



**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 1538th meeting

Held at the Palais des Nations, Geneva, on Friday, 27 October 2017, at 10 a.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 10.05 a.m.

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

Combined initial and second periodic reports of Nauru (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. **Ms. Scotty** (Nauru), introducing the combined initial and second periodic reports of Nauru (CEDAW/C/NRU/1-2), said that her country had come a long way since its ratification of the Convention in 2011. In particular, it had taken legislative measures to protect women and bridge the gender gap. Nauru was a matrilineal society and women's issues were thus of particular importance. For that reason, an Inter-Agency Committee had been set up as part of efforts to promote gender equality, empowerment and inclusiveness and to highlight areas where a culture of discrimination persisted. A raft of new laws had been enacted and archaic laws repealed or amended, particularly in the area of criminal law, where recent advances included the adoption of the Domestic Violence and Family Protection Act 2017. Efforts were likewise being made to improve the collection of disaggregated data; mainstream the gender perspective into all government programmes, including development policies; and involve civil society in the formulation of legislation and development strategies. The Government was working tirelessly to combat stereotypes that effectively hindered women's progress. The Department of Women's Affairs had conducted continuous outreach programmes in that regard and a committee attached to the Electoral Commission had been set up to consider introducing temporary special measures.

3. The newly introduced Crimes Act of 2016, which replaced the Criminal Code of 1899, contained increased sentences for sexual offences, including mandatory minimum terms for rape, and removed the requirement for corroborating evidence from victims in prosecutions. The enactment of the Domestic Violence and Family Protection Act underscored the Government's commitment to ending domestic violence. Among other measures, the Act provided for emergency safety orders, which enabled the police to intervene quickly to stop such violence, and court protection orders. Since the Act had come into force in June 2017, three police safety orders and four court protection orders had been granted. A domestic violence committee had also been set up to monitor implementation of the Act and to conduct awareness-raising and training activities, including for the judiciary. Moreover, a domestic violence unit of the Nauru national police had dealt with a number of cases of domestic violence and sexual assault involving child and adult victims in 2016 and 2017.

4. The Department of Multicultural Affairs had been established in 2016 to safeguard the well-being of asylum seekers and refugees. Since their situation was an ongoing issue of international concern, the Government wished to invite the Committee to visit Nauru and see at first hand what was happening there. In other areas, steps had been taken towards the establishment of an independent national human rights institution; a comparative analysis had been conducted with a view to formulating a new gender policy, which was set to be introduced in 2018; and the Government had taken action to provide for gender-responsive budgeting. On the international stage, Nauru had participated in several regional conferences, including as vice-chair of the 2017 Micronesia Women's Conference, which had paved the way for the Jined Kiped Declaration on achieving the 2030 Agenda for Sustainable Development.

5. Although a focus had clearly been placed on women's advancement, practical issues remained, in particular in terms of capacity-building, changing mindsets, tackling stereotypes, collecting data and ensuring the effective implementation of all relevant laws. The Department of Women's Affairs continued to work towards the collective aim of empowering women in Nauru.

Articles 1 and 2

6. **Ms. Manalo** said that she hailed from an island nation herself — the Philippines — and thus empathized with the challenges that the State party faced. In that spirit, the Committee was available to provide guidance and support in the implementation of the Convention. It was most important to begin with the fundamentals. In that respect, the Constitution of Nauru lacked a number of key principles, in particular a guarantee of equality before the law for women and men and a definition of discrimination against women. She wished to know whether the Government intended to introduce a definition of direct and indirect discrimination into the Constitution, in line with the Convention, and how it ensured equality between women and men. In particular, she would welcome an explanation of how legislation, such as the 2011 Education Act, guaranteed those principles.

7. **Ms. Scotty** (Nauru) said that the Constitution of Nauru was certainly old and needed updating. In a referendum on the issue, however, the public had rejected proposals to introduce a number of human rights-related provisions that had been drafted with the assistance of the United Nations Development Programme (UNDP). Admittedly, there had been errors in how the question had been formulated and the Government had learned from those lessons. There was a clear political will to undertake constitutional reform and efforts would therefore continue to that end.

