



Republic of Nauru
Minister for Home Affairs

T: +674 557 3152 ext 213
M: +674 557 3106
E: charmaine.scotty@naurugov.nr

Minister for Education
Minister for Land Management
Member for Yaren

Honorable Chair of the CEDAW Committee, distinguished committee members, distinguished heads of delegations and members in attendance, Omo Yoran and a good morning to all.

I bring with me greetings and salutations from my country and warm wishes from my President who has entrusted us to be here to provide this country report for the 68th session of the CEDAW committee.

With your indulgence I would like to introduce the Nauru Delegation comprised of the following people:-

1. Minister Charmaine Scotty MP – Minister for Home Affairs , Health, Education and Land Management
2. Mrs. Mary Tebouwa – Secretary for Home Affairs
3. Mrs. Joy Heine – Director Women Affairs
4. Mrs. Krystalmaine Finch – Director Family and Community
5. Mr. Horatio Cooke – Director Child Protection Unit
6. Mrs. Tara Detogia – Development Officer
7. Mrs. Stella Duburiya – SPC/RRRT Country Focal Officer Nauru
8. Mr. Liva Sovau – Legal Advisor

Nauru has come a long way since the ratification of the Convention on the Elimination of all forms of Discrimination Against Women and with the state report delivered, we envisaged coming before you today to provide a report outlining the progress made and also the challenges since the ratification of the Convention.

If you will allow me I would like to provide an update on developments that have taken place in Nauru with regard to the Convention and in particular with respect to the adoption of new laws and policies that ensure the protection of women while at the same time ensuring that advancements taking place are bridging the gender imbalance.

In highlighting the 3 core principles of CEDAW which are:-



Republic of Nauru
Minister for Home Affairs

T: +674 557 3152 ext 213
M: +674 557 3106
E: charmaine.scotty@naurugov.nr

Minister for Education
Minister for Land Management
Member for Yaren

- i. Non-discrimination
- ii. State obligation
- iii. Substantive equality

In terms of Article 1 which is discrimination de jure and de facto Nauru has, since the ratification of CEDAW made progressive steps to bridge the gap between the genders and most importantly highlight the areas that still foster and promote inadvertently the culture of discrimination and work towards stopping it. Nauru is a matrilineal society and as such the issue of women is an issue Nauru is constantly working on. Discrimination being cross-sectoral Nauru has through the setting up of an inter-agency moved towards empowerment and inclusion based approach to practical issues arising in our country.

With regard to Article 2 and the core obligations of the state, Nauru has made immense progress in this area with the enactment of new laws, repealing archaic laws and amendment of old laws so as to be in line with the progress and movement of the times we live in. This is particularly so in relation to criminal legislation, the newly introduced Domestic Violence and Family Protection Act 2017 and the move towards gender neutral policies.

In terms of Article 3 and the guarantee of fundamental rights and freedoms Nauru has made moves towards the collection of sex-disaggregated data, national plans and policies for implementing the Convention and monitoring the impact of the policies, investigating impediments to women's advancement and gender mainstreaming of policies including development policies as well as the role of civil society, women NGO's in the formation of legislative and development strategy. Data collection has been and continues to be a major issue for us, however statistical data collection has been collected in relation to domestic violence matters, education statistics on completion rates, complete cases in the Nauru District Court and Supreme Court. Nauru is in the process of creating a new Gender Policy which will supplement the National Women's Policy and the frameworks already in place.

With regard to the introduction of Temporary Special Measures under Article 4, Nauru has recently set up the Electoral Commission Committee which is considering the issue and is more open and inclusive in its dialogue process with a view to having more public awareness on the issue.

In terms of Article 5 and stereotypes Nauru has tirelessly worked in engaging and breaking down stereotypes which hinder women's progress and its collective effort to bridge the gap. The Department



Republic of Nauru
Minister for Home Affairs

T: +674 557 3152 ext 213
M: +674 557 3106
E: charmaine.scotty@naurugov.nr

Minister for Education
Minister for Land Management
Member for Yaren

of women has conducted continuous outreach programmes for the community and the Domestic Violence and Family Protection Act calls for a Domestic Violence Committee made up of key stakeholders who must carry out effective implementation of the Act. One of the core functions which is awareness and training. In 2015, in the case of R v Saeed Mayahi, the Supreme Court allowed an application to throw out the corroboration rule which has proven to be discriminatory against women; this is now legislated into the new Crimes ACT 2016.

