes the efforts made by the State party to develop a child protection system, in particular through the new Child Protection Directorate, the Child Protection and Welfare Act 2016, and the creation of an Integrated Case Management Model for Responding to Family Violence and Child Protection. Despite this progress the Committee is deeply concerned at the:

- (a) Limited capacity of the Nauruan Police to investigate allegations of sexual based violence against children;
- (b) Investigative and other procedures which fail to provide guarantees of redress and lack a child sensitive approach;
- (c) Insufficient cooperation and information sharing among relevant agencies and inadequate follow up of complaints;
- (d) Inhuman and degrading treatment, including physical, psychological and sexual abuse, against asylum seeking and refugee children living in the Regional Processing Centres as evidenced by the Moss Review, as well as reports of intimidation, sexual assault, abuse and threats of violence against families living in refugee settlements around the island, all of which has a detrimental impact on the psychological well-being of their children;
- (e) Lack of assistance for the physical and mental recovery of children who experienced trauma prior to their arrival in Nauru and the subsequent impact of prolonged periods of living in detention-like conditions, which has resulted in many cases of attempted suicide, self-immolation, acts of self-harm and depression.

31. **With reference to General Comment No. 13 on the right of the child to freedom from all forms of violence, and Sustainable Development Goal 16.2 to end, inter alia, all forms of violence against children, the Committee urges the State party to:**

- (a) **Immediately establish measures to guarantee the protection of children from all forms of violence and abuse, including sexual assault;**
- (b) **Ensure that child victims of ill-treatment are provided with care and rehabilitation programmes, and ensure that re-victimisation of any kind is avoided;**
- (c) **Establish compulsory training courses on violence against children for all relevant professionals and make the reporting of child abuse mandatory for professionals working in relevant sectors;**
- (d) **Ensure efficient cooperation, coordination and data sharing between relevant ministries and develop a public awareness campaign as a means of changing prevailing attitudes in relation to violence against children and move towards zero tolerance;**
- (e) **Take immediate action to independently investigate all allegations of ill treatment, abuse and sexual assault against asylum seeking and refugee children, ensure that they have access to a safe and child-friendly complaint process and**

strengthen the investigative capacity of the police and judicial authorities to ensure that cases of violence against children are properly investigated and perpetrators sanctioned;

(f) **Increase capacities and the number of personnel specialized in children with mental health issues to ensure that asylum seeking and refugee children are afforded full and adequate support and treatment to address the trauma and other mental health issues they are experiencing;**

(g) **Seek technical cooperation from UNICEF and UNHCR as a means of addressing the aforementioned issues.**

Abuse and neglect

32. The Committee is seriously concerned at the:

(a) Information provided by the State party indicating that some 30 percent of girls have been victims of sexual abuse before the age of 15;

(b) Sentences in cases of rape and other sexual assaults well below the maximum sentences provided for in legislation;

(c) Lack of coordination mechanisms to address cases of children who are victims or at risk of violence;

(d) Insufficient refuge accommodation and counselling services for abused children; and

(e) Prevailing societal attitudes that perceive domestic abuse to be a 'private/family' matter.

33. **The Committee urges the State party to:**

(a) **Investigate all cases of sexual abuse against children as a matter of priority and ensure that perpetrators are swiftly and expeditiously brought to justice;**

(b) **Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(c) **Ensure the allocation of adequate human, technical and financial resources to the Child Protection Directorate to enable it to implement long-term programmes for addressing the root causes of violence and abuse;**

(d) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members, and providing training support to them;**

(e) **Develop awareness-raising and education programmes — including campaigns — with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse.**

Corporal punishment

34. While the Committee notes as positive provisions in the Education Act 2011 (Article 37) and the Correctional Service Act 2009 (Article 33) prohibiting corporal punishment in schools and penal institutions, it is concerned that:

(a) Despite recent law reform, corporal punishment continues to be widely accepted in society as a means of disciplining children and is not fully prohibited in the home, in alternative care and day care settings;

(b) In spite of its explicit prohibition in schools and penal institutions, reports that have emerged in the context of children in detention-like settings, including in the Regional Processing Centres, suggest that it continues to be practiced;

(c) Certain legal provisions, in particular Article 78 of the Crimes Act 2016, may be construed as a justification for the use of corporal punishment in child rearing.