8. **Mr. Cook** (Nauru) said that there were plans to include a definition of discrimination and of gender equality in the forthcoming gender policy. Moreover, recent laws on rape and domestic violence were gender-neutral in nature, allowing for complaints to be made by women and by men.

9. **Ms. Song** Wenyan asked whether public officials had received training to sensitize them to the rights guaranteed to women under the Convention.

10. **Ms. Scotty** (Nauru) said that regional partners and donors had provided training for public officials and parliamentarians prior to the ratification of the Convention. Within the framework of the White Ribbon campaign, which had been launched in 2009 and aimed at eradicating violence against women, the New Zealand Police had also conducted training sessions on women's empowerment and campaigns to raise men's awareness of domestic violence. In the period since ratification, however, no formal training had been undertaken, owing to a lack of expertise in Nauru. A number of initiatives were being led by partners, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Australian High Commission, with a view to implementing the Convention and promoting women's economic and political empowerment.

Article 3

11. **Ms. Bethel** said that she wished to commend the State party for having introduced a number of policies on gender equality and women's rights, including the National Women's Policy (2014-2024) and the National Sustainable Development Strategy 2005-2025. She would be interested to hear an account of the challenges and obstacles that the State party had encountered in that regard. She would also welcome an update on the status of the National Women's Policy, in particular the road map, timeline and budget allocated for its implementation. Information should be provided on the rights of women to own and retain land.

12. **Ms. Scotty** (Nauru) said that the greatest challenges to the advancement of women's rights and the achievement of substantive gender equality in Nauru lay in the inability of many women to see themselves as rights holders or to seize the opportunities afforded to them by the recent policy measures adopted by the Government. There was a clear need to promote greater female empowerment at the community level and greater female participation in national processes.

13. As part of the Government's efforts to implement the National Sustainable Development Strategy 2005-2025, it had tasked an outreach committee with visiting local communities to explain the content and scope of the Sustainable Development Goals and to encourage the participation of all members of the community, especially women, in their

implementation. The tendency for female victims of domestic violence to withdraw their complaint after having reconciled with their partner also posed a challenge and had prompted the introduction of a mandatory reporting policy for that offence.

14. Inadequate financial resources often impeded the achievement of the Government's policy objectives on gender equality and women's rights. That challenge could be overcome by increasing the visibility of the Women's Affairs Department and educating all government ministries and departments about the need to mainstream a gender perspective in their work and to introduce gender budgeting. Achieving gender equality was not the responsibility of the Women's Affairs Department alone, rather the collective responsibility of the Government of Nauru.

15. **Ms. Ameline** said that achieving the Sustainable Development Goals was likely to be one of the most significant challenges that Nauru would face, particularly given the fragile state of its economy. Recalling that women should be active participants in decision-making processes and not merely beneficiaries of plans and programmes, she asked whether the National Sustainable Development Strategy 2005-2025 made specific reference to women's rights and whether the State party deemed the technical assistance that it had received to date to be sufficient to meet its needs.

16. **Ms. Bethel** asked whether there were any religious or cultural obstacles that might hamper the advancement of women's rights in Nauru and whether the National Women's Policy addressed the issue of women's landownership.

17. **Ms. Scotty** (Nauru) said that, although the work associated with implementing the National Sustainable Development Strategy 2005-2025 was resource-heavy, local communities had responded favourably to the awareness-raising activities conducted, with youth empowerment having emerged as a clear priority for the future. It remained to be seen whether the technical assistance provided to Nauru would be sufficient to meet its needs. In any case, the Government knew that it could count on the support of its development partners. In Nauru, religion did not constitute an impediment to equality of opportunity or to the realization of women's rights. The National Women's Policy did not cover the issue of women's landownership, as women tended not to encounter discrimination in that regard on account of their land inheritance rights being clearly set out and guaranteed. Although there were no real cultural obstacles to the advancement of women's rights in Nauru, societal norms did dictate that young married women should not continue to engage in leisure activities once they became mothers.

18. **Ms. Song Wenyan** asked whether there had been an impact assessment of the National Women's Plan of Action, which had come to an end two years previously.