Article 6 deals with trafficking and prostitution and Nauru has made steady progress in terms of legislative reform. The newly introduced Crimes Act 2016 repealed the Criminal Code 1899 and is very progressive and has increased sentences for Sexual offences. Under the archaic Criminal Code 1899, rape of a woman and a girl while had a penalty of life imprisonment always had penalties of 3 years or 4 years imprisonment from 1970's till 2015. The case of R v Jacko Gadeanang changed that with an application being made for the increase of penalty and also involved having a mandatory starting point for rape of women and children. The case brought the rape sentence up to 8 years imprisonment.

In terms of Article 7 women participate in missions in home and article 8 all appropriate measures women participation abroad Nauru's civil service is made up predominantly of women with majority of women holding the senior key govt. positions. In terms of overseas participation again a majority of the serving mission consulates as well as the ambassadors overseas are women and not only serve but sit as chair of UN Sub committees.

Nauru remains committed to the principles of nationality articulated under Article 9 and although progress is slow we seek to ensure that the right to change and retention of a Nauruan nationality for both men and women is protected. Although there is still an issue in relation to citizenship being given to foreign men who marry Nauruan women having to wait 10 years, progress is being made.

Nauru is committed to providing equal access to education as provided for under Article 10 and while there has been a lot of work done in relation to completion rates for girls, an issue remains in relation to practical barriers for teen mothers resuming their studies after delivering their babies and also the teaching of sex education in the schools with there being no trained teachers available to teach the students.



Republic of Nauru
Minister for Home Affairs

T: +674 557 3152 ext 213
M: +674 557 3106
E: charmaine.scotty@naurugov.nr

Minister for Education
Minister for Land Management
Member for Yaren

In terms of Article 11 and Employment Nauru has recently passed the Public Service Act which sets out the provisions in relation to the public service. There are issues in relation to non- inclusion of sexual harassment clauses and also the issue of indirect discrimination based on maternity leave for beginning employees and Nauru is committed to having an avenue available for bringing these grievances forward with the establishment of an Ombudsman's Office under the National Human Rights Institution.

In relation to Article 12 and Health, renovations have been completed on the RON Hospital and Nauru is looking at achieving full capacity manpower for the hospital.

In relation to Article 13, ECONOMIC EMPOWERMENT there are small grants available through the Department of Commerce, Industry and Energy which allows women to set up small business enterprises using these grants.

In relation to article 15 and article 16 and equality before the law the relevant legislations currently in place such as the Crimes Act 2016 for criminal offences places heavy penalties for sexual offences which have been all women and girl victims. There have been issues in relation to the Births Deaths and Marriages Act and it is currently being reviewed by the Justice department with a timeline being set for next year on the possible drafting of the new Family Law Act.

We acknowledge some of the comments that might arise in relation to the list of issues and the contradictions noted in our reply to the list of issues. We can only inform the Committee that in our haste to meet deadline set by the committee that we worded our response a-bit too confidently however affirm the information provided in the state report and the FHSS Report.

We also note the issues in relation to asylum seekers and refugee women and inform the committee that there now is a separate department called the Multicultural Department which looks at the well-being of asylum seekers and refugees. We note that the issue surrounding asylum seekers and refugees is an ongoing international issue and invite the Committee to set up an office in Nauru if they want to get the real story of what is happening in Nauru. This was proposed to the CRC Committee when we came before them last year and is something that we again propose so that the committee does not have to rely on information but rather see 1st hand for yourselves.



Republic of Nauru
Minister for Home Affairs

T: +674 557 3152 ext 213
M: +674 557 3106
E: charmaine.scotty@naurugov.nr

Minister for Education
Minister for Land Management
Member for Yaren

While there is a progressive approach being done towards ensuring that the Articles of CEDAW are being supported and implemented well in Nauru there are a few achievements which are recent achievements which I would like to highlight for the committee as follows:-