35. In light of its general comment No. 8 (2006) on corporal punishment, the Committee urges the State Party to:

(a) **Explicitly prohibit in legislation corporal punishment in all settings;**

(b) **Repeal all legislative provisions, in particular Article 78 of the Crimes Act 2016, which can be construed as a justification for the use of corporal punishment in child rearing;**

(c) **Ensure that the prohibition of corporal punishment is adequately monitored and enforced ;**

(d) **Promote positive, non-violent and participatory forms of child-rearing and discipline through awareness campaigns;**

(e) **Ensure that offenders are brought before the competent administrative and judicial authorities.**

E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Children deprived of a family environment

36. While the Committee appreciates that kinship care is an integral part of Nauruan culture, it is concerned at the insufficient monitoring of the status and conditions of children placed in alternative care with extended family members.

37. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142), the Committee recommends that the State party:

(a) **Establish a legal framework for monitoring family-based care for children and establish a system of foster care for children who cannot stay with their families;**

(b) **Provide all necessary services and support to families and alternative family care providers;**

(c) **Establish quality standards for all available forms of alternative care options and take children's views into consideration in any decision made about alternative care arrangements with extended family;**

(d) **Ensure periodic review of the placement of children in alternative care with extended family and monitor the quality of care therein, including by providing channels for reporting, monitoring and remedying the maltreatment of children;**

(e) **Establish intervention mechanisms and strengthen the capacity to monitor the system of "informal adoptions" within the extended family;**

(f) **Ensure that children are separated from their parents only as a measure of last resort, when it is in their best interests and when it is necessary for their protection or well-being.**

Adoption

38. While the Committee notes as positive the repeal in May 2015 of Section 9 of the Adoption of Children Ordinance 1965 that previously prohibited any adoption by a Non-Nauruan, it is concerned at the lack of available information on the scope of registration, and intervention mechanisms available in relation to the formal adoption system.

39. **The Committee recommends that the State party:**

(a) **Undertake a national study and strengthen data collection on adoption with a view to understanding the scope of that practice and to adopting adequate policies and measures;**

(b) **Establish mechanisms to register, regulate and monitor adoptions;**

(c) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, of 29 May 1993.**

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)**Children with disabilities**

40. While noting the State Party's efforts in this regard, the Committee is concerned that:

(a) There is no explicit legal provision mandating the provision of services for persons with disabilities or their access to public buildings, public spaces and all service delivery areas;

(b) Inclusion of children with intellectual and psychosocial disabilities remains unsatisfactory due to a shortage of trained specialists, including speech therapists, mental health professionals and psychologists;

(c) Due to societal attitudes, parents may decide that a child with disabilities will not attend inclusive education, without taking into account his/her best interests, resulting in the majority of children with disabilities attending the Able Disable Centre.

41. **In light of its general comment no. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, and establish a comprehensive strategy to ensure the inclusion of children with disabilities and:**

(a) **Develop a legal provision to ensure that all persons with disabilities have access, on an equal basis with others to public buildings, public spaces and all service delivery areas;**

(b) **Give priority to measures that facilitate full inclusion of children with disabilities, including those with intellectual and psycho-social disabilities, in all areas of public life, such as leisure activities, community-based care and provision of social housing with reasonable accommodation;**

(c) **Guarantee all children with disabilities, including children with intellectual and psycho-social disabilities, the right to inclusive education in mainstream schools independent of parental consent and ensure availability of qualified assistance in mainstream schools.**

(d) **Train and assign specialized teachers and professionals in integrated classes providing individual support and due attention to children with learning difficulties, and address the shortage of speech therapists and qualified professionals for children with mental and psychosocial disabilities;**

(e) **Enhance data collection on children with disabilities and conduct studies and analyses on the effectiveness of the implementation of the Convention and the existing laws and policies;**

(f) **Undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities.**

Health and health services

42. The Committee is concerned about the:

(a) limited availability of immediate postnatal care for new-borns and mothers and the fact that there is no home visit policy in place;

(b) lack of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age;

(c) absence of an exclusive breastfeeding policy which makes bottle feeding very common in the country;

(d) high levels of childhood obesity and the consequent impact on child health;

(e) lack of health services available for asylum seeking and refugee children, many of whom have developed chronic conditions as a result of living in overcrowded and unsanitary conditions, and the main medical provider in the Regional Processing Centres having no paediatrician.