19. **Ms. Scotty** (Nauru) said that the National Women's Plan of Action had been one of the first initiatives undertaken by the Women's Affairs Department in cooperation with the women of Nauru, which explained its extensive scope. The Plan of Action had shone a spotlight on the prevalence of domestic violence in the country and had paved the way for the establishment of a safe house for women and the declaration of International Women's Day as a public holiday. It had also proved instrumental in securing female representation in Parliament, laying the groundwork for the ratification of the Convention and promoting women's health through the opening of two community health-care centres.

Article 4

20. **Ms. Hofmeister** said that it was her understanding that Nauruan society had once been matriarchal and that women's rights, particularly their right to landownership, had been gradually eroded following the imposition by Christian missionaries of a patriarchal system in the nineteenth century. States parties should take into account the important role played by religious leaders as non-State actors and exercise adequate oversight over their activities, as required by the Convention.

21. Article 4 of the Convention required States parties to adopt temporary special measures to accelerate de jure and de facto equality between men and women in fields where women were at a clear disadvantage. States parties were free to decide on the means best suited to achieving the goal of gender parity, but Nauru might find it useful to refer to

the Committee's general recommendation No. 25 on temporary special measures for guidance on the application of article 4.

22. The State party should give serious consideration to adopting legally binding, time-bound gender quotas, which had proved to be an effective means of guaranteeing the equal participation of women in fields where they were underrepresented. Regrettably, women often remained unaware of the existence of legal tools designed to achieve gender parity and could very well reject them, as had occurred in Nauru. It would be useful to learn more about the reasons why Nauruan women had rejected the introduction of temporary special measures and she asked how the State party intended to convince them of the need for such measures.

23. **Ms. Scotty** (Nauru) said that the question of whether to adopt temporary special measures had provoked much controversy in Nauru. The rejection of such measures was due primarily to the low level of awareness of their purpose among Nauruan women. It should be recalled that the population of Nauru numbered just over 10,000 and that the impact of adopting temporary special measures would be keenly felt. The population needed to understand that the aim of temporary special measures was to achieve gender parity, not a female majority, in political decision-making bodies. The Government recognized that it needed to step up its awareness-raising efforts to that end. Many women also wished to avoid the perceived stigma associated with political appointments made solely on the basis of a gender quota and not on merit. While the Government remained committed to promoting the political empowerment of women in Nauru, it could not do so without the input of other stakeholders. The introduction of temporary special measures could be approved only through a referendum, as a constitutional amendment would be required. There had been no opposition to the adoption of such measures from religious leaders. The Women's Affairs Department had spearheaded the campaign for the ratification of the Convention and was likely to take the lead in organizing activities aimed at gaining widespread acceptance of temporary special measures and reducing the perceived stigma attached to them. It should also be noted that a recently established committee of the Electoral Commission had been tasked with examining the possibility of incorporating such measures into the Electoral Act, as opposed to the Constitution.

24. **Ms. Duburiya** (Nauru) said that the committee in question was examining the possibility of incorporating temporary special measures into the Electoral Act, which, if approved, might well encourage more women to stand for election. Those measures included granting female electoral candidates one month of paid leave as a means of alleviating the effects of the existing requirement for electoral candidates to resign from their job three months prior to the holding of general elections, waiving registration fees for female electoral candidates and providing female electoral candidates with subsidies to cover the cost of their campaign. The committee also contributed to efforts to raise public awareness of the importance of the equal representation of women in political office.

25. **Ms. Schulz** said that it was her impression that the State party had only considered introducing temporary special measures for the purpose of remedying the underrepresentation of women in the civil service, the judiciary and Parliament. However, it would do well to remember that temporary special measures could also serve to accelerate gender equality in other fields where women and girls were at a disadvantage, such as health and education. The State party might consider broadening the discussion on the usefulness of temporary special measures as a means of encouraging greater public acceptance of them.

Article 5

26. **Ms. Rana** said that, despite commendable advances in several areas, not least the adoption of the 2011 Education Act, which had been a major step forward, social and cultural stereotypes remained widespread, as the State party itself acknowledged. The State party had identified gaps in areas where more work was needed and she would like to know what was being done to fill those gaps. Did the State party have any specific plans and if so what was the time frame for completion?

