

Government of Nauru

Opening Statement Committee on the Rights of the Child

Geneva, Switzerland

Minister for Home Affairs Ms Charmaine Scotty

13 -14 September 2016

Introduction

Mo joran! Greetings from the Government, the people and children of Nauru.

2. Madame Chair, my delegation and I welcome the opportunity to this constructive dialogue with the Committee on the rights of the child over the next two days. My delegation consists of senior government officials from the *Department of Home Affairs, Division of Women Affairs, Division of Youth Affairs, Division of Child Protection Services, Department of Justice and Border Control* and the *Secretariat of the Pacific Community Regional Rights Resource Team*.

3. Madam, the Republic of Nauru formerly known as Pleasant Island is an island country in Micronesia in the South Pacific. Its nearest neighbour is Banaba Island in Kiribati, 300 kilometers to the east and north-east of Australia. The country lies 42 kilometers south of the equator.

4. The Nauruan population has been twice significantly reduced to less than one thousand people. First in 1920, caused by an influenza epidemic with a decrease of an eighteen percent mortality rate and after World War II when only 737 Nauruans survived Japanese captivity. We know the struggles of having to rebuild our homes, communities and nation with a population of less than 1000 people. We understand the difficulties of having a small population and we know only too well the implications of living in foreign country. Nauruans were exiled to Truk Island now known as Chuuk island / persecution fear.

5. Based on the 2011 census, the total population was 10,084 (*5,105 males and 4,979 females*). This compares with 9,233 people in 2006 – an increase of 9%. This population increase represents an average annual growth rate of 1.8% which is equivalent to 170 people per year for the period 2006-2011. Close to four thousand out of the total population are below the age of 15 years, and 1,948 make up the total between 15 to 24 years of age.

6. Nauru is one of the world's smallest independent, democratic states. Nauru is a Westminster-style constitutional democracy. The Nauru legislature is a unicameral parliament with nineteen members, elected every three years. The President is elected by, and responsible to, the unicameral Parliament and is both head of government and head of state. The President performs the functions of both the Head of State and Head of Government. The President appoints the Cabinet, which can be made up of six ministers (including him/her) from the elected Members of Parliament. Its constitution was adopted in 1968.

7. Madam chair, the Government of Nauru in partnership with UNICEF Pacific completed a review of the child protection system in Nauru. The review provides an overview of the child protection system, its components and functions and the legal framework. It includes an analysis of the informal care practices as well as the formal protection strategies. The review encompasses all children in Nauru including refugee and asylum seeker children.

8. Additionally, the review of the child protection system also saw the enactment of a specific legislation dedicated to the promotion and protection of children in Nauru. To date, Nauru has passed the Child Protection and Welfare Act 2016. The Act provides for the welfare, care and protection of all children in Nauru and for the enforcement of the rights of children as provided for by international conventions, norms and standards, while taking

account of Nauruan culture, traditions and values, and related purposes except where such matters conflict with the rights of children as provided for in the Act. When required to act in the best interests of a child for the purposes of the Act, the action must be entirely consistent with the principles stated in Article 3 of the Convention on the Rights of the Child. The core principle for administering the Child Protection and Welfare Act is that the safety, wellbeing and best interests of a child are paramount.

9. Madam chair, the Government of Nauru in keeping with its commitment to the Convention on the Rights of the Child (CRC) established in 2015 the Child Protection Services Division with the Ministry of Home Affairs. The newly created division aims at providing child protection service to **all** children in Nauru including refugee and asylum seeker children. Additionally it is aimed at providing stronger, consistent and efficient technical, policy and support service on children's issues in Nauru. The newly established Division of Child Protection Services is currently resourced and housed by the Ministry of Home Affairs. Four government positions are now in place and deals exclusively with matters relating to children in Nauru – *Director of Child Protection, Senior Child Protection Officer, and Child Protection Officer – Child Protection Administration Officer, Child Counsellor, Child Development Officer*. Eight positions were established and budgeted for – 4 have now been filled. Additionally, the Division of Child Protection Services has the mandate of establishing national systems and processes to respond effectively and efficiently to cases of child abuse and neglect. Furthermore, documentation is also available for the newly created positions within the Department of Children Services. Support to the work of the Division of Child Protection Services is provided for by the Domestic Violence Unit of the Nauru Police Force, whose mandate is to investigate report and respond to victims of domestic violence and child abuse. In addition, Connect have seconded two child protection experts to assist the Child Protection Services with its capacity development initiatives. The government of Nauru provides full financial support to the Child Protection Services with a total annual budgetary allocation of \$363,257 for 2016 to 2017 This is inclusive of the financial assistance provided by UNICEF.