43. **In light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal 3, target 3.1 on reducing maternal mortality and target 3.2 on ending preventable deaths of new-borns and children under 5 years of age, the Committee recommends that the State party:**

(a) **Allocate sufficient human and financial resources to ensure adequate post natal care for new-borns and mothers and appoint health mediators to conduct home visits;**

(b) **Implement and apply the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);**

(c) **Fully implement the International Code of Marketing of Breast Milk Substitutes, and develop a national program for the protection, promotion and support of breastfeeding through comprehensive campaigns. Mothers should be appropriately supported through counselling structures in hospitals, clinics and community and the Baby-Friendly Hospital Initiative should be implemented throughout the country;**

(d) **Conduct a nutrition survey to assess household nutrition levels, especially nutrition of new-borns and under five children and the adequacy of vitamin and micronutrient intakes;**

(e) **Develop policies to ensure that healthy food choices are available and affordable and strengthen awareness campaigns to promote the benefits of healthy eating for children;**

(f) **Ensure availability of and equitable access to quality primary and specialised health and dental care for all children, particularly those from socially and economically disadvantaged groups, including asylum seeking and refugee children and children with disabilities;**

(g) **Appoint appropriately qualified medical staff to monitor the general health of children in the Centres and settlements.**

Mental Health

44. The Committee is concerned at the lack of qualified specialists especially child psychiatrists and psychologists as well as community based mental health services for all children.

45. **The Committee recommends that community based mental health services are made readily available, while preventive work in school, home and care centres should be strengthened.**

Adolescent health

46. The Committee is concerned at the relatively high rate of teenage pregnancies. It is further concerned at the lack of a comprehensive national programme and lack of coordination among agencies which undermines the potential to develop a strategic and sustainable response to prevent early pregnancies. It also notes with concern the extremely high incidence of tobacco and alcohol abuse among children and young people.

47. **In light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) **Provide comprehensive, age-appropriate education on sexual and reproductive health, including information on family planning and contraceptives, the dangers of early pregnancy and the prevention and treatment of sexually transmitted diseases;**

(b) **Develop sexual and reproductive health services, including confidential counselling and modern contraception for adolescent girls and boys;**

(c) **Immediately address tobacco and alcohol use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing such abuse.**

Standard of living

48. While noting as positive the efforts undertaken by the State party to address poverty and social exclusion, the Committee is deeply concerned that:

(a) Children in marginalised communities are disproportionately affected by poverty, while refugee families and families with children with disabilities are at higher risk of experiencing multidimensional poverty;

(b) Inadequate housing conditions including overcrowding and lack of proper regulations to ensure that homes meet required legal standards have a negative impact on the wellbeing of children;

(c) Limited access to basic services including clean and safe drinking water and sanitation, particularly within the Regional Processing Centres, where humidity is high,

along with reported daily restrictions on individual water intake leaves children and their families vulnerable to dehydration and other serious health problems.

49. The Committee draws attention to Sustainable Development Goal 1, target 1.3 on implementing nationally appropriate social protection systems and measures for all and recommends that the State party:

(a) **Consider holding targeted consultations with families and children, including those in vulnerable situations, as well as civil society organizations, with a view to strengthening the strategies and measures for reducing child poverty;**

(b) **Strengthen the support to children living below the poverty line, in particular single-parent families, families with three or more children and families with children with disabilities, and ensure that social protection measures provide for the real costs of decent living of the children, including expenses relevant to their right to health, nutritious diet, education, adequate housing, water and sanitation;**

(c) **Review its legislation, policies and programmes on housing taking into account the special needs of children, including refugee children, and children with disabilities and their families;**

(d) **Take immediate steps to guarantee access to clean water and sanitation for all children, and ensure that any restrictions placed on water intake in the Regional Processing Centres is immediately lifted and that sanitation facilities are reviewed and improved.**

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

50. The Committee welcomes efforts made by the State party to improve education. It also notes as positive the State party's intention to develop a Youth Policy to promote vocational training. However, the Committee remains seriously concerned that:

(a) Despite a Truancy Policy the existence of high levels of non-attendance and early school-leaving remains a problem;

(b) Refugee and asylum seeking children do not have adequate access to full-time education and those who initially attended school tend to drop out quickly due to verbal and physical abuse by their peers and teachers.

51. In light of its general comment No. 1 (2001) on the aims of education and taking note of Sustainable Development Goal 4, targets 4.1 and 4.2 to ensure that by 2030 all girls and boys enjoy free, equitable and quality primary and secondary education, and have access to quality early childhood development, care and pre-primary education, the Committee recommends that the State party:

(a) **Further strengthen its efforts to improve access to quality education for all children including access to pre-school, secondary and higher education;**

(b) **Develop programmes, along with monitoring and evaluation of such programmes to reduce drop-out rates;**

(c) **Ensure the full enjoyment of the right to education by asylum-seeking children on an equal basis with all other children in the country; and**

(d) **Establish campaigns within schools to prevent bullying and violence against all children.**

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking and refugee children

52. While the Committee welcomes the State party's cooperation with UNHCR, it is gravely concerned about the:

(a) Fact that overall, the Memorandum of Understanding between Nauru and Australia as a means of processing asylum cases fails to take into account the best interests of the child;

(b) Cases of unaccompanied asylum seeking and refugee children not being expeditiously processed in line with the principle of best interest of the child;

(c) Living conditions in the Regional Processing Centres which combined with the lack of certainty for both asylum-seeking and refugee children is generating and exacerbating mental health issues, leading to feelings of hopelessness and often suicidal ideation;

(d) Lack of implementation of any integration programme for refugee children or their families;

(e) Lack of administrative or financial arrangements in place to ensure free legal assistance for asylum-seekers including unaccompanied children;

(f) Pervasive reports of hostility and hate speech from the local Nauruan community.