27. According to the Government's written replies, awareness of gender roles was increasing. She wondered what indicators were used to measure the level of awareness and what data the Government had to substantiate its statement.

28. Referring to the National Sustainable Development Strategy 2005-2025, she said that she would like to know the outcome — including any relevant statistics — of the Medium-Term Milestone, which had aimed to decrease rates of pregnancy and sexually transmitted diseases among teenagers. She would also like to know what was being done to strengthen community involvement in sexuality education. Given the difficulty the Government had encountered in implementing the new Physical Activity and Wellness Studies curriculum owing to a lack of qualified physical education instructors, she wondered what was being done to increase the retention of instructors in schools.

29. According to alternative sources, Christianity and other cultural imports had reshaped the traditionally matriarchal Nauruan society, which was becoming ever more patriarchal. She would like to know what the State party was doing to raise awareness and institutionalize gender equality in order to end discrimination.

30. The Women's Affairs Department had spearheaded the exploratory Nauruan Family and Health Support Study, yet the State party report did not refer to the study's findings. She wondered whether the State party was taking account of the study in devising policy. Did it intend to carry out a follow-up study to confirm or refute the findings? The State party had said that a study was needed in order to demystify gender stereotypes and remove them from the school curriculum. What plans were in place in that regard?

31. Noting that a mother was entitled to only four days of maternity leave, and that in the event of a stillbirth she was required to return to work immediately, she said that in her view such policies were inhumane and she would like to know whether the State party was considering revising them.

32. **Ms. Scotty** (Nauru) said that, under new rules, public servants were entitled to three months' paid maternity leave after they had worked for six months; if they had not worked for six months they could take unpaid maternity leave. Previously the qualifying period of work had been 12 months. A woman who had suffered a stillbirth could obtain leave upon production of a medical certificate, which was the justification required for sick leave on any grounds. It was nevertheless essential to obtain the medical certificate in order to obtain leave.

33. The Government wished to conduct a follow-up study to the Family and Health Support Study in order to better reflect the situation in Nauru. The study had been deficient for various reasons: only 148 interviews had been conducted out of a planned 500; the subjects had been chosen at random; and the interviewees had not had sufficient confidence in the interviewers to feel that they could give frank answers. Some women had advised others not to answer the questions because they were too personal. A follow-up survey could be conducted by interviewers from the subjects' own communities, who would be able to gain their confidence more easily.

34. There was a re-entry programme for anyone who had missed large portions of their schooling. That included not only teenage mothers but also truants. Absenteeism, particularly in the upper secondary sector, was a major problem. The behaviour, whose origins dated back to a time when many parents could not afford to send their children to school, had become entrenched. A school meals scheme was in place but had not proved as successful an incentive as hoped; a financial incentive had also been introduced, in the form of a contribution paid into a fund held in trust for the child until graduation. Liaison officers were beginning to take court proceedings against parents who failed to ensure that their children went to school.

35. **Ms. Rana**, noting that the State party set great store by special awareness-raising events such as International Women's Day, said that she would like to know how it might mainstream such activities into its wider programme to address the question of gender stereotyping.

36. **Ms. Acar** said that she had been puzzled by the delegation's comments on the conduct of the Family and Health Support Study. In such social surveys, anonymity was

usually considered a guarantee of confidentiality and an incentive to frank speaking and it was therefore surely better if interviewers were not known to respondents. Moreover, it was a fundamental tenet that sampling should be random.

37. **Ms. Scotty** (Nauru) said that it was difficult to apply the same principles in a small society such as Nauru. Because they had not known the interviewers, subjects had not trusted them not to divulge the information they were being asked to provide. In addition, the computer program used to select the subjects had also trawled an area of Nauru that had in the past been densely populated but where many of the houses had since been abandoned.

38. Other activities to mainstream gender issues included awareness-raising visits to workplaces, particularly workplaces where the majority of the employees were men. Partly as a result of that, the Utilities Corporation now had a policy of recognition and promotion of women.