10. Madam chair, the government of Nauru have also made significant progress in the area of law reform. Some significant key achievements in the area of legislative reform include the enactment of the: Child Protection and Welfare Act 2016, Cyber Crimes Act 2015, Adoption (Amendment) Act 2015, Naoero Citizenship (Amendment) Act 2015, Refugee Act 2012, Asylum Seekers (Regional Processing Centre) Act 2012, Education (Amended) Act 2015 and the Interpretation Act 2011. They also contribute to the promotion and protection of children's rights in different circumstances.

11. Madam chair, in addition to the above the Government of Nauru have in place policies that also promote the rights of children and have been used to further promote specific interest of the girl child and other vulnerable groups. Furthermore, the best interest of the child is considered by various government departments in its deliberations on issues concerning all children in Nauru. This is highlighted in our national report.

12. Madam chair, in addition to the above the courts have applied the principles of CRC in its decisions and deliberations. The courts in the case of *The Republic of Nauru v Jacko Gadeanag Criminal Case No 83/2015* The accused pleaded guilty to indecent treatment of girls under 17 and for sentence prosecution informed the court of the obligations under CRC especially when there has not been published judgments for these types of offending. The maximum penalty is 7 years so we asked that the penalty at least be at the higher end of the scale and that it be **consecutive** to the rape matter where he was serving 8

years. The court sentenced him to 4 years imprisonment however made it concurrent to the rape of 8 years. Furthermore, in *R v Ezra Akibwib* - The accused was convicted after trial to the offence of Indecent Assault. The victim was a child his niece and as part of sentence we invoked the obligations of CRC and the court sentenced the accused to 18 months. The maximum penalty being 2 years. The victim was 9 years old. Also in the case of *R v Namo Daniel* - the accused was convicted after trial to the offence of Indecent Treatment of Girls Under 17. The maximum penalty being 2 years and 3 years aggravation if the victim is less than 12 years old. The victim was 6 years old at the time and was convicted so we asked for a high sentence. The accused was sentenced to 22 months imprisonment which we appealed but which was upheld on appeal. The victim was his niece and was 6 years. This has become a landmark decisions as it provides increased sentencing for child victims. Additionally, the courts in Nauru have developed a *child friendly court system* whereby the best interest of the child is paramount and taken into consideration in matters dealing with or relating to children.

13. Madam chair, Furthermore, Division of Child Protection, Director of Public Prosecutions, Public Defender's Office, Police, Division of Women's Affairs, Family and Community Affairs, Youth Affairs, Department of Education, Department of Multicultural Affairs, Department of Health are the key government departments that work on promoting and protecting children's rights in Nauru and are aware of applying principles of the CRC in its work.

14. Madam chair, also in place is the 24 hour hotline with the Child Protection Division and Victims Support Service. The hotline service is provided to allow for victims of abuse to reach and receive assistance when the need arises. Counselling is provided by the Victims Support Service of the Department of Home Affairs. Additionally, currently there exists and in operation the *Child Protection Policy Practice and Reporting Procedure* which aims at outlining reporting procedure on cases of child abuse, exploitation, child harm and violence, and the *Nauru Child Protection Strategy* which aims at providing strategies on how best to implement child protection strategy in Nauru by relevant stakeholders.

15. Madam chair, in relation to early childhood development, to date there are currently 7 community play centres in Nauru that is targeted towards early childhood development for all children in Nauru. The main aim of these child centres is to provide early childhood education and activities for young children under the age of 4. The activities are geared towards developing basic education through play programmes and social activities. The community play centres are located in seven districts and is supported by the government of Nauru.

16. Madam chair, in relation to refugee and asylum seeker children, the government of Nauru have established the Department of Multicultural Affairs which is mandated to look at issues concerning refugees and asylum seekers. There are currently 67 male children refugee, 67 female refugee children, 26 male asylum seeker children and 13 female asylum seeker children in Nauru. The statistics provided does not include both refugee and asylum seeker children who are on medical transfer overseas. In addition to the above, service providers also play an important role in providing welfare services to both refugee and asylum seekers in Nauru. There are currently 7 service providers working on Nauru to provide essential services to refugees and asylum seekers. They are *Broadspectrum* - Garrison & Welfare; *Connect Settlement Services* - Settlement, *International Health and Medical Services (IHMS)* - health services, *Central Meridian* - Private leased accommodation, maintenance, *Eigigu Transport* - Refugee Buses, *Brisbane Catholic Education* - Professional development and

support, *Craddock Murry Neumann* – Refugee Status Determination advice and assistance. Additionally, the Government of Australia have also provided support to the GON with regards specific training on child protection. Also, the government of Australia have provided the services of a child psychologist based with the Department of Education. The Australian Border Force is also in the process of recruiting gender specialists to be based with the government of Nauru.