53. **The Committee urges the State party to immediately:**

(a) **Ensure that the best interests of the child are a primary consideration in all decisions and agreements in relation to the transfer of any asylum-seeking and refugee children from Australia;**

(b) **Expediently process cases involving unaccompanied asylum seeking and refugee children in a positive and humane manner for the purpose of durable solutions in line with article 10 (1) of the Convention.**

(c) **Prioritize the immediate transfer of asylum-seeking children and their families out of Regional Processing Centres, adopt permanent and sustainable resettlement options for refugees, in particular, for children and their families, to ensure that they are given lawful stay and reasonable access to employment and other opportunities;**

(d) **Facilitate access to the asylum system for children in need of international protection in line with Articles 6, 22 and 37 of the Convention and General Comment No.6;**

(e) **Develop comprehensive referral and case management frameworks for services to children, including, health (encompassing physical and mental health services), education, police and justice sectors, including the provision of free legal aid in particular for unaccompanied and separated children;**

(f) **Develop campaigns to counter hate speech against asylum seekers and refugees, particularly children;**

(g) **Consider acceding to the 1954 *Convention relating to the Status of Stateless persons* and to the 1961 *Convention on the Reduction of Statelessness and the Convention on refugees*.**

Sexual exploitation and trafficking

54. Whilst the Committee acknowledges that the State Party has taken steps to increase and improve child protection policies and legislation, the Committee is concerned the Immigration Act 2014 does not specifically criminalize the sale of, trafficking in and abduction of children and that the guidance and measures in place for the protection, rehabilitation and support of children who have been sold, trafficked or abducted are insufficient.

55. The Committee recommends that the State party adopt comprehensive anti-trafficking laws that define specific crimes relating to the sale of, trafficking in and abduction of children and that carry adequately severe penalties for such crimes.

Administration of juvenile justice

56. The Committee regrets the general lack of information provided by the State party in relation to the administration of juvenile justice. It is however concerned at the absence of specialised magistrates and personnel appropriately trained on children's rights and at the insufficient application of recognised juvenile justice principles when dealing with children in conflict with the law. It is also concerned at reports indicating that Nauru Correctional Services are significantly lacking capacity and fail to meet internationally recognised juvenile justice standards. The Committee is further concerned at reports of ill treatment of detainees, including children and at the fact that separate detention facilities do not exist for child offenders.

57. In light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:

(a) **Ensure that judges dealing with children receive appropriate training on juvenile justice standards;**

(b) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(c) **Promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**

(d) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**

(e) **To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice.**

Child victims and witnesses of crimes

58. The Committee notes with concern that many cases involving child abuse and sexual assault against children that proceed to the prosecution stage are withdrawn by the victims or witnesses due to fear of financial hardship as well as risk to family reputation.

59. The Committee recommends that the State party develop awareness raising campaigns to encourage children to report cases of sexual abuse and neglect as a

means of removing the societal stigma. It further recommends the establishment of child sensitive procedures and mechanisms to ensure that interviews are conducted in an appropriate manner, in the absence of the accused, and by adequately trained Police and other staff to prevent re-victimisation and traumatisation. It further recommends that the Judiciary, Probation officers, Defence advocates and the other players in the judicial process be trained and sensitised to child friendly procedures.

Ratification of the Optional Protocol on a communications procedure

60. The Committee recommends that in order to further strengthen the fulfilment of children's rights the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and ensure that an appropriate mechanism is in place to ensure it is fully implemented.

I. Ratification of international human rights instruments

61. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the:

- (a) The International Covenant on Civil and Political Rights;
- (b) The International Covenant on Economic, Social and Cultural Rights;
- (c) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- (d) The First and Second Optional Protocols to the International Covenant on Civil and Political Rights;
- (e) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

V. Implementation and reporting

A. Follow-up and dissemination

62. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the initial report of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

63. The Committee invites the State party to submit its combined second to sixth periodic reports by 25 August 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a

position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

64. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).