Article 6

39. **Ms. Rana** said that trafficking was clearly not a major issue in the State party, given that no cases had been recorded. However, trafficking was a very specific occurrence and a person without specific training might find it difficult to identify a victim. The State party's report indicated that there were plans under way to ensure that relevant government departments received training to deal with issues relating to trafficking in women. She asked the delegation to elaborate on those plans and the timeline for the project. What methods would be used for training and would all managers and front-line workers in the relevant departments be trained? She wondered whether training would focus specifically on trafficking, or merely on migration issues.

40. Noting that an investigation into the so-called "Sell 'em Squad" had been inconclusive because the Criminal Code required the police to personally witness the exchange of cash and sexual activity, she said that she would be interested to know the date of those events and whether the police were still monitoring the members of that group.

41. Prostitution was not mentioned in any national law. She would like to know whether the State party had any plans to revise the law in that regard. She asked what mechanisms were in place to coordinate the work of the various agencies responsible for prevention of trafficking and prostitution. She would also like to know what measures were being taken to address the root causes of prostitution, beyond consulting with families, and what measures were in place for the protection and rehabilitation of women and children who had been sold, trafficked or abducted.

42. **Ms. Scotty** (Nauru) said that the Nauruan police received training from the Australian Federal Police in order to deal with the migrants housed on the island. In addition, the Ministry of Home Affairs was pressing for funding from Australia for trained counsellors, of whom there was a shortage.

43. In 2015, the Cybercrime Act had been passed, in response to the sharing of photographs of young girls on social media.

44. **Mr. Cook** (Nauru) said that, in addition to the training provided by Australian Federal Police advisers, a new training adviser's post had been created within the Nauru police force. In the Department of Justice, one of the prosecutors in the Office of the Director of Public Prosecutions was a member of the Pacific Prosecutors Association, which had a subcommittee on trafficking. There was a resource person in Nauru for that subcommittee.

45. **Ms. Song** Wenyan said that the fact that no cases of trafficking had been recorded did not mean that there were no cases, and indeed alternative sources said that they suspected that cases did exist. Traffickers were shrewd operators, working behind the scenes in transnational rings, which meant that, in a globalized world, prevention was even more important. It was also important to focus on communities and she would like to know whether the State party had any programmes to sensitize the general public to the issue of trafficking.

46. **Ms. Scotty** (Nauru) said that education and advocacy programmes were indeed vital. The public had already shown concern for such issues, for example when the activities of the “Sell ’em Squad” had come to light.

47. **Ms. Hofmeister** said that, while the right to vote was very important, women needed to be well informed about their rights if a referendum was to be meaningful. Historically, women in Nauru had been excluded from political life and decision-making. In 1995, the Beijing Platform for Action in its chapter IV had established as one of its goals the equal participation of women and men in decision-making. In the replies to the list of issues, the State party said that the notion that only men were leaders of Nauru had been introduced by the westernization of the country and that, as the Nauruan people rediscovered their cultural values, the notion was losing its influence. That statement notwithstanding, favouritism and nepotism seemed to severely hamper women’s participation in public life and decision-making, and their influence in clans seemed to be waning.

48. She asked what specific measures the Government had adopted to promote women’s participation in political life, what channels they could use to make their voices heard and whether they had access to training regarding representation and participation in public affairs at the international level. The delegation should also provide data on the number and proportion of women in Parliament and in the leadership of political parties.

49. **Ms. Scotty** (Nauru) said that Nauru did not have political parties. Nothing prevented anyone from becoming a member of Parliament, if the person concerned was willing to make the needed effort; 1 of the 19 members was a woman. Nor were there any barriers preventing the advancement of women and girls. In fact, the Minister of Education was a woman. International Women’s Day was celebrated in Nauru with speeches and events showcasing relevant events from the previous year.

50. Regarding training for international representation and participation, she wished to point out that some of her country’s representatives abroad were women. Those women had secured their positions through merit and personal initiative. The Government’s job was to ensure that appropriate legislation and policies were in place and to encourage women to take advantage of the resulting opportunities.

51. While scholarships were available for study abroad, many went unused. Students in Nauru were reluctant to move to other continents, though some did take advantage of opportunities in Australia and Fiji, which were closer and more familiar.