- i. Crimes Act 2016 – The Criminal Code 1899 outdated piece of legislation was repealed and replaced with the Crimes Act 2016. The Crimes Act a very progressive criminal legislation expanded on sexual offences and at the same time increased penalties for sexual offences and many other offences captured in the Act. **(In 2016 cases reported directly to the Domestic Violent Unit of the Nauru Police Force was 38 cases. Of these cases 10 involved children less than 16 years and the rest adult victims. Of the 38 cases, 18 cases involved sexual offences. The most common offending of the 38 cases reported involved the offence of common assault with 12 cases. For 2017 from January to the month of August there were 38 cases reported to the DV Unit. Of the 38 cases there were 23 cases of sexual assault of children less than 16 years and 10 cases of adult victims. It is important to note that an adult victim of sexual assault reported this year is an autistic victim who wasn't able to tell her story however the assistance of the Able Disable teacher activated under the Inter Agency working group assisted the police to get her statement and have the perpetrator charged.**
- ii. Domestic Violence and Family Protection Act 2017. The project of Home Affairs Department this Act which was passed in May 2017 and comes into effect on June 1st 2017 is in line with our commitment to stopping domestic violence. This is done through the application of safety orders by the police which allows for quick safety order to stop the violence and thereafter a protection order to be filed in court within 7 days of the issue of the police safety order. This Act is very labor intensive and showing Nauru's commitment to the act, we have set up a DV Committee legislated which brings all stakeholders to the table to ensure that there is an effective implementation of the Act. **Since coming into effect on the 31st of May 2017 there have been 4 protection orders applied for to the court and 3 safety orders granted by police to stop the violence.**
- iii. NHRI – Again a project of the Minister for Home Affairs Department the setting up of a National Human Rights Institution is already in the pipeline with a scoping study already done by RRRRT in Nauru. It is envisaged that this NHRI will create a separate platform for complaints outside of the normal mainstream institutions of government and will be independent and



Republic of Nauru
Minister for Home Affairs

T: +674 557 3152 ext 213
M: +674 557 3106
E: charmaine.scotty@naurugov.nr

Minister for Education
Minister for Land Management
Member for Yaren

- separate. Since the completion of the report, the next step is calling for the amendment of the Leadership Code Act to align itself with the recommendations of the Scoping Report before the setting up of a fully functional Ombudsman's Office.
- iv. Inter- Agency Committee – The brainchild again of Home Affairs the Inter- Agency Committee chaired by Director Child Protection Unit and supported by Women's Affairs brings together key stakeholders for effective collaboration as far as victims are concerned. These agencies include Health, Police, Youth, Family and Community, Education (Able/Disable), faith based organizations, and there will likely be more inclusion of relevant stakeholders such as Justice, Media and the Judiciary. The Inter- Agency has from its 1st meeting in April and its 2nd last week made headway in terms of victim support with a room designated at the Hospital for victims, victim support network by the agencies and the work in progress is the development of an Memorandum of Understanding for information sharing and capacity support.
 - v. The Domestic Violence and Family Protection Act Committee made of basically the same stakeholders as stated in the Inter Agency working only this is mandatory as legislated under the Act. The committee is tasked with the effective implementation of the Act and since its coming into effect on the 31st of May, there have been earmarked dates set for the judiciary and relevant stakeholders with a training date set for November 2017.
 - vi. The passing of cabinet for Gender Mainstreaming to be implemented across all government, departments, laws and policies. This will ensure that the gender lens is applied across all sectors of government when it comes to law and policy
 - vii. The passing of cabinet for Gender Responsive Budgeting in relation to budget and finance. Again the issue of ensuring that for every \$1.00 that government has allocated in its budget, that there is effective and equal share in relation to both men and women.
 - viii. Nauru Gender Policy. A baseline has already been done by Home Affairs in doing a comparative analysis of 7 Pacific Island Countries and we hope to have a new Gender Policy by beginning of next year.
 - ix. Nauru sitting as Vice- Chair of the Micronesian Women's Conference 2017 and Chair of the Drafting Committee which was held in August 2017 in Republic of Marshall Islands made way for the Jined Kiped Declaration 2017 which had recommendations to ensure that the Sustainable Development Goals of 2030 is achieved. A major achievement was the



Republic of Nauru
Minister for Home Affairs

T: +674 557 3152 ext 213
M: +674 557 3106
E: charmaine.scotty@naurugov.nr

Minister for Education
Minister for Land Management
Member for Yaren

nomination for Nauru to be the next host of the next Micronesian Women's Conference in 2020.

- x. Nauru sitting as Vice-Chair of the Tri-ennial Women's Conference and Chair of the Drafting Committee held in Fiji in early October 2017 saw a robust discussion regarding pertinent issues and the outcomes document made reference to Article 1 of CEDAW in relation to the definition of "women of all diversities" which Nauru led.

While there has been much work placed in the advancement of Women there are however still practical issues in relation to capacity building, changing mindset and stereotypes and data collection and full and effective implementation of the relevant laws in Nauru. However the Department of Women under Home Affairs has tireless workers who all work with the collective aim of empowering women and bringing about advancement of women issues.

It would be remiss of me not to thank the President and my Parliament for without their support, all this work would be in vain. They have supported the work towards women empowerment and advancement and as such makes us value the work we do even more.

Madam Chair, members of the CEDAW Committee and fellow delegates I thank you for your time and patience.

Tubwa

Hon. Charmaine Scotty (M.P)

27.10.2017