17. Furthermore, there are specialists working with refugee and asylum seeker children. To date the International Health and Medical Services (IHMS) employs 1 occupational therapist (child and adolescent), 1 social worker (child) and 1 clinical psychologist (child and adolescent). A speech and language therapist was deployed by IHMS to Nauru for the period 16-21 July 2016.

18. As at 30 August 2016, there are a total of 141 school aged Asylum Seeker and refugee children enrolled in local Nauruan schools and are fluent in the Nauruan language. Whilst school attendance rates may fluctuate, the Government of Nauru and its service providers continue to work with all school aged children and their parents to support school attendance. Furthermore, there were 28 former unaccompanied minors and all were male. There is one unaccompanied minor who is yet to turn 18 years old. The Minister of Justice and Border Control is the guardian for refugee and asylum seeker unaccompanied minors.

19. Madam chair, children with disabilities is a priority for the government of Nauru. The promotion and protection of the rights of children living with disabilities is under the specific mandate of the Department of Education. Children with disabilities are not integrated into streamline education, however, the “Able Disable Centre” of Nauru established in 2002 caters to their educational needs. This is the first centre established in Nauru for children with special needs. To date, the Able Disable Centre is resourced by a teacher in charge, 2 teachers, 3 trainee teachers with one, teacher being hearing impaired.

20. Currently, 42 students, with ages ranging from 4 to 34 attend classes at the Able Disabled Centre. Current programs taught at the Able Disable Centre focus on: a) life Skills in gardening, cooking, health and art & craft; and b) Individual Education Program (IEP). Inclusive education will be progressively realized in the coming years.

21. Madam chair, apart from the progress made do allow me to briefly highlight challenges that we as a small island nation face in the overall promotion and protection of human rights. Nauru like many other pacific islands faces challenges of human resource capacity.

22. Madam chair, the lack of financial and technical support is also a barrier to furthering the work on children’s right nationally. Whilst budget is provided for by government more support is needed from donors and development partners to ensure children’s rights are effectively protected and promoted.

23. Madam chair, the lack of statistic and data is also a concern of the Government of Nauru. The government of Nauru is aware that without proper data and statistics, proper care and support for children will not be maintained. Health and education statistics is vital to ensuring that children’s needs are effectively met both by government and service providers. The Bureau of Statistics is working closely with relevant government departments on the collation of statistics relating to children in Nauru. Additionally, the loss of the health statistics was a result of a fire at the Republic of Nauru Hospital. This has meant that numbers, figures and records on health have been lost. The government of Nauru through the

Bureau of Statistics is working closely with the Department of Health on maintaining and recording health statistics.

24. Madam chair, we note the concern shared by the international community with regards the alignment of the age of the child to be consistent to CRC. The GON assures this august body that it will do all it can with the resources available to it in ensuring the domestic laws and policies aligns the age of children to be in compliant with the CRC.

25. Madam chair, the government of Nauru is fully aware of recent reports highlighting allegations of abuse, violence and ill treatment of refugees living in Nauru. GON wishes to inform the committee that it will follow approved legal processes in dealing with and handling the alleged cases. National process such as due processes before the law, preliminary investigations and normal prosecutorial processes will need to be adhered to as per the laws of Nauru. The government of Nauru also calls on the media to report news on issues relating to refugees and asylum seekers responsibly and factually. The government of Nauru is working on applying best possible options for refugees and asylum seekers in Nauru.

26. Madam Chair, the Government of Nauru is fully committed to implementing the Convention on the Rights of the Child. The creation of new laws and policies is a testament of its on going endeavor to ensuring that all children in Nauru are protected from all forms of violence, neglect and abuse. However, it also acknowledges the challenges it faces on a day to day basis and the need to overcome the challenges. The Government of Nauru has been focused, strategic and deliberate in implementing the convention. We are doing the best we can, given, the limited resources available to us. We recognise the importance and value of having to align our work and performance against the principles of the Convention on the Rights of the Child and at the same time mindful of the challenges that accompany it. We recognise the inherent dignity of the child and this is consistent with our country's national motto – God's Will First.

27. Madam Chair, my delegation and I thank you for this opportunity and we look forward to the constructive dialogue.

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