52. **Ms. Manalo** said that Nauru appeared to be run less like a State than like an extended family. While it was heartening to hear that women and men worked in partnership, that partnership needed to be based on equality. As the country had acceded to the Convention, its women should ensure that policies were developed and implemented to protect their rights. Non-governmental organizations (NGOs) were often well placed to initiate such efforts, but in Nauru they seemed very weak. She asked how the Government intended to expand cooperation with foreign NGOs, such as those in Australia.

53. **Ms. Scotty** (Nauru) said that indeed NGOs in Nauru needed strengthening. Her Government was seeking help with that from Australia. In particular, help was needed with the integration of refugees into the Nauruan community.

Article 9

54. **Ms. Bethel**, referring to the issue of whether the foreign-born spouse of a Nauru native could acquire citizenship, said that the law seemed to discriminate against Nauruan women. Unlike their male counterparts, they could not pass on their citizenship to a foreign-born spouse. She asked what the country’s women and men respectively thought of the legal distinction, and whether it was consistent with the provision in the Constitution prohibiting gender-based discrimination.

55. **Ms. Scotty** (Nauru) said that the prohibition against women’s conferring their citizenship on a foreign spouse had been designed to protect women. As the prohibition was outdated, it was being reviewed, with a Cabinet decision likely before year’s end.

Women viewed the provision as unfair and discriminatory; while she did not know what men thought about it, she assumed that they did not have strong views either way.

56. **Ms. Bethel** asked whether changing the provision, which was in the Constitution, would require a constitutional referendum. She still hoped to have an answer to her question as to whether the provision was consistent with the constitutional prohibition against gender-based discrimination.

57. **Ms. Scotty** (Nauru) said that the provision was not in the Constitution but in the Citizenship Act. Applications for citizenship were submitted through the Department of Justice to the Cabinet, which decided on individual cases.

58. **Ms. Bethel** said that paragraph 118 of the State party's report mentioned article 74 of the Constitution as being the relevant provision. She would appreciate clarification of the matter, in writing if necessary.

59. **Ms. Song** Wenyan asked what happened to the child of a citizen of Nauru and a non-citizen if the parents divorced and the Nauruan parent did not want to confer citizenship on the child. Did Nauru have stateless children?

60. **Ms. Scotty** (Nauru) said that some Chinese migrant workers had left children in Nauru. The children had been placed with Nauruan foster parents, and a recently introduced bill would allow such children to be formally adopted by their foster parents.

Article 10

61. **Ms. Acar** said that Nauru was to be commended for achieving high rates of school enrolment. However, enrolment did not guarantee attendance or completion. According to the report, the truancy rate was extremely high among boys, while only half of girls finished high school. Those patterns were presumably grounded in gender roles that needed to be addressed. A sixth of girls in the 15-to-19-year age group were mothers and early pregnancy affected school attendance and completion. Given the country's small size and unique cultural environment, awareness-raising efforts might be more effective than legislation in ensuring that girls finished school. She asked what steps the Government was taking to tackle the issue.

62. She asked why teachers' attendance rates were also low and whether they might affect students' attendance. She wondered whether teachers had been trained to emphasize gender equality and whether there were enough appropriate role models for girls among teachers. The Committee would welcome data or even anecdotal information about sexual harassment in schools. All the issues mentioned could contribute to the failure of girls to complete school and pursue a career.

63. She asked what provision was made for educating school-age refugees and asylum seekers.

64. According to the report, there were obstacles to providing age-appropriate instruction on reproductive issues and rights. The Committee would appreciate more information about the situation, along with a timetable for integrating such instruction into the compulsory curriculum.

65. **Ms. Scotty** (Nauru) said that nearly 90 per cent of teachers in Nauru were from other countries. Her Government was working with the University of New England, located in New South Wales in Australia, to upgrade the qualifications of teachers in Nauru. One priority was to strengthen the teaching of science, technology, engineering and mathematics (STEM) subjects.

66. The educational system had hitherto focused on success in academic subjects. The Department of Education was strengthening the non-formal studies component to ensure that students who finished secondary school had a wider range of options. That, in turn, should encourage more children, particularly girls, to finish their studies.

67. **The Chair** said that the discussion of article 10 of the Convention would continue at the next meeting.

The meeting rose at 1 p.